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JUL 19 1988 IN THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

BY *[Signature]*
County Clerk
for Lane County, Oregon
DEPUTY
ORDINANCE PA 953

) IN THE MATTER OF ADOPTING AN AMENDMENT
) TO THE LANE COUNTY RURAL COMPREHENSIVE
) PLAN, SPECIAL PURPOSE 1980 RURAL
) TRANSPORTATION PLAN, TO ADD A NEW
) DEFINITION AND CRITERIA FOR LOCATION OF
) NEW BRIDGES AND NEW BRIDGE ALIGNMENTS,
) AND ADOPTING A SAVINGS AND SEVERABILITY
) CLAUSE

WHEREAS, the Board of County Commissioners of Lane County is empowered, pursuant to Lane Code 16.400(6)(h)(iii)(bb)(v-v), to adopt Amendments to Special Purpose Plan components of the Lane County Rural Comprehensive Plan for reasons deemed by the Board to be desirable, appropriate, or proper; and

WHEREAS, the Board desires to Amend the Rural Comprehensive Plan, 1980 Rural Transportation Plan, to add a new definition and criteria for the location of new bridges and new bridge alignments, such amendments to be made part of the 1980 Rural Transportation Plan, II. DEFINITIONS and IV. PLAN RECOMMENDATIONS, ROAD SYSTEM; and

WHEREAS, the Lane County Planning Commission and West Lane Planning Commission, after holding separate public hearings on June 8, 1988 and June 7, 1988 respectively, have provided a review of the proposed Amendment and recommendation to the Board on the adoption of the Policy; and

WHEREAS, evidence exists in the record indicating that the proposed amendment complies with applicable requirements, including the requirements of Lane Code 16.400, and the requirements of state and local law; and

WHEREAS, the Board of County Commissioners has conducted a public hearing and is now ready to take action; NOW

THEREFORE, the Board of County Commissioners of Lane County Ordains as follows:

Lane County 1980 Rural Transportation Plan, Special Purpose Plan component of the Rural Comprehensive Plan is amended by the addition of a new definition for "New Bridge Construction" under II. DEFINITIONS; and a new Recommendation #16, under IV. PLAN RECOMMENDATIONS, ROAD SYSTEM, with text as described on Exhibit "A" attached to this Ordinance and incorporated herein by this reference.

FURTHER, while not a part of this Ordinance, the Board of County Commissioners adopts Findings as set forth in Exhibit "B" attached to this Ordinance.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

ENACTED this 13 day of July, 1988.

Ellie Skandi

Chair, Lane County Board of Commissioners

Judy Haldeman

Recording Secretary for this Meeting of the Board

APPROVED AS TO FORM

Date 6-14-88 Lane county

Stephen L. Baker
OFFICE OF LEGAL COUNSEL

EXHIBIT "A"
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TEXT OF NEW DEFINITION, II. DEFINITIONS, 1980 TRANSPORTATION PLAN; AND NEW RECOMMENDATION #16, IV. PLAN RECOMMENDATIONS, ROAD SYSTEM, 1980 TRANSPORTATION PLAN

II. DEFINITIONS

New Bridge Construction - Construction of a bridge (and associated road construction) on a new alignment, which is not contiguous with an existing public road right-of-way except at its beginning or ending point or at intersections.

16. In the location of new bridge construction, the following criteria shall be applied:

1. Preliminary design analysis and cost estimates for the alternatives shall be based on applicable engineering standards and design procedures. The analysis shall include, but not be limited to, consideration of crossing length and angle, stream conditions, traffic operations, and safety.

2. The total project cost of the bridge shall be minimized in the selection of the new alignment. The cost of right-of-way acquisition and associated road construction shall be considered in the total project cost.

3. The new bridge construction shall comply with the Rural Comprehensive plan as determined by reasoning and evidence demonstrating compliance with the following criteria:

a) If the new bridge construction would be located on a parcel(s) designated by the Rural Comprehensive Plan as Agriculture, Forest, or Park and Recreation, then:

i) the uses of the new bridge construction would be limited to the uses allowed in the E/RCP, F-1/RCP, F-2/RCP, and PR/RCP (not including uses in Lane Code Chapter 16.215(4) of the PR/RCP zone) of Lane Code Chapter 16; or

ii) the following standards are met:

aa) Reasons justify why the purposes and use restrictions of the E/RCP, F-1/RCP, F-2/RCP and PR/RCP zones should not apply; and

bb) Areas for which an exception to the Statewide Planning Goals has already been taken cannot accommodate the new bridge construction; and

cc) The long-term environmental, economic, social and energy consequences resulting from the use of the new bridge construction with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed; and

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- dd) The proposed uses are compatible with adjacent uses or will be so rendered through measures designed to reduce adverse impacts.
- b) If the new bridge construction would be located on a parcel(s) for which a developed or committed exception has been taken as a part of the Rural Comprehensive Plan, then the new bridge construction and its uses:
- i) Shall not have significant negative impacts on existing uses on adjacent and nearby lands. Impacts to be evaluated are lot size, setbacks, structures affected, access and circulation, and noise; and
 - ii) Where necessary, measures shall be taken to minimize potential negative impacts on adjacent and nearby lands.
- c) If the new bridge construction would be located on a parcel(s) for which the Rural Comprehensive Plan has identified a Goal 5 resource or for which the Rural Comprehensive Plan has designated specific measures to protect a nearby designated Goal 5 resource, then the new bridge construction and its uses:
- i) Shall comply, where applicable, with the following provisions in Lane Code Chapter 16 established to protect the Goal 5 resources, including:
 - aa) LC 16.005(4) for the protection of sensitive bird habitat;
 - bb) The Class I stream restrictions including setbacks and provisions for the maintenance, removal and replacement of riparian vegetation;
 - cc) The /H (Historic Structures or Sites) zone district restrictions;
 - dd) The Greenway Development Permit requirements;
 - ee) The following zone district restrictions based upon the Coastal Resources Management Plan: /CE-RCP, /DE-RCP, /SN-RCP, /PW-RCP, /NRC-RCP, /RD-RCP, /MD-RCP, /DMS-RCP AND /BD-RCP.
 - ii) Where Lane Code Chapter 16 does not specify any measures to protect the Goal 5 resource, or where the new bridge construction and its uses would conflict with the provisions in Lane Code Chapter 16 established to protect the Goal 5 resource, then the following standards shall be met:
 - aa) The economic, social, environmental and energy consequences of any conflicting uses shall be determined; and
 - bb) A program developed to preserve the resource site, or to allow any conflicting uses, or to specifically limit any conflicting uses.

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d) The new bridge construction shall comply with the Rural Comprehensive Plan, General Plan Policies element, Goal 12: Transportation, policies 2, 3 and 4.

4. High quality habitat is required for fish production. Stream alterations resulting from land-use practices, such as road and bridge construction, have decreased spawning habitat for fish, and measures are needed to protect the remaining spawning habitat. An evaluation of the impacts of alternative locations for new bridge construction (and associated roadways) shall be based on reliable evidence provided by the Oregon Department of Fish and Wildlife or by other competent biologists. Impacts to important fish spawning habitat shall be minimized. When loss of such spawning habitat as a result of new bridge construction is unavoidable, mitigation for the species affected shall be required.

5. Maintenance of stream channels is critical for the continued safe passage of fish and aquatic life and for boaters. New bridge construction in stream channels may create impediments to the safe passage of fish and aquatic life and boaters. Therefore, new bridge construction in stream channels shall not occur which would impede the safe passage of fish and aquatic life and boaters. A determination that new bridge construction would not impede the safe passage of fish and aquatic life and boaters shall be based upon reliable evidence consisting of a comparative analysis of the physical nature of the stream channel and water flow, the use of the stream by fish and aquatic life and by boaters, and the nature and location of the new bridge construction in the stream.

6. A prerequisite to implementing the construction of a new bridge by Lane County pursuant to the above criteria is the inclusion of the new bridge construction project in the current Capital Improvement Program for Lane County Public Works projects. A prerequisite to implementing the construction of a new bridge by an agency other than Lane County, pursuant to the above criteria, is the inclusion of the new bridge construction project in that agency's capital projects program.