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Memorandum Date: September 22, 2010, Supplement 8
Meeting Date: October 6, 2010

TO: Board of County Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Celia Barry, Transportation Planning

AGENDA ITEM TITLE: 1) Order 10-6-16-8/IN THE MATTER OF AMENDING ORDER NO. 10-5-12-1
TO INCLUDE THE I-5 AT COBURG PROJECT IN THE PUBLIC WORKS
CAPITAL IMPROVEMENT PROGRAM
2) Order 10-6-16-9/In the Matter of Authorizing the County
Administrator to Sign Intergovernmental Agreements Between the
Oregon Department of Transportation, the City of Coburg, and the
County Regarding Access Management and Construction on Pearl Street,
and Coburg Industrial Way

Staff is seeking full Board direction on the remaining items associated with the Coburg IAMP matter. Attached is a chronology of Board activity on these items. Following is the status of this project.

1. It is staff's perception from minutes from previous Board and Metropolitan Policy Committee meetings that a majority of the Board is supportive of Phase I of this project moving forward. Construction is to begin next season if the Board takes action to approve execution of the Construction Management Intergovernmental Agreement with ODOT.

2. The previous direction to bring changes to the Interchange Area Management Plan (IAMP) to delete reference to Phase II of the project, was discussed at a Board work session on July 27, 2010. In light of the long time line and the amount of process required for IAMP amendment, and given that ODOT has indicated that it would not support IAMP amendment at this time (see Attachment 3, ODOT letter dated July 24, 2010), Commissioner Handy indicated he would no longer insist on changes to the IAMP prior to moving Phase I forward.

3. The County Public Works Capital Improvement Program (CIP) does not include a match for the federal earmark for the project, so ODOT processed an amendment to the Metropolitan Transportation Improvement Program (MTIP) to provide the match. However, the County continues to have an Intergovernmental Agreement (IGA) that commits the County to the match.

4. The Board would like changes to the intergovernmental agreements to clarify and emphasize that Phase II is no longer part of the project, consistent with language in the MTIP and in the draft CIP being considered under Board Order 10-6-16-8 (Attachment 1).

Staff requests the Board provide specific direction on:

- 1) Whether to terminate the match IGA.
- 2) Whether changes to the IAMP must be made before the Access Management IGA and Construction IGA can be executed. If the answer is yes, Phase I will not go forward because ODOT will not amend

the IAMP at this time (see Attachment 3, ODOT's July 24 2010 letter). If the answer is no, then staff will process the IGA language changes described above as consent calendar items.

Attachments

1. CIP Project Chronology
2. Board Order 10-6-16-8 amending the CIP to include the I-5@ Coburg match
3. July 24, 2010 ODOT letter regarding document revisions associated with the I-5@ Coburg project

I-5 @ Coburg Project : Capital Improvement Program (CIP) and Intergovernmental Agreements (IGA): Chronology of Lane County Board of Commissioners (BCC) Activity

Date	Description
May 12 2010	CIP Public Hearing (following Roads Advisory Committee process unanimously recommending approval). BCC asked for more information on I-5 Coburg project.
May 17, 2010	Memo to BCC for June 9, 2010 Consent Calendar to approve execution of Access Management IGA.
May 18 2010	Supplementary Memo for May 19, responding to BCC requests from May 12 2010 for more information.
May 19, 2010	Continued CIP hearing with testimony from City of Coburg, Oregon Department Of Transportation (ODOT), and property owners. BCC expressed concerns: 1) County cannot afford match; 2) project is different than when earmark was sought/match was given; 3) Coburg didn't change their Interchange Area Management Plan (IAMP) to match the County's version and Department of Land Conservation and Development (DLCD) is unhappy about it; 4) want to ensure there is no inappropriate development in Coburg and want assurance DLCD letter concerns have been addressed on that subject. Actions: 1) Approved CIP without I-5 @ Coburg match; 2) Staff to come back with options including cancellation of the match IGA. Come back on June 16 for a public hearing on whether to put the match back in the CIP, and invite DLCD, ODOT, Coburg representatives, and also invite Congressman DeFazio.
May 28, 2010	Memo to BCC for June 16, 2010 responding to direction. Included Board Order to put match back into CIP and copy of match IGA.
June 3, 2010	Notified that May 17 item requesting execution of Access Management IGA was pulled from June 10, 2010 Consent Calendar.
June 10, 2010	Notified that June 16 items (whether to put match back into CIP; whether to execute Access Management IGA) were pulled indefinitely.
June 17, 2010	Agenda for June 23, 2010 includes 2 Coburg items from June 16, 2010 (whether to put match back into CIP; whether to execute Access Management IGA).
June 21, 2010	Pulled 2 items from June 23 2010 agenda. Rescheduled for July 7, 2010.
June 21, 2010	Region 2 Manager Jane Lee correspondence to Board: 1) committed to delivering Phase I; 2) ODOT will not be involved in County-City land use issues.
June 24, 2010	Coburg issues official land use interpretation indicating big box retail

I-5 @ Coburg Project : Capital Improvement Program (CIP) and Intergovernmental Agreements (IGA): Chronology of Lane County Board of Commissioners (BCC) Activity

Date	Description
	development cannot occur in the IAMP area without an amendment to the IAMP and County participation in the process.
June 24, 2010	DLCD Ed Moore issues letter endorsing the Code Interpretation and indicating that there is adequate protection to protect the function of the Interchange.
June 29, 2010	Following Coburg and DLCD actions, staff prepared Supplementary Memo 1 providing those materials to the Board, for CIP amendment item (Order 10-6-16-8). Staff also sought direction on CIP amendment processing IGAs and IAMP implementation materials.
July 7, 2010	BCC considered Access Management IGA from June 9 and item to put match back into CIP from June 16 (Orders 10-6-16-9/Access Management IGA and 10-6-16-8/CIP amendment). BCC Action: direct staff to eliminate \$3 2.4 million reference to Phase II from CIP and all references to Phase II; return on July 28; stop work on IAMP implementation; move consideration of Access Management IGA to July 28; no BCC actions on these county documents until after MTIP is amended to delete any reference to Phase II; report on landowners who will be paid for right-of-way acquisitions and access control. BCC also asked several questions of ODOT to be answered at a future meeting regarding how money is allocated to project phases.
July 13, 2010	Staff submitted Supplementary Memo 2 to the Board for CIP amendment item (Order 10-6-16-8), responding to direction from July 7, 2010.
July 14, 2010	Board Chair added item 8.c. to July 14 agenda during adjustments (shows under "18. Other Business" on the Internet), now Order 10-5-12-1 ". . . with respect to the I-5 Coburg Interchange". BCC directed CAO to return with a "road map and time lines" to delete any mention of Phase II in 7-8 documents (Regional Transportation Plan (RTP), Metropolitan Transportation Improvement Program (MTIP), Match IGA, Access Management IGA, CIP, IAMP, Construction IGA, and facility permits).
July 22, 2010	ODOT initiates MTIP amendments to allow west side right of way acquisitions to move forward, commit ODOT (rather than County) to the local match, and delete allocation for Phase II improvements.
July 23, 2010	Staff submitted Supplementary Memo 3 to the Board for July 27, 2010 meeting, CIP amendment item (Order 10-6-16-8), responding to direction provided on July 7 and July 14, 2010. Provided road map and timelines.
July 24, 2010	ODOT submitted a letter to the Board responding to direction on July 14, indicating ODOT would be agreeable to modifying the CIP, Match IGA, Construction IGA, Access Management IGA, Facility Permits, and MTIP. Also, ODOT would be agreeable to amending the RTP financially constrained project list if it could be done administratively. ODOT would not support

I-5 @ Coburg Project : Capital Improvement Program (CIP) and Intergovernmental Agreements (IGA): Chronology of Lane County Board of Commissioners (BCC) Activity

Date	Description
	amending the IAMP or RTP Illustrative List without data showing there was no longer a need for Phase II improvements.
July 26, 2010	Staff submitted Supplementary Memo 4 to Board for July 27 meeting providing a copy of the July 24 ODOT letter.
July 27, 2010	Staff reported back to BCC. Commissioner Handy indicated he would no longer push for changes to the IAMP.
June 29, 2010	Staff submitted Supplementary Memos 5 (fine tune time lines for revising documents), 6 (delete references to Phase II in IGAs), and 7 (delete references to Phase II in CIP) following Board direction on July 14.
August 3, 2010	BCC considered changes to the 3 IGAs found in Supplementary Memo 6. Commissioner Handy indicated the changes didn't go far enough in making it clear that there was no Phase II. The Board acted to provide direction on 5 items to MPC members for the August 12 MPC meeting, and to staff: 1) change project description in MTIP and change cost in MTIP to \$15.6 million; 2) change project description in RTP; 3) MPC approve a draft letter for FHWA; 4) Have IGAs consistent with CIP and brought back after MPC makes a decision on MTIP; 5) Further process for the IAMP - have a work session in the fall with any other party or agency to get all issues on the table.
August 12, 2010	At MPC, Commissioner Handy expressed support for the I-5 Coburg project. Commissioner Sorenson expressed his belief that the project is an important contribution to the community's vitality.

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

ORDER NO. 10-6-16-8

IN THE MATTER OF AMENDING ORDER NO. 10-
5-12-1 TO INCLUDE THE I-5 AT COBURG
PROJECT IN THE PUBLIC WORKS CAPITAL
IMPROVEMENT PROGRAM

WHEREAS, the Board of County Commissioners (Board) has adopted a process as outlined in Lane Manual 15.575 for annual review and development of a Five-Year Public Works Capital Improvement Program (CIP); and

WHEREAS, a recommended Five-Year CIP has been developed in keeping with that process, including staff analysis, citizen involvement, the conducting of a public hearing on February 24, 2010 by the Roads Advisory Committee, and deliberation and a recommendation on the Capital Improvement Program by the Roads Advisory Committee on April 28, 2010; and

WHEREAS, the Board held a public hearing on May 12, 2010 on the recommended Public Works Five-Year CIP; and

WHEREAS, the Board continued the public hearing to May 19, 2010 to take additional testimony; and

WHEREAS, the Board adopted the CIP after removing \$1.03 million in matching funds previously allocated for the Interstate 5 at Coburg Interchange (I-5 at Coburg) project, and directed staff to return on June 16, 2010 for a work session and public hearing to consider the matter further; and

WHEREAS, the Board discussed and considered public testimony, staff analysis, and the recommendation of the Roads Advisory Committee; now, therefore, it is hereby

ORDERED, that the CIP as adopted by Board Order No. 10-5-12-1 be amended to include the I-5 at Coburg project for Phase I improvements west of I-5; and be it further

ORDERED, that the County Administrator be delegated authority to execute all contracts and agreements in connection with the FY 2010/11-FY 2014/15 CIP in accordance with the terms of LM 21.145; and, be it further

ORDERED, that staff pursue all necessary actions to ensure timely construction of projects scheduled for FY 2010/11; and, be it further

ORDERED, that staff perform preliminary design activities, acquire right-of-way, prepare planning actions and permit applications necessary to ensure that projects scheduled for FY 2010/11 through FY 2014/15 remain on schedule; and, be it further

ORDERED, that the cost of such actions and preparations, including any damages, be paid from the County Road Fund or in any manner permitted by law as authorized by the Department of Public Works or as further authorized by the Board of County Commissioners.

Effective date: _____ day of October, 2010.

APPROVED AS TO FORM
Date _____ Lane County _____

OFFICE OF LEGAL COUNSEL

William A. Fleenor, Chair
Lane County Board of Commissioners



Oregon

Theodore R. Kulongoski, Governor

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July 24, 2010

Mr. Bill Fleenor, Chair
Lane County Board of Commissioners
125 East 8th Avenue
Eugene, OR 97401

Dear Chair Fleenor,

This letter is in response to the Board's stated direction to County staff on July 14th regarding modification of as many as eight documents related to the I-5 / Coburg Interchange project. I appreciate the Board's continued willingness to consider supporting the project, and to discussing your positions with our mutual Metropolitan Policy Committee (MPC) partners.

2011 Construction Project

As stated in prior discussions with the Board, ODOT is agreeable to modifying the following five documents to clarify that the 2011 construction project will include construction and related activities on the west side of the freeway only, and will not include any work to the freeway overpass bridge or any activities related to the east side of the freeway. My understanding is that draft versions of these modified documents will be available by your discussion on July 27th:

- Lane County CIP
- Lane County / ODOT Funding Match IGA
- Lane County / ODOT Construction IGA
- Lane County / ODOT Access Management IGA
- Lane County Facility Permits

ODOT would also support a County motion at the August 12th MPC meeting to modify the project description in the Draft 10 – 13 Metropolitan Transportation Improvement Program (MTIP) to clarify the scope of the project, and to match the revised description in the five documents above.

- Draft 10 - 13 Metropolitan Transportation Improvement Program (MTIP);

ODOT would also support a County motion at the August 12th MPC meeting to change the project description of the 2011 interchange project in Table 1a of the Financially Constrained portion of the Regional Transportation Plan (RTP) to match the revised description in the first five documents discussed above, provided such a change can be processed administratively.

- Regional Transportation Plan (RTP), Table 1a - Financially Constrained

Long Range Documents

The documents discussed above are short term in nature, and address the immediate effects of the proposed 2011 project. The two remaining documents;

- Interchange Area Management Plan (IAMP)
- Regional Transportation Plan (RTP), Illustrative List;

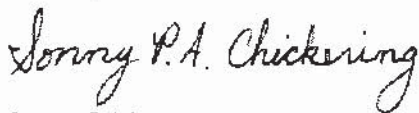
are distinctly different from those discussed above in that they address the need for improvements to the transportation network over a 20-year planning horizon. In these documents, references to long term improvements are based on detailed analyses of the City of Coburg's existing adopted Comprehensive Land Use Plan, the population and employment growth the Plan will support over the 20-year period, and the resulting affects on the capacity and operation of the I-5 / Coburg Interchange.

To date, no new data or analysis has been provided to warrant a change in the long-term population or employment forecasts upon which the travel forecasts and improvement recommendations of these documents are based. ODOT would not support amending the Coburg IAMP without new information that significantly changes this base data, and strong evidence that analysis of the revised data would result in different long-term recommendations. While ODOT is not the lead agency responsible for the RTP, we expect that the situation with that document is similar. Without new information that demonstrates the recommended improvements are no longer needed, removal of a long-term project recommendation from the RTP's illustrative project list is not appropriate. The attached memo provides a more technical and robust explanation of these issues.

In short, absent the City of Coburg updating their land use and transportation plans and determining that the recommended long-term interchange improvements in the IAMP are no longer needed, ODOT cannot support re-opening or revising the Coburg IAMP or removing the recommended long-term interchange improvements from the illustrative list of the RTP. It should be noted that the City of Coburg has recently begun a process to update their TSP and supporting elements of their Comprehensive Plan. Long-term transportation system needs will be re-evaluated through this process, and ODOT does expect to amend the IAMP in the future to be consistent with those revised documents.

I hope this letter and the accompanying memo provide a clear communication of ODOT's position regarding revision of these eight documents, and I look forward to continued discussion at your July 27th Work Session.

Sincerely,



Sonny Chickering
Area 5 (Lane County) Manager
Oregon Department of Transportation

CC: Judy Volta, Mayor, City of Coburg
Alan Zelenka, Chair, MPC
Celia Barry, Lane County Transportation Planning
Petra Schuetz, City of Coburg Planner
Paul Thompson, LCOG Transportation Planning

ATT: July 22, 2010 Memo regarding Potential Amendment of the I-5 / Coburg Interchange Area Management Plan (IAMP)

DATE: July 22, 2010

TO: Sonny Chickering, Area 5 Manager

FROM: Terry Cole, Savannah Crawford - Region 2 Planning

SUBJECT: Potential Amendment of the I-5 / Coburg Interchange Area Management Plan (IAMP)

The IAMP is a long-range plan that identifies facility needs within the 2030 planning horizon. The IAMP is not a programming or funding document. The important distinction is that this document merely provides a set of recommended improvements necessary to accommodate the travel demand forecasts associated with the adopted local Comprehensive Plans. Within the IAMP, there are improvements identified as 'short term' or 'long term.' However, these recommendations are not tied to a specific project phase or timeline. The short-term and long-term sections within the IAMP simply provide an estimate of when recommended improvements might best occur – usually based upon general expectations of need/priority and funding availability.

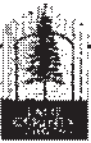
Amending the IAMP, specific to changes suggested by Lane County, would require new operational analysis to determine if, for some reason, the long-range need for improvements currently identified as needs in the IAMP no longer exists. This analysis would require City of Coburg, Lane County, and ODOT participation and, ultimately, agreement about an outcome different from what has previously been adopted by each jurisdiction in order for ODOT to amend the IAMP. Given the need for public process in this kind of effort and the logistic issues associated with multi-jurisdictional projects, this updated analysis would likely take a minimum of 12-18 months, not including the adoption process.

As stated earlier, IAMP's identify long-term facility need. As adopted, the Coburg IAMP is based upon Coburg's existing adopted Comprehensive Land Use Plan and an estimate of how much population and employment growth that Plan supports. As far as population growth is concerned, the existing adopted Plan provides for far less growth than that allocated to the City through the County's adopted, coordinated population forecasts. Coburg's existing Plan and its associated UGB are forecasted to support approximately 1,800 residents by 2030, based on zoning, available land, and infill potential. Even assuming this lower level of population growth, our previous analysis revealed failing interchange operations by 2030.

In contrast, the County's coordinated population forecast assigns Coburg approximately 3,300 residents by 2030. And while the recent economic downturn has relaxed and even reduced traffic demand in the near-term, the IAMP is a long-range document and ODOT continues to believe that it is reasonable to assume the available commercial and industrial land in Coburg will be developed and/or reutilized over the 20-year planning horizon. This leads ODOT to the understanding that (1) the likely increase in traffic demand from Coburg's County assigned 2030 population growth target is nearly double that which the IAMP is currently based on and (2) the traffic demand from Coburg commercial and industrial development is likely to rebound over the next 20-years to a level that is at least similar to that which is currently assumed in the IAMP. Based on this understanding, we believe it is highly unlikely that the need for interchange improvements or the associated adopted long-range IAMP recommendations would change unless changes to local planning documents result in traffic demand expectations that are significantly reduced compared to those in previous studies and analysis.

Adopted IAMP policies already address management of the interchange operations in light of the differences between the adopted Land Use Plan and the County assigned population forecast. This issue is addressed by conditional mobility standards and, in part, by recognition and anticipation of the need for future IAMP amendments in conjunction with changes/updates to the Coburg (or County) Comprehensive Plan and/or TSP. Currently, Coburg is in the process of updating the City TSP and is also expected to update their Land Use Plan to address needs defined by their urbanization study and the County's assigned population forecast as part of this process. ODOT is involved in this process and fully expects that amendments to the IAMP will be needed as a result of this work. However, the scope and nature of those amendments cannot be determined before the supporting analysis is conducted and accepted by the key participants.

ODOT firmly believes that changes to adopted IAMP improvement recommendations are best made in conjunction with comprehensive legislative updates to the local plans upon which they are based. The current Coburg TSP/Land Use Plan update process is such an opportunity, is already anticipated by the Coburg IAMP, and is the most efficient venue through which to consider possible changes to the IAMP. The current timeline for development of the TSP/Land Use Plan update is approximately 18 months, not including the time associated with the adoption process. ODOT will begin preparing appropriate amendments to the IAMP when the needs determined by Coburg's legislative process are defined and their path to City, County, and Regional acceptance is clear. Our objective would be to advance a comprehensive and coordinated package of updates/amendments to both the local plans and the IAMP simultaneously.



AGENDA CHECKLIST

Account Code 3636 225 900

AGENDA INFORMATION TO BE SUBMITTED TO THE BOARD OFFICE:

One Title Memo
(See APM CH.1, Sec. 2) (Photo-
copy of Agenda Checklist is acceptable)

Agenda Packet
One Original/Hard Copy plus
One As-Complete-As-Possible
copy e-mailed to Lane County
Agenda Review mailbox

Material Due
Due by 5 pm Wednesday preceding
the week it will be **approved for**
inclusion on the agenda. (Check
Future Agenda for due dates.)

AGENDA TITLE: **1) Order 10-6-16-8/IN THE
MATTER OF AMENDING ORDER NO. 10-5-12-1
TO INCLUDE THE I-5 AT COBURG PROJECT IN
THE PUBLIC WORKS CAPITAL IMPROVEMENT
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Department of Transportation, the City of Coburg,
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Construction on Pearl Street, and Coburg Industrial
Way**

DEPARTMENT Public Works

CONTACT Celia Barry EXT 6935

AGENDA DATE: October 6, 2010

THIS ITEM WILL INVOLVE:

☐ Consent Calendar ☐ Report ☐ Appointments ☐ Committee Reports
☐ ORDER/Resolution ☒ Discussion & Action ☐ Discussion Only
☐ Ordinance/Public Hearing ☐ 1st Reading ☐ 2nd Reading ☐ 3rd Reading
Public Comment Anticipated? ☐ Yes ☒ No Estimated Time 20 minutes

NOTE: DEPARTMENT MANAGER MUST SIGN OFF BEFORE SUBMITTING TO BOARD OFFICE

Department Manager: _____ Date _____

Legal Staff-Review by: _____ Date _____

Management Staff- _____ Date _____

Review by: _____

Human Resources- _____ Date _____

Review by (if required): _____

☐ Yes ☐ No File Note Attached?
☐ Yes ☐ No Information for Agenda Setting Committee Only?
☐ Yes ☐ No To be Distributed with Packets

INDICATE OTHER DIVISIONS/DEPARTMENTS THAT REQUIRE COPIES OF APPROVED ORDER