

SECTION 3. FINDINGS

INTRODUCTION

This section documents that this IAMP will comply with all applicable federal and state laws, regulations, and policies and is consistent with regional and local plan before ODOT proceeds with the implementation of the Fern Valley Interchange Project. The section is divided into three subsections. The first addresses the IAMP's compliance with the one federal law applicable to it; the second compliance with State of Oregon laws, regulations, and policies; and the third compatibility with applicable regional and local plans.

FEDERAL LAW

National Environmental Policy Act (NEPA), Pub. L. 91-190, 42 U.S. Code 4321, et seq.

Requirements

NEPA mandates that Federal agencies consider the potential environmental consequences of their proposals, document the analysis, and make this information available to the public for comment prior to implementation.³⁷ NEPA applies to the Fern Valley Interchange Project because Federal money would pay the majority of the project's cost. This IAMP is part of the Fern Valley Interchange Project, so NEPA applies to it.

Finding

This IAMP is in compliance with NEPA because it is part of the Fern Valley Interchange Project, which is in compliance with NEPA. The project is in compliance with NEPA because ODOT, acting on behalf of the Federal Highway Administration (FHWA) (which administers the Federal money referred to) is preparing an environmental assessment on it. Once ODOT and FHWA have issued a draft environmental assessment and conducted a public hearing on it, FHWA will determine whether or not the project would have significant environmental impacts. If FHWA determines the project would not have significant environmental impacts, FHWA will adopt a finding of no significant impact, which will complete compliance with NEPA. If FHWA determines the project would have significant environmental impacts, ODOT and FHWA will prepare draft and final environmental impact statements (EISs). Once the final EIS is issued, FHWA will adopt a record of decision, which will complete compliance with NEPA.

³⁷ Federal Highway Administration, Project Development Overview, undated (accessed March 18, 2009), <http://www.environment.fhwa.dot.gov/projdev/index.asp>.

STATE PLANS, POLICIES, AND RULES

Oregon Statewide Planning Program

Statewide Planning Goals

Statewide Planning Goals in General

Requirements

The 19 Statewide Planning Goals are the fundamental policies of Oregon’s Statewide Planning Program. Statewide Planning Program law requires each city and county to adopt a comprehensive plan that complies with the Statewide Planning Goals. Zoning and land division ordinances are implementing tools for the comprehensive plans. The Land Conservation and Development Commission (LCDC) reviews local plans and ordinances for consistency with the Statewide Planning Goals. When LCDC has officially approved a local government’s plan, that plan is considered “acknowledged.” An acknowledged local comprehensive plan is the controlling document for land use in the geographic area covered by that plan. With the exception of the administrative rule that implements Statewide Planning Goal 12, Transportation, once there is an acknowledged comprehensive plan, the Statewide Planning Goals do not apply directly to state highway projects. Instead, state highway projects must be compatible with the applicable local comprehensive plans.³⁸ However, the Statewide Planning Goals do apply directly to any amendments to city and county comprehensive plans made to include a State highway project.

Finding

With the exception of the administrative rules that implement Goal 12 referenced above and addressed immediately below, the Statewide Planning Goals do not apply directly to the Fern Valley Interchange Project, including the IAMP. This is because both the City of Phoenix and Jackson County have acknowledged comprehensive plans. When the City of Phoenix and Jackson County adopt the amendments to their comprehensive plans identified on pages 54 and 52, below, they will need to demonstrate that the amendments comply with the Statewide Planning Goals.

Statewide Planning Goal 12, Transportation, and the TPR (Oregon Administrative Rules Chapter 660-012)

Statewide Planning Goal 12 is “To provide and encourage a safe, convenient and economic transportation system.” The TPR implements Goal 12 and contains the provisions addressed below that apply to the state transportation system plan, including facility plans such as this IAMP. The TPR also contains provisions addressed below that apply to project development, including the development of the Fern Valley Interchange Project, including this IAMP.

³⁸ ORS 197.180 requires that “. . . state agencies shall carry out their planning duties, powers and responsibilities and take actions that are authorized by law with respect to programs affecting land use. . . (b) In a manner compatible with: (A) Comprehensive plans and land use regulations. . .”

OAR 660-012-0030, Determination of Transportation Needs

Requirements. Applicable parts of OAR 660-012-0030 state:

(1) The TSP [transportation system plan] shall identify transportation needs relevant to the planning area and the scale of the transportation network being planned including:

- (a) State, regional, and local transportation needs;
- (b) Needs of the transportation disadvantaged;
- (c) Needs for movement of goods and services to support industrial and commercial development planned for pursuant to OAR 660-009 and Goal 9 (Economic Development).

* * *

(3) Within urban growth boundaries, the determination of local and regional transportation needs shall be based upon:

- (a) Population and employment forecasts and distributions that are consistent with the acknowledged comprehensive plan, including those policies that implement Goal 14. Forecasts and distributions shall be for 20 years and, if desired, for longer periods; and
- (b) Measures adopted pursuant to OAR 660-012-0045 to encourage reduced reliance on the automobile.

(4) In MPO [metropolitan planning organization] areas, calculation of local and regional transportation needs also shall be based upon accomplishment of the requirement in OAR 660-012-0035(4) to reduce reliance on the automobile.

Finding. The IAMP complies with OAR 660-012-0030 for the following reasons:

- The EA for the Fern Valley Interchange Project addresses the need for the project. See Appendix A of this IAMP, which contains the purpose and need sections of the EA. Needs include the need to accommodate motor vehicle traffic, which includes meeting state, regional, and local transportation needs and needs for the movement of goods and services to support industrial and commercial development. They also include needed improvements to bicycle and pedestrian facilities, which serve the transportation disadvantaged.
- The design of the Fern Valley Interchange project is based on 20-year forecasts of motor vehicle traffic which are based on 20-year forecasts of population and employment. These forecasts are consistent with the acknowledged comprehensive plans of the City of Phoenix and other jurisdictions of the region. See page 1 of Appendix E.
- The Regional Transportation Plan (RTP) includes measures that meet the requirements of OAR 660-012-0035(4) to reduce reliance on the automobile.³⁹ As described on page 51, below, the Fern Valley Interchange Project is consistent with and helps implement the RTP.

³⁹ Rogue Valley Metropolitan Planning Organization, Regional Transportation Plan 2009-2034, as adopted March 24, 2009, Appendix B.

OAR 660-012-0035, Evaluation and Selection of Transportation System Alternatives

The following evaluates IAMP compliance with the sections of OAR 660-012-0035 applicable to it.

OAR 660-012-0035(1)

Requirements. OAR 660-012-0035(1) states:

The TSP shall be based upon evaluation of potential impacts of system alternatives that can reasonably be expected to meet the identified transportation needs in a safe manner and at a reasonable cost with available technology. The following shall be evaluated as components of system alternatives:

- (a) Improvements to existing facilities or services;
- (b) New facilities and services, including different modes or combinations of modes that could reasonably meet identified transportation needs;
- (c) Transportation system management measures;
- (d) Demand management measures; and
- (e) A no-build system alternative required by the National Environmental Policy Act of 1969 or other laws.

Finding. The IAMP complies with OAR 660-012-0035(1) because the alternatives development process for the EA on the Fern Valley Interchange Project evaluated the potential for the strategies listed in items a through d above and the EA will evaluate a no-build alternative. See the Alternatives Considered But Not Advanced section of the EA.

OAR 660-012-0035(3)

Requirements. OAR 660-012-0035(3) states:

The following standards shall be used to evaluate and select alternatives:

- (a) The transportation system shall support urban and rural development by providing types and levels of transportation facilities and services appropriate to serve the land uses identified in the acknowledged comprehensive plan;
- (b) The transportation system shall be consistent with state and federal standards for protection of air, land and water quality including the State Implementation Plan under the Federal Clean Air Act and the State Water Quality Management Plan;
- (c) The transportation system shall minimize adverse economic, social, environmental and energy consequences;
- (d) The transportation system shall minimize conflicts and facilitate connections between modes of transportation; and
- (e) The transportation system shall avoid principal reliance on any one mode of transportation by increasing transportation choices to reduce principal reliance on the automobile. In MPO areas this shall be accomplished by selecting transportation alternatives which meet the requirements in section (4) of this rule.

Finding. The IAMP complies with OAR 660-012-0035(3) because:

- The Fern Valley Interchange Project will support urban and rural development by providing a transportation facility appropriate to serve the land uses in the interchange area identified in the City of Phoenix Comprehensive Plan.
- ODOT will rely on the EA to evaluate and select among the alternatives for the Fern Valley Interchange Project and the EA considers the factors in items b, c, and d of OAR 660-012-0035(3).
- In addition to accommodating automobile travel, the Fern Valley Interchange Project improves facilities for pedestrians and bicyclists.

OAR 660-012-0035(10)

Requirements. OAR 660-012-0035(10) states:

Transportation uses or improvements listed in OAR 660-012-0065(3)(d) to (g) and (o) and located in an urban fringe may be included in a TSP only if the improvement project identified in the Transportation System Plan as described in section (12) of this rule, will not significantly reduce peak hour travel time for the route as determined pursuant to section (11) of this rule, or the jurisdiction determines that the following alternatives can not reasonably satisfy the purpose of the improvement project:

- (a) Improvements to transportation facilities and services within the urban growth boundary;
- (b) Transportation system management measures that do not significantly increase capacity; or
- (c) Transportation demand management measures. The jurisdiction needs only to consider alternatives that are safe and effective, consistent with applicable standards and that can be implemented at a reasonable cost using available technology.

Finding. The IAMP complies with OAR 660-012-0035(10) because ODOT will not issue a revised EA and proceed with the Fern Valley Interchange Project before it seeks a determination from Jackson County that the facilities, services, and measures in OAR 660-012-0035(10)(a), (b), and (c) cannot “reasonably satisfy the purpose of” the Fern Valley Interchange Project.

OAR 660-012-0050, Transportation Project Development

Requirements. OAR 660-012-0050 addresses transportation project development. Section 660-012-0050(3)(b) states:

Project development involves land use decision-making to the extent that issues of compliance with applicable requirements requiring interpretation or the exercise of policy or legal discretion or judgment remain outstanding at the project development phase. These requirements may include, but are not limited to, regulations protecting or regulating development within floodways and other hazard areas, identified Goal 5

resource areas, estuarine and coastal shoreland areas, and the Willamette River Greenway, and local regulations establishing land use standards or processes for selecting specific alignments. * * * When project development involves land use decision-making, all unresolved issues of compliance with applicable acknowledged comprehensive plan policies and land use regulations shall be addressed and findings of compliance adopted prior to project approval.

Finding. The Fern Valley Interchange Project, including the IAMP, will comply OAR Section 012-0050(3)(b). The section applies to the project because the project would require 0.2 acres of the Bear Creek Greenway, which is a Goal 5 resource. The Fern Valley Interchange Project will comply with OAR 012-0050(3)(b) because ODOT will not approve and proceed with the project until it has addressed all issues of compatibility with applicable comprehensive plan policies and land use regulations and has adopted findings of compliance. This will include the application of the City of Phoenix Development Code to the project, as discussed on page 57, below.

OAR 660-012-0065, Transportation Improvements on Rural Lands, and OAR 660-012-0070, Exceptions for Transportation Improvements on Rural Land

Requirements. OAR 660-012-0065 describes highway improvements outside UGBs for which exceptions to Statewide Planning Goals are not required. OAR 660-012-0070(1) states “Transportation facilities and improvements which do not meet the requirements of OAR 660-012-0065 require an exception to be sited on rural lands.” OAR 660-012-0070 also defines the requirements which a local government must meet when Goal exceptions are required, including for state highway improvements.

Finding. The Fern Valley Interchange Project will comply with OAR 660-012-0065. OAR 660-012-0065 applies to the Fern Valley Interchange Project because the Build Alternative under consideration includes improvements outside the City of Phoenix UGB. The Build Alternative would comply because the only portion outside the Phoenix UGB qualifies as a “realignment” and OAR 660-012-0065 exempts realignments from the requirement of Goal exceptions.⁴⁰ 660-012-0070 does not apply to the Build Alternative because OAR 660-012-0065 exempts it from Goal exceptions.

⁴⁰ ODOT, I-5: Fern Valley Interchange Unit 2a Environmental Assessment, unpublished draft, undated, p. 3-60.

ODOT State Agency Coordination Program

Statewide Planning Program law requires ODOT and other state agencies to carry out their duties “in a manner compatible with” local comprehensive plans and land use regulations.⁴¹ In addition, state agencies are required to have policies to coordinate with other agencies and local governments in the performance of their duties under the Statewide Planning Program. ODOT implemented these requirements as applied to projects like the Fern Valley Interchange by adopting the ODOT State Agency Coordination Program. It includes the following provisions that apply to this IAMP. References to “the Department” mean ODOT.

OAR 731-015-0065(1)

Requirement

Except in the case of minor amendments, the Department shall involve DLCD [the Department of Land Conservation and Development] and affected metropolitan planning organizations, cities, counties, state and federal agencies, special districts and other interested parties in the development or amendment of a facility plan. This involvement may take the form of mailings, meetings or other means that the Department determines are appropriate for the circumstances. The Department shall hold at least one public meeting on the plan prior to adoption.

Finding

731-015-0065(1) applies to the IAMP because the IAMP is part of the facility plan for the Fern Valley Interchange Project. The IAMP complies with 731-015-0065(1) because:

- The Project Development Team (PDT) for the project included representatives of the City of Phoenix, Jackson County, and the Rogue Valley Metropolitan Planning Organization (RVMPO), which is the metropolitan planning organization for the area.
- IAMP team members consulted the RVTD in formulating the Bus Stop and Transfer Site Coordination measure on page 21 and Shared Park-And-Ride Lot Help on page 21.
- Additional special districts will receive copies of the draft EA, which describes the IAMP.⁴²
- FHWA personnel were invited to PDT meetings; attended some of the meetings; reviewed drafts of the EA, including its description of the IAMP; and will approve the EA before it is issued.
- The state and federal agencies listed below reviewed and concurred in the project’s purpose and need, evaluation criteria, range of alternatives considered. ODOT will request their concurrence in the selection of the preferred alternative for the Fern Valley Interchange Project. The IAMP will be part of the project under either of the two build alternatives.
 - FHWA
 - Oregon Department of Environmental Quality

⁴¹ Oregon Revised Statutes section 197.180(1)(b).

⁴² These are Fire District #5, Medford Irrigation District, Rogue Valley Sanitary Service, and the Phoenix-Talent School District.

- Oregon Department of Fish and Wildlife
- Oregon Department of Land Conservation and Development (DLCDD)
- Oregon Department of State Lands
- Oregon State Historic Preservation Office
- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers
- National Marine Fisheries Service
- U.S. Environmental Protection Agency
- All meetings of the CAS and PDT were open to the public. The City of Phoenix Planning Commission and City Council will hold public hearings on the IAMP prior to City adoption.

OAR 731-015-0065(2)

Requirement

The Department shall provide a draft of the proposed facility plan to planning representatives of all affected cities, counties and metropolitan planning organization and shall request that they identify any specific plan requirements which apply, any general plan requirements which apply and whether the draft facility plan is compatible with the acknowledged comprehensive plan. If no reply is received from an affected city, county or metropolitan planning organization within 30 days of the Department's request for a compatibility determination, the Department shall deem that the draft plan is compatible with that jurisdiction's acknowledged comprehensive plan. The Department may extend the reply time if requested to do so by an affected city, county or metropolitan planning organization.

Finding

ODOT sent a draft of the proposed facility plan to planning representatives in Phoenix, Medford, Jackson County, the RVTD, and the RVMPO on June 8, 2009, requesting a statement of compatibility with adopted comprehensive and regional long range plans.

OAR 731-015-0065(3)

Requirement

If any statewide goal or comprehensive plan conflicts are identified, the Department shall meet with the local government planning representatives to discuss ways to resolve the conflicts. These may include:

- (a) Changing the draft facility plan to eliminate the conflicts;
- (b) Working with the local governments to amend the local comprehensive plans to eliminate the conflicts; or
- (c) Identifying the conflicts in the draft facility plan and including policies that commit the Department to resolving the conflicts prior to the conclusion of the transportation planning program for the affected portions of the transportation facility.

Finding

ODOT sent a draft of the proposed facility plan to planning representatives in Phoenix, Medford, Jackson County, the RVTD, and the RVMPO on June 8, 2009, requesting a statement of compatibility with adopted comprehensive and regional long range plans. If any statewide goal or comprehensive plan conflicts are identified, ODOT will comply with the requirement.

OAR 731-015-0065(4)

Requirement

The Department shall evaluate and write draft findings of compatibility with acknowledged comprehensive plans of affected cities and counties, findings of compliance with any statewide planning goals which specifically apply as determined by OAR 660-030-0065(3)(d), and findings of compliance with all provisions of other statewide planning goals that can be clearly defined if the comprehensive plan of an affected city or county contains no conditions specifically applicable or any general provisions, purposes or objectives that would be substantially affected by the facility plan.

Finding

The IAMP complies with 731-015-0065(4) because:

- The findings beginning on page 52 address the compatibility with the acknowledged comprehensive plans of the City of Phoenix and Jackson County.
- The IAMP complies with OAR 660-012-0015 and therefore complies with OAR 660-030-0065(3)(d). OAR 660-030-0065(3)(d) states:

A state agency shall adopt findings demonstrating compliance with the statewide goals for an agency land use program or action if one or more of the following situations exists: * * * (d) A statewide goal or interpretive rule adopted by the Commission under OAR chapter 660 establishes a compliance requirement directly applicable to the state agency or its land use program.

The only interpretive rule that qualifies under OAR 660-030-0065(3)(d) is 660-012-0015(1), which states:

ODOT shall prepare, adopt and amend a state TSP in accordance with ORS 184.618, its program for state agency coordination certified under ORS 197.180, and OAR 660-012-0030, 660-012-0035, 660-012-0050, 660-012-0065 and 660-012-0070. The state TSP shall identify a system of transportation facilities and services adequate to meet identified state transportation needs:

- (a) The state TSP shall include the state transportation policy plan, modal systems plans and transportation facility plans as set forth in OAR 731, Division 15;
- (b) State transportation project plans shall be compatible with acknowledged comprehensive plans as provided for in OAR 731, Division 15. Disagreements between ODOT and affected local governments shall be resolved in the manner established in that division.

This IAMP is an amendment to the state TSP and the OTC will adopt it in compliance with ORS 184.618.⁴³ This section of the findings documents compliance with ODOT's State Agency Coordination Program, which is ODOT's "program for state agency coordination certified under ORS 197.180." These findings document compliance with OAR 660-012-0030 on page 29, OAR 660-012-0035 on page 30, OAR 660-012-0050 beginning on page 31, and OAR 660-012-0065 and OAR 660-012-0070 on page 32.

OAR 731-015-0065(5)

Requirement

The Department shall present to the Transportation Commission the draft plan, findings of compatibility with the acknowledged comprehensive plans of affecting [sic] cities and counties and findings of compliance with applicable statewide planning goals.

Finding

The IAMP complies with 731-015-0065(5) because ODOT will present to the OTC a draft of this IAMP, which includes these findings. These findings address compatibility with the Jackson County Comprehensive Plan on page 52, below, and with the City of Phoenix Comprehensive Plan on page 54, below.

OAR 731-015-0075(1)

Requirement

The Department shall involve affected cities, counties, metropolitan planning organizations, state and federal agencies, special districts and other interested parties in the development of project plans. The Department shall include planning officials of the affected cities, counties and metropolitan planning organization on the project technical advisory committee.

Finding

The Fern Valley Interchange Project complies with this requirement because the PDT for the project included representatives of the City of Phoenix, Jackson County, and

⁴³ ORS 184.618 states:

- (1) As its primary duty, the Oregon Transportation Commission shall develop and maintain a state transportation policy and a comprehensive, long-range plan for a safe, multimodal transportation system for the state which encompasses economic efficiency, orderly economic development and environmental quality. The plan shall include, but not be limited to, aviation, highways, mass transit, pipelines, ports, rails and waterways. The plan shall be used by all agencies and officers to guide and coordinate transportation activities and to insure transportation planning utilizes the potential of all existing and developing modes of transportation.
- (2) As the plan is developed by the commission, the Director of Transportation shall prepare and submit to the commission for approval, implementation programs. Work approved by the commission to carry out the plan shall be assigned to the appropriate unit of the Department of Transportation.
- (3) The director and members of the commission shall give safety, economic development and the provisions of industrial site services priority in fund allocation decisions.

RVMPO, which is the metropolitan planning organization for the area. IAMP team members consulted the RVTD in formulating the Bus Stop and Transfer Site Coordination measure on page 21 and Shared Park-And-Ride Lot Help on page 21. Additional special districts will receive copies of the draft EA, which describes the IAMP.⁴⁴ FHWA personnel were invited to PDT meetings, attended some of the meetings, and reviewed drafts of the EA, including its description of the IAMP. The state and federal agencies listed below reviewed and concurred in the project's purpose and need, evaluation criteria, range of alternatives considered. ODOT will request their concurrence in the selection of the Preferred Alternative for the Fern Valley Interchange Project.

- FHWA
- Oregon Department of Environmental Quality
- Oregon Department of Fish and Wildlife
- Oregon Department of Land Conservation and Development (DLCDD)
- Oregon Department of State Lands
- Oregon State Historic Preservation Office
- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers
- National Marine Fisheries Service
- U.S. Environmental Protection Agency

OAR 731-015-0075(3)

Requirement

... the Department shall rely on affected cities and counties to make all plan amendments and zone changes necessary to achieve compliance with the statewide planning goals and compatibility with local comprehensive plans after completion of the Draft Environmental Impact Statement or Environmental Assessment and before completion of the Final Environmental Impact Statement or Revised Environmental Assessment. These shall include the adoption of general and specific plan provisions necessary to address applicable statewide planning goals.

Finding

The IAMP will comply with OAR 731-015-0075(3) because, before completion of the Revised EA, ODOT will seek from the City of Phoenix adoption of this IAMP as part of the Phoenix Comprehensive and the amendments to the Comprehensive Plan in the Other Amendments to the City of Phoenix Comprehensive Plan measure on page 19. Under either of the build alternatives for the Fern Valley Interchange Project, ODOT will also seek a determination from Jackson County that the facilities, services, and measures in OAR 660-012-0035(10)(a), (b), and (c) cannot “reasonably satisfy the purpose” of the Fern Valley Interchange Project. See the findings on OAR 660-012-0035(10) on page 31.

⁴⁴ These are Fire District #5, Medford Irrigation District, Rogue Valley Sanitary Service, and the Phoenix-Talent School District.

⁴⁶ ODOT, Oregon Transportation Plan, September 2006.

Oregon Transportation Plan

The following addresses how the IAMP complies with policies of the Oregon Transportation Plan (OTP).⁴⁶ It addresses only polices that apply by their own terms to the project.

Strategy 1.2.1

Requirements

* * *

Where opportunities for coordination with other transportation service providers exist, work to integrate programs and align investments of service providers involved with the design, delivery and funding of mobility services.

* * *

Promote frequent public transit, intercity bus and passenger rail services as a method to increase ridership and decrease travel times, especially during peak travel periods and along heavily traveled highway corridors.

Finding

The IAMP complies with Strategy 1.2.1 because the Bus Stop and Transfer Site Coordination measure on page 21, Shared Park-And-Ride Lot Help measure on page 21, and Motor Vehicle Trip Reduction Designs and Programs measure on page 18 are instances of ODOT taking opportunities to coordinate with other transportation service providers and promote increased ridership and decreased travel times on public transit.

Strategy 1.2.2

Requirements

* * *

Design new roadways and retrofit existing roadways to support multimodal functions (e.g. construct Americans with Disabilities Act (ADA) ramps, sidewalks, crossings, bus pullouts and bicycle facilities) within existing urban and rural communities, new developments, and especially locations where public transportation exists or will likely exist. Design roads to support operations that give priority to transit vehicles as appropriate.

Finding

The IAMP complies with Strategy 1.2.2 because the Bus Stop and Transfer Site Coordination measure on page 21 provides for ODOT to coordinate with the RVTD to decide between bus stops and bus pull-outs on OR 99, Fern Valley Road, and N. Phoenix Road and identify the best locations for them.

Strategy 2.1.1

Requirements

Promote transportation demand management and other transportation system operations techniques that reduce peak period travel, help shift traffic volumes away from the peak period and improve traffic flow. Such techniques may include high occupancy vehicle lanes with express transit service, truck-only lanes, van/carpools, park-and-ride facilities, parking management programs, telework, flexible work schedules, peak period pricing, ramp metering, traveler information systems, traffic signal optimization, route diversion strategies, incident management and enhancement of rail, transit, bicycling and walking.

Finding

The IAMP complies with Strategy 2.1.1 because the Bus Stop and Transfer Site Coordination measure on page 21, Shared Park-And-Ride Lot Help measure on page 21, and Motor Vehicle Trip Reduction Designs and Programs measure on page 18 will reduce peak period travel, help shift traffic volumes away from the peak period, and improve traffic flow.

Strategy 4.3.1

Requirements

Support the sustainable development of land with a mix of uses and a range of densities, land use intensities and transportation options in order to increase the efficiency of the transportation system. Support travel options that allow individuals to reduce vehicle use.

Finding

The IAMP complies with Strategy 4.3.1 because the Trip Budget measure on page 11 will avoid the development of a mix of land uses and land use densities and intensities that would congest the Fern Valley Interchange and surrounding roadway network, impairing their efficiency. The Bus Stop and Transfer Site Coordination measure on page 21, Shared Park-And-Ride Lot Help measure on page 21, and Motor Vehicle Trip Reduction Designs and Programs measure on page 18 also support travel options that allow individuals to reduce motor vehicle use.

Strategy 7.3.1

Requirements

In all phases of decision-making, provide affected Oregonians early, open, continuous, and meaningful opportunity to influence decisions about proposed transportation activities. When preparing and adopting a multimodal transportation plan, modal/topic plan, facility plan or transportation improvement program, conduct and publicize a program for citizen, business, and tribal, local, state and federal government involvement. Clearly define the procedures by which these groups will be involved.

Finding

Strategy 7.3.1 applies to the IAMP because the IAMP is part of the facility plan for the Fern Valley Interchange Project. The IAMP complies with Strategy 7.3.1 because of the following:

- Beginning at the outset of development of the IAMP, ODOT held six joint meetings the PDT and the IAMP Subcommittee of the Citizens Advisory Committee (CAC) for the Fern Valley Interchange Project. The PDT included representatives of ODOT, the City of Phoenix, Jackson County, and the Rogue Valley Metropolitan Planning Organization. CAC members included area residents; landowners; business representatives; freight, bicycle and pedestrian advocates; and representatives of local jurisdictions. At the meetings, IAMP team members (from ODOT and its consultant) presented and obtained feedback on the role of IAMPs, related laws and policies, scenarios of future land use, forecasts of traffic volumes and v/c ratios, possible IAMP measures, and IAMP drafts. ODOT also sent members of the PDT and CAC IAMP Subcommittee a draft of the IAMP for their review and comment.
- IAMP team members consulted directly with representatives of the City of Phoenix and Jackson County on the formulation of IAMP measures.
- ODOT posted on its web site for the Fern Valley Interchange Project technical memoranda prepared in the development of the IAMP.
- As referenced on page 37, FHWA and DLCD were among the state and federal agencies which reviewed and concurred in the project's purpose and need, evaluation criteria, range of alternatives considered. ODOT will request their concurrence in the selection of the Preferred Alternative for the Fern Valley Interchange Project.
- ODOT discussed the Fern Valley Interchange Project with Indian tribes.⁴⁷

⁴⁷ ODOT discussed the project at meetings with the Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of Siletz, and the Cow Creek Band of the Umpqua Tribe of Indians. ODOT met with the Confederated Tribes of the Grand Ronde in April, June and December 2006; June and November 2007; and May 2008. ODOT met with the Confederated Tribes of Siletz in November 2005, 2006 and 2007. Neither tribe indicated concerns regarding the project. ODOT met with the Cow Creek Band of the Umpqua Tribe of Indians in November 2005, May 2006, September 2006, January 2007, and June 2007. The Cow Creek Band of the Umpqua Tribe of Indians deemed this project to be outside their area of interest.

Oregon Highway Plan

The following addresses how the IAMP helps the Fern Valley Interchange Project comply with policies of the OTP.⁴⁸ It addresses only policies that apply by their own terms to the project.

Action 1A.1

Requirements

Use the following categories of state highways, and the list in Appendix D, to guide planning, management, and investment decisions regarding state highway facilities:

Interstate Highways (NHS [National Highway System]) provide connections to major cities, regions of the state, and other states. A secondary function in urban areas is to provide connections for regional trips within the metropolitan area. The Interstate Highways are major freight routes and their objective is to provide mobility. The management objective is to provide for safe and efficient high-speed continuous-flow operation in urban and rural areas.

* * *

District Highways are facilities of county-wide significance and function largely as county and city arterials or collectors. They provide connections and links between small urbanized areas, rural centers and urban hubs, and also serve local access and traffic. The management objective is to provide for safe and efficient, moderate to high-speed continuous-flow operation in rural areas reflecting the surrounding environment and moderate to low-speed operation in urban and urbanizing areas for traffic flow and for pedestrian and bicycle movements. Inside STAs [special transportation areas], local access is a priority. Inside Urban Business Areas, mobility is balanced with local access.

* * *

Finding

The IAMP complies with Action 1A.1 because it uses the above classifications to determine the mobility performance standards applicable to intersections, then incorporates measures to achieve compliance with the mobility performance standards over the planning period. See:

- in Table C-1 of Appendix C, the classification of I-5 as an Interstate Highway;
- in Table C-1 of Appendix C, the classification as District Highways of OR 99 outside the Phoenix City Center couplet and the segments of Fern Valley Road and N. Phoenix Road over which ODOT has or will take jurisdiction;
- in Table C-2 of Appendix C, the OHP mobility performance standards applicable to the I-5 Mainline, the interchange ramp terminals, and these segments of OR 99, Fern Valley Road, and N. Phoenix Road;

⁴⁸ ODOT, Oregon Highway Plan, Updated June 2006.

- in Tables 2A and 2B on pages 6 and 9 of the IAMP, applicable OHP mobility performance standards and forecasted 2030 v/c ratios under Scenario 1 “With Added Capacity” at the “critical intersections” involving the I-5 ramp terminals and the relevant segments of OR 99, Fern Valley Road, and N. Phoenix Road.

The forecasted 2030 v/c ratios at the critical intersections under Scenario 1 “With Added Capacity” show that the IAMP will achieve the mobility performance standards in the OHP. “Critical intersections” are intersections where forecasted 2030 v/c ratios approach or exceed the applicable standards without IAMP measures; forecasted v/c ratios at other intersections do not approach or exceed the applicable standards even without IAMP measures.

Action 1B.1

Requirements

Actively pursue the objectives and designations in the Background, Intent and Actions in Policy 1B, as appropriate, through:

* * *

- Facility and transportation system plans;

* * *

Policy 1B, Land Use and Transportation, states:

This policy recognizes the role of both State and local governments related to the state highway system:

- State and local government must work together to provide safe and efficient roads for livability and economic viability for all citizens.
- State and local government must share responsibility for the road system.
- State and local government must work collaboratively in planning and decision-making relating to transportation system management.

It is the policy of the State of Oregon to coordinate land use and transportation decisions to efficiently use public infrastructure investments to:

- Maintain the mobility and safety of the highway system;
- Foster compact development patterns in communities;
- Encourage the availability and use of transportation alternatives;
- Enhance livability and economic competitiveness; and
- Support acknowledged regional, city and county transportation system plans that are consistent with this Highway Plan

Finding

Action 1B.1 applies to the IAMP because the IAMP is part of the facility plan for the Fern Valley Interchange Project. The IAMP complies with Action 1B.1 for the following reasons:

- The IAMP is a collaboration between ODOT and the City of Phoenix under which ODOT will build the Fern Valley Interchange and expand the capacity of critical intersections in the interchange area and the City of Phoenix will both require developers to expand the capacity of other specified intersections, when needed, and regulate land development in the interchange area to avoid development that generates so much traffic that it impairs the efficient operation of the interchange. The Capacity Expansion and Retention measure on page 11 includes the capacity expansions which ODOT will make and which the City of Phoenix will require. The Trip Budget measure on page 11 is the means by which the City of Phoenix will regulate land development.
- The roles ODOT and the City of Phoenix will play in the management of the interchange area, including both the roadway network and land use, exemplify sharing of responsibility for the road system between state and local government.
- The collaboration between ODOT and the City of Phoenix in the development of the Fern Valley Interchange Project and the IAMP exemplify state and local government collaboration in planning and decision-making in transportation system management.
- The IAMP serves as an instrument to coordinate land use and transportation to maintain the mobility of the highway system. The Trip Budget measure will manage land use in the interchange area to avoid levels of traffic congestion that impair mobility.
- The Bus Stop and Transfer Site Coordination measure on page 21, Shared Park-and-Ride Lot Help measure on page 21, and Motor Vehicle Trip Reduction Designs and Programs measure on page 18 will encourage the availability and use of transportation alternatives by facilitating accommodation of bus stops, bus pull-outs, park-and-ride lots, and use of public transit.

Action 1B.2

Requirement

Use the rules, standards, policies and guidance developed by ODOT to implement Policy 1B. These include but are not limited to Oregon Administrative Rule Chapter 734, Division 51 on Access Management, the ODOT Highway Design Manual, ODOT Transportation System Plan Guidelines and ODOT Development Review Guidelines, LCDC Goal 12 on Transportation and the Transportation Planning Rule.

Finding

The IAMP complies with Action 1B.2 because it applies Division 51 of Oregon Administrative Rule Chapter 734 to implement Policy 1B. See the findings on compliance with Oregon Administrative Rule Chapter 734-051 on page 46, below.

Action 1B.6

Requirement

Help protect the state highway function by working with local jurisdictions in developing land use and subdivision ordinances, specifically:

- A process for coordinated review of future land use decisions affecting transportation facilities, corridors or sites;
- A process to apply conditions to development proposals in order to minimize impacts and protect transportation facilities, corridors or sites;
- Regulations assuring that amendments to land use designations, densities and design standards are consistent with the functions, capacities and highway mobility standards of facilities identified in transportation system plans including the Oregon Highway Plan and adopted highway corridor plans;
- Refinement of zoning and permitted and conditional uses to reflect the effects of various uses on traffic generation;
- Standards to protect future operation of state highways and other roads;

* * *

Finding

The IAMP effectuates Action 1B.6 in the following ways:

- The traffic impact study feature of the Trip Budget measure, as described on page 15, requires traffic impact analyses as part of the applications for all conditional use permits in the interchange area and that the analyses apply a methodology that ODOT has reviewed and approved. This will result in coordinated review of conditional use permits and planned unit developments, which will cover all development with the potential to generate high rates of motor vehicle trips.
- Two IAMP measures will apply conditions to development proposals to limit their impacts and protect the performance of the Fern Valley Interchange and area intersections. First, the Trip Budget measure on page 11 will limit primary PM peak-hour motor vehicle trip generation from new development in the interchange area to the maximum amount allowable without causing violation of the mobility performance standard at the OR 99/Fern Valley Road intersection. Second, the Motor Vehicle Trip Reduction Designs and Programs measure on page 18 will encourage applicants for development approval to propose specific designs and programs to reduce motor vehicle trip generation. These designs and programs will then become conditions of approval.
- The Jackson County Plan and Ordinance Provisions measure on page 22 will help ODOT ensure that amendments to Jackson County land use designations, densities and design standards applicable in the interchange area are consistent with the functions, capacities, and highway mobility standards of the Fern Valley Interchange and intersections in the interchange area.
- The traffic impact study feature of the Trip Budget measure, as described on page 15, will add six land use categories to the uses in the Commercial Highway zone

of the Phoenix Development Code for which a conditional use permit is required: retails sales and service less than 30,000 square feet of gross leasable area, high turnover sit-down restaurants, fast-food restaurants without drive-throughs, gyms, and daycare centers. This is a refinement of conditional uses to reflect the effects of various uses on traffic generation.

- The Alternative Mobility Standard at I-5 Ramp Terminal Intersections measure on page 20 sets a standard to protect the future operation of the Fern Valley Interchange.

Action 1B.8

Requirement

Work with local governments to maintain the highway mobility standards on state highways by creating effective development practices through the following means:

* * *

- Avoid the expansion of urban growth boundaries along Interstate and Statewide Highways and around interchanges unless ODOT and the appropriate local governments agree to an interchange management plan to protect interchange operation or an access management plan for segments along non-freeway highways.

Finding

The Jackson County Plan and Ordinance Provisions measure on page 22 effectuates Action 1B.8 by affording ODOT the ability to negotiate conditions to protect the operation of the Fern Valley Interchange before the Phoenix and Medford UGBs are expanded in the interchange area.

Action 1F.1

Requirement

Apply the highway mobility standards . . . in Table 6 to all state highway sections located outside of the Portland metropolitan area urban growth boundary . . .

Finding

The IAMP complies with Action 1F.1 because it applies the mobility standards in Table 6 of the OHP. See the findings for Action 1A.1 on page 41.

Action 2D.1

Requirement

Conduct effective public involvement programs that create opportunities for citizens, businesses, regional and local governments, state agencies, and tribal governments to comment on proposed policies, plans, programs, and improvement projects.

Finding

The IAMP complies with Action 2D.1. See the findings for OTP Strategy 7.3.1 on page 40.

Action 2D.3

Requirement

Coordinate with local governments and other agencies to ensure that public involvement programs target affected citizens, businesses, neighborhoods, and communities, as well as the general public.

Finding

The IAMP complies with Action 2D.3 because ODOT coordinated with the City of Phoenix when it named members of the CAC, as described on page 40. The CAC was the principal means of securing public involvement on the Fern Valley Interchange Project, including the IAMP. It included affected citizens and representatives of businesses and the neighborhood located in the area most impacted by the interchange project.

OAR 734-051-0155, Access Management Plans and Interchange Area Management Plans

OAR 734-051-0155(1)

Requirement

The Department encourages the development of Access Management Plans and Interchange Area Management Plans to maintain and improve highway performance and safety by improving system efficiency and management before adding capacity.

Access Management Plans and Interchange Area Management Plans:

- (a) Must be consistent with Oregon Highway Plan;
- (b) Must be used to evaluate development proposals; and
- (c) May be used to determine mitigation for development proposals.

Finding

The IAMP complies with OAR 734-051-0155(1). As described above starting on page 41, the IAMP is consistent with the OHP. ODOT will use the IAMP to evaluate development proposal in the IMA. ODOT may use the IAMP to determine mitigation for development proposals in the IMA.

OAR 734-051-0155(2)

Requirement

Access Management Plans and Interchange Area Management Plans must be adopted by the Oregon Transportation Commission as a transportation facility plan consistent with the provisions of OAR 731-015-0065. Prior to adoption by the Oregon Transportation Commission, the Department will work with local governments on any amendments to local comprehensive plans and transportation system plans and local land use and subdivision codes to ensure the proposed Access Management Plan and Interchange Area Management Plan is consistent with the local plan and codes.

Finding

The IAMP complies with OAR 734-051-0155(2). The OTC will adopt the IAMP as a transportation facility plan. As discussed beginning on page 33, adoption will be consistent with OAR 731-015-0065. ODOT worked with the City of Phoenix on amending the Phoenix Comprehensive Plan to include this IAMP and make the changes in the Other Amendments to the City of Phoenix Comprehensive Plan measure on page 19. ODOT also worked with the City of Phoenix to amend its development code to implement the Trip Budget measure on page 11, the Oregon 99 Setback Overlay Zone measure on page 19, the Motor Vehicle Trip Reduction Designs and Programs measure on page 18.

OAR 734-051-0155(7)

Requirement

OAR 734-051-0155(7) begins by stating:

An Interchange Area Management Plan is required for new interchanges and should be developed for significant modifications to existing interchanges.

Finding

The Fern Valley Interchange Project will completely replace the existing Fern Valley Interchange. This IAMP complies with this portion of OAR 734-051-0155(7).

Requirement

OAR 734-051-0155(7) also states:

An Interchange Area Management Plan must comply with the following criteria, unless the Plan documents why compliance with a criterion is not applicable:

The following lists each criterion and states how the IAMP meets the criterion.

OAR 734-051-0155(7)(a)

Requirement

Be developed no later than the time an interchange is designed or is being redesigned.

Finding

This IAMP was developed during preparation of the EA and before selection of a preferred alternative for the Fern Valley Interchange, so before the time the new interchange is designed.

OAR 734-051-0155(7)(b)

Requirement

Identify opportunities to improve operations and safety in conjunction with roadway projects and property development or redevelopment and adopt policies, provisions, and development standards to capture those opportunities.

Finding

Development of this IAMP identified the following opportunities to improve operations in conjunction with roadway projects and property development or redevelopment and measures to capture the opportunities.

| Opportunity | Measure | Page No. |
|---|--|-----------------|
| • Expand intersection capacity to achieve applicable mobility performance standard | • Capacity Expansion and Retention | 11 |
| | • Trip Budget | 11 |
| • Limit trip generation from new development and redevelopment to avoid violations of applicable mobility performance standards | • Motor Vehicle Trip Reduction Designs and Programs | 18 |
| | • Alternative Mobility Standard at I-5 Ramp Terminal Intersections | 20 |
| | • Jackson County Plan and Ordinance Provisions | 22 |
| • Reduce motor vehicle trips by supporting transit use, biking, and walking | • Motor Vehicle Trip Reduction Designs and Programs | 18 |
| | • Bus Stop and Transfer Site Coordination | 21 |
| | • Shared Park-and-Ride Lot Help | 21 |

The safety aspect of the criterion in OAR 734-051-0155(7)(b) is not applicable to this IAMP because the IAMP does not include an access management plan and does not

address safety-related aspects of operations. However, other components of the project development process addressed safety issues, as documented in the EA referenced on page 1. These included traffic queues on the off-ramps extending back onto I-5, discontinuous sidewalks and the lack of dedicated bike lanes, the location of driveways close to intersections, and the crash rate for the section of OR 99 between the north city limits and Bolz Road being more than double the 2003 statewide average rate for similar roadways. See also the traffic analysis report.⁴⁹

OAR 734-051-0155(7)(c)

Requirement

Include short, medium, and long-range actions to improve operations and safety within the designated study area.

Finding

The measures in this IAMP meet the operations aspect of this criterion because they will improve operations in the IMA in the short, medium, and long terms. Inclusion of short, medium, and long-range actions is needed for access management measures to take advantage of opportunities that arise when development, redevelopment, and street improvement projects occur in the future. However, this IAMP does not include an access management plan. For this reason, the safety aspect of the criterion in OAR 734-051-0155(7)(c) is not applicable. As noted above, the EA referenced on page 1 and the traffic analysis report in Appendix E document how the design of the project addresses safety issues.

OAR 734-051-0155(7)(d)

Requirement

Consider current and future traffic volumes and flows, roadway geometry, traffic control devices, current and planned land uses and zoning, and the location of all current and planned approaches.

Finding

The traffic analysis in Appendix E of this IAMP demonstrates that IAMP development considered current and future traffic volumes and flows, roadway geometry, traffic control devices, and the location of all current and planned approaches. The land use scenarios in Appendix F demonstrate that IAMP development considered current and planned land uses and zoning.

⁴⁹ ODOT Transportation Planning Analysis Unit, Fern Valley Interchange, Unit 2a Environmental Assessment Project, Pacific Highway #1 Traffic Analysis, *MP 24.00 to MP 25.00*, December 2007.

OAR 734-051-0155(7)(e)

Requirement

Provide adequate assurance of the safe operation of the facility through the design traffic forecast period, typically 20 years.

Finding

This criterion does not apply to the IAMP because the IAMP does not include an access management plan. As noted above, the EA referenced on page 1 and the traffic analysis report in Appendix E document how the design of the project addresses safety issues.

OAR 734-051-0155(7)(f)

Requirement

Consider existing and proposed uses of all the property within the designated study area consistent with its comprehensive plan designations and zoning.

Finding

The land use scenarios in Appendix F demonstrate that IAMP development considered existing and proposed uses of all the property within the designated study area consistent with its comprehensive plan designations and zoning. See, in particular, Annexes 1 and 2 of Appendix F.

OAR 734-051-0155(7)(g)

Requirement

Be consistent with any applicable Access Management Plan, corridor plan or other facility plan adopted by the Oregon Transportation Commission.

Finding

This criterion does not apply because there is no applicable access Management Plan, corridor plan, or other facility plan adopted by the OTC.

OAR 734-051-0155(7)(h)

Requirement

Include polices, provisions and standards from local comprehensive plans, transportation system plans, and land use and subdivision codes that are relied upon for consistency and that are relied upon to implement the Interchange Area Management Plan.

Finding

City of Phoenix. Figures 3 and 4 on pages 23 and 26 of the IAMP and page D-11 to D-29 of Appendix D contain the policies, provisions, and standards from the City of Phoenix Comprehensive Plan and Land Development Code which the IAMP relies on for consistency and to implement the IAMP.

Jackson County. Figures 3 and 4 on pages 23 and 26 of the IAMP, pages D-8 to D-11 of Appendix D, Appendix J, and Appendix K contain the Jackson County Comprehensive Plan and Current Land Development Ordinance provisions which the IAMP relies on for consistency and to implement the IAMP.

REGIONAL AND LOCAL PLANS AND POLICIES

ORS 197.180 requires that “. . . state agencies shall carry out their planning duties, powers and responsibilities and take actions that are authorized by law with respect to programs affecting land use. . . (b) In a manner compatible with: (A) Comprehensive plans and land use regulations. . .”

Regional Transportation Plan

The RTP includes the Fern Valley Interchange Project as a Tier 1 transportation improvement. It lists it as project 902, “I-5: Fern Valley Interchange, Unit 2,” and characterizes its timing as “short.”⁵⁰ The description reads “Reconstruct interchange; realign, widen connecting roads: replace Bear Creek bridge.”

The following addresses how the IAMP is consistent with policies of the RTP. It addresses only polices that apply by their own terms to the Fern Valley Interchange Project and this IAMP.

Goal 6

Requirement

Use incentives and other strategies to reduce reliance on single occupant vehicles.

Policies

6-1: Support Transportation Demand Management strategies.

6-2: Facilitate alternative parking strategies to encourage walking, bicycling, carpooling and transit.

6-3: Enhance Bicycle and Pedestrian Systems.

6-4: Support transit service.

Finding

The Motor Vehicle Trip Reduction Designs and Programs on page 18 takes advantage of the incentive to reduce motor vehicle trips developers have when they apply for planning approvals to encourage them to reduce motor vehicle trips. The incentives come from the need to comply with the TPR and the Trip Budget measure and the financial benefit of maximizing development. Possible designs and programs are listed on page 18. The measure implements Policies 6-1 through 6-4. In addition, the Bus Stop and Transfer Site

⁵⁰ Regional Transportation Plan, op. cit., Table 5.5.2, Chapter 5.1, p. 5.

Coordination measure on page 21 and Shared Park-and-Ride Lot Help measure on page 21 help implement Policy 6-4.

Policy 7-1

Requirement

Coordinate existing and future land use and development with plans for the transportation system.

Finding

The IAMP coordinates existing and future land use and development with plans the transportation system by:

- determining the amount of traffic new development in the interchange area may add to the roadway network without causing traffic volumes to violate applicable mobility performance standards (see Appendix E), and
- including the Trip Budget measure on page 11 to place needed limits on the amount of traffic new development in the interchange area may add.

Jackson County Comprehensive Plan

The Jackson County TSP incorporates by reference the Fern Valley Interchange project because it “incorporates by reference, the RTP for all regionally significant transportation facilities within the MPO area.”⁵¹ As stated above, the RTP includes the Fern Valley Interchange project as a Tier 1 transportation improvement. The following addresses how the IAMP is consistent with applicable policies of the Jackson County TSP. It addresses only polices that apply by their own terms to the Fern Valley Interchange Project and this IAMP. Other components of the Jackson County Comprehensive Plan do not contain policies that apply.

Policy 4.2.1-B

Policy

Roadway Improvement Projects will be consistent with the functional classification designations (arterial, major collector, etc.) in the TSP.

Finding

The improvements to N. Phoenix Road north of the Phoenix UGB will exceed TSP standards. Those standards call for one 12-foot wide travel lane in each direction and 5-foot, 6-inch shoulders.⁵² The improvements to N. Phoenix Rd. will include two 12-foot wide travel lanes in each direction, 6-foot wide shoulder/bike lanes, and 6-foot wide

⁵¹ Jackson County, Oregon, Transportation System Plan, May 16, 2005, Strategy 4.2.1-K, p. 32.

⁵² Jackson County Transportation System Plan, p. 56.

sidewalks. The cross-section will taper to reconnect to existing N. Phoenix Road near Campbell Road.

Policy 4.2.1-S

Policy

Jackson County is committed to maintaining a volume to capacity ratio of 0.95 for weekday peak hour vehicular traffic in the MPO area.

Finding

The v/c ratio on N. Phoenix Road north of the Phoenix UGB is forecasted to be below 0.9. The forecasted 2030 v/c ratio at the N. Phoenix Road intersection with the S. Phoenix Road Extension and Grove Way is 0.77.⁵⁴ These are the intersections closest to the UGB.

Jackson County Current Land Development Ordinance

The Fern Valley Interchange Project is compatible with the Jackson County Current Land Development Ordinance (LDO) because the LDO provides for the issuance of permits for it. As stated on page 32, the North Phoenix Thru Alternative would not require exceptions to Statewide Planning Goals. This is because the improvements to N. Phoenix Road outside the Phoenix UGB fall within OAR 660-012-0065(3)(d), which exempts them from the requirement of Goal exceptions. LDO section 4.2.9.B.2 states “Roads, highways, and other transportation facilities and improvements that are listed in OAR 660-012-0065(3)(c) through (o) may be allowed as Type 2 uses.”⁵⁶

⁵⁴ This is the value for Scenario 1, Proposed Project With Added Capacity, in Table 2B on p. 9.

⁵⁶ Ibid., Chapter 4, p. 25.

City of Phoenix Comprehensive Plan

The following addresses how the IAMP is compatible with applicable policies of the City of Phoenix Comprehensive Plan.⁵⁷ It addresses only policies that are related to the Fern Valley Interchange Project and this IAMP.

1984 Comprehensive Plan

Goal 4

Policy

To minimize transportation-related energy consumption through appropriate land use planning and an emphasis on non-motorized transportation alternatives.

Finding

The Trip Budget measure on page 11, Motor Vehicle Trip Reduction Designs and Programs measure on page 18, Bus Stop and Transfer Site Coordination measure on page 21, and Shared Park-and-Ride Lot Help measure on page 21 are land use planning measures that will help minimize transportation-related energy consumption and will support walking and biking as alternatives to motor vehicle transportation.

1999 Economic Element

Policy 4.2

Policy

Within the Fern Valley Road Interchange area (including all lands east of Bear Creek Bridge within the UGB) any annexation, zone change, or change of existing uses which is expected to significantly increase travel demand in the interchange area must be predicated upon facts (supported by special traffic studies) and findings that sufficient capacity exists or will be available upon completion of funded improvement(s) to satisfy the proposed development's travel demand (including background traffic) concurrent with its opening.

Finding

The Trip Budget measure on page 11 implements this policy in the area of the Trip Budget Overlay Zone. Note that the Other Amendments to the City of Phoenix Comprehensive Plan measure on page 19 calls for the amendment of this policy to make it consistent with the TPR.

⁵⁷ City of Phoenix, last revised 2003.

Policy 4.3

Policy

The Fern Valley Interchange and Fern Valley Road within the City's UGB are regionally significant transportation facilities. Developments occurring outside of the interchange area (in Southeast Medford and rural Jackson County) have the potential to exhaust the interchange's remaining unused capacity. The transportation impacts of Southwest Medford and Jackson County developments, like those of development within the interchange area, should also be offset by improvements, when necessary, to ensure "sufficient capacity" in the interchange area and ensure the protection of the public's health, safety and general welfare. The City shall endeavor to: 1) secure regional support for interchange improvements, and 2) participate in any land use action that will "significantly increase travel demand" in the interchange area (p. 36).

Finding

The South Valley Transportation Strategy measure on page 22 addresses the concern this policy expresses and provides for collaboration between the City of Phoenix and ODOT to work with Jackson County, Medford, Talent, and Ashland to avoid through traffic causing violation of mobility performance standards on the Fern Valley Interchange.

Land Use Element, 2003

Policy 1.1.1

Policy

The Planning Commission and City Council shall only consider major amendments to the Plan during the City's periodic review. In that way, major amendments to the City's Plan will be considered in light of their impact on the entire community and their implications on the full breadth of the Comprehensive Plan. Major amendments may also be initiated under the following circumstances:

- A) Statutory or litigated changes either require or significantly affect the plan,
- B) A major error or inconsistency is found within the Plan, or
- C) A change in Statewide Planning Goals or Oregon Administrative Rules require Plan amendment(s) at times other than during Periodic Review.

The term "major amendment" shall have the following meaning:

Major amendments include land use changes which have widespread and significant impact beyond the immediate area, such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; a spatial change that affects large areas or many different ownerships; or an amendment to the Urban Growth Boundary. Major amendments shall also include changes that would, if approved, modify one or more Goals and Policies of the Plan. Major amendments are legislative actions.

Finding

The City of Phoenix may adopt this IAMP as part of the City's Comprehensive Plan and make the amendments in the Other Amendments to the City of Phoenix Comprehensive Plan measure on page 19 outside of periodic review⁵⁸ because doing so does not fall within the definition of a "major amendment," as quoted above. It does not include land use changes; a qualitative change in the character of land use, such as conversion of residential to industrial use; a spatial change that affects large areas or many different ownerships; or an amendment to the UGB.

Transportation Element, 1999

Goal 2

The City shall coordinate its transportation decision-making with other land use planning decisions and with public agencies providing transportation services or facilities.

Finding

The Trip Budget measure on page 11 provides a mechanism for implementing this policy with regard to ODOT in the area of the Trip Budget Overlay Zone. The traffic impact study feature of the Trip Budget measure, as described on page 15, requires traffic impact analyses as part of the applications for all conditional use permits in the interchange area and that the analyses apply a methodology that ODOT has reviewed and approved. This will result in coordinated review of conditional use permits and planned unit developments, which will cover all development with the potential to generate high rates of motor vehicle trips.

Goal 3

Policy

Utilize the volume to capacity standards specified in Table 4-3 to determine transportation facility adequacy.

Finding

The Fern Valle Interchange Project and this IAMP are consistent with this policy because forecasted v/c ratios with the Capacity Expansion and Retention measure on page 11 under both build alternatives are below 0.90. This is the standard in Table 4-3 of the Transportation Element for all affected roadways. This result applies to both roadway segments which will be under ODOT jurisdiction and roadway segments which will remain under City of Phoenix jurisdiction. The standard of 0.90 is the same as the ODOT planning standard for the segments of these roadways under ODOT jurisdiction. Tables 2A and 2B on pages 6 and 9 show that forecasted v/c ratios on the listed roadway segments are below 0.90 under land use scenario 1 with added capacity. The added

⁵⁸ The next scheduled periodic review of the Phoenix Comprehensive Plan is December 2, 2010.

capacity comes from the Capacity Expansion and Retention measure. These tables include only intersections where forecasted v/c ratios approach or exceed the applicable standard; v/c ratios at other intersections in the interchange area are lower. Also see Figures B4 and B5 in Appendix E.

Policy 3.3

Policy

Within the Fern Valley Road/Interstate 5 Interchange area (including all lands located east of the Bear Creek Bridge within the Urban Growth Boundary) any request for annexation, zone change, or a change of use which are expected to significantly increase travel demand in the interchange area must be accompanied by at least a conceptual land use plan and a detailed traffic study as prepared by a licensed traffic engineer that evaluates the traffic impact the proposed use of the site will have on the traffic in the area. The traffic study shall also identify traffic mitigation measures that are intended to minimize the traffic impacts that development of the site will have on the area. The mitigation measures shall become conditions of land use approval as determined applicable by the City and shall be constructed concurrent with development of the site, or in the case of Transportation Demand Management strategies, the programs shall be implemented concurrent with the projects opening.

Finding

The Trip Budget measure on page 11 implements this policy in the area of the Trip Budget Overlay Zone.

City of Phoenix Land Development Code

The Fern Valley Interchange Project is compatible with the City of Phoenix Development Code because the Zoning Code Provision on Transportation Facilities measure on page 18 will enable the City of Phoenix to add provisions to its zoning code which apply its zoning authority to transportation improvements made independently of land development. The existing Development Code is silent on such improvements.

