



# Lane County

Public Works Department / Transportation Planning Division  
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August 17, 2010

Supplementary Memo 2 for August 18, 2010 Work Session (Third Reading)

First Reading and Public Hearing: June 17, 2010

Second Reading: July 7, 2010

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TO: Board of County Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Celia Barry, Transportation Planning Division

**AGENDA ITEM TITLE:** Ordinance PA 1272/In the Matter of Amending the Eugene-Springfield Metropolitan Area Transportation Plan (*TransPlan*) to Adjust the Planning Period from Year 2015 to Year 2027, to Remove Completed Projects from the Project Lists, to make Related Amendments to the Eugene-Springfield Metropolitan Area General Plan, and Adopting a Severability Clause.

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On June 17, 2010 the Eugene-Springfield Metropolitan Area Joint Elected Officials held a public hearing on the above matter. Commissioner Handy submitted comments into the public hearing record, after which the public hearing was closed and the record was left open for staff responses. The Board of Commissioners moved to approve a second reading on July 7, 2010. In that meeting staff provided a response to the comments submitted by Commissioner Handy, and informed the Board of the Springfield City Council's July 6, 2010 unanimous approval of the Amendments presented during the June 17, 2010 Joint Elected Officials meeting.

On August 9, the Eugene City Council passed an amended Ordinance as in Attachment 1. The amendments appear to seek to make it clear that the West Eugene Parkway (WEP) that is listed in *TransPlan* may not be relied upon to support new development. Specifically, the amendment adopted by the City of Eugene 1) says that Sections 1 through 3 of the Eugene Ordinance (Attachment 2) won't be effective unless both Springfield and Lane County adopt an identical amendment; 2) adds a new Ordinance Section 7, adding a footnote to *TransPlan* explaining that there is no funding for the WEP, so it cannot be relied upon as a planned transportation facility; and 3) adds a new Ordinance Section 8 that states new Section 7 will not become effective unless both Springfield and Lane County adopt an identical amendment.

Statewide land use goal 12 requirements are spelled out in Oregon Administrative Rule 660-012, also known as the Transportation Planning Rule (TPR). The TPR allows plan amendments and associated development to occur, in part, if there are sufficient transportation facilities to support that development. It goes on to identify when those facilities can be deemed adequate. In part, the TPR allows plan amendment proposals to rely on "planned"

transportation facilities and defines what that means (OAR 660-012-0060(4)). The WEP does not meet the definition, so with or without the City of Eugene amendment, any plan amendment that might be proposed cannot rely on the WEP to justify the amendment.

The WEP was not yet removed from *TransPlan* because of the TPR requires that removal of a project from an adopted TSP shall be accompanied by an evaluation of how the needs that were to have been met by that project will be met in its absence (660-012-0050(5)). The City of Eugene is now in the process of addressing this requirement and, according to the adopted Regional Transportation System Plan (RTSP) work plan, will remove the WEP as part of a more comprehensive TSP update.

It is unclear whether the City of Eugene amendment would represent a substantive change to Ordinance No. PA 1272 as it has been considered by the Board up to this point. Legal counsel advises that a cautious procedural approach, if the Board plans to adopt the amendment, would be to move approval of this reading, incorporating the City of Eugene amendment by reference to Attachment 1 to your August 18 Supplementary Memo 2 for this item, and set a fourth reading for at least two weeks from now (September 1, 2010).

Whether or not it is a substantive change, the amendment creates potential complexity for your discussion on August 18. City-adopted amendment item 1) as in Attachment 1 (and as described above) does not change what would have otherwise been adopted if all three jurisdictions took action to approve their respective ordinances without any amendments. Amendment item 2) in Attachment 1 is the new footnote. Amendment item 3) in Attachment 1 says the footnote amendment does not become effective unless all three jurisdictions adopt it. County staff is unaware of Springfield plans to take action on the footnote.

#### Options

The Board can choose to adopt Ordinance No. PA 1272 with or without the City of Eugene amendment. Either way, unless Springfield adopts it, the proposed new Section 7 will not become effective.

#### Attachment

1. August 10, 2010 email setting forth the City of Eugene-adopted amendment
2. Original City of Eugene Ordinance prior to amendment