

**CITY OF PHOENIX
PHOENIX, OREGON**

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CITY'S MUNICIPAL CODE, TITLE 17, ZONING, CHAPTER 17.04, COMPREHENSIVE PLAN AND LAND USE LAWS, THE COMPREHENSIVE PLAN, AND THE LAND DEVELOPMENT CODE

WHEREAS, the Oregon Department of Transportation (ODOT) has agreed build a replacement of the existing Fern Valley Interchange in Phoenix at a cost estimated to be \$72.1 million, of which \$2.3 million will come from the City of Phoenix and the remainder from State of Oregon and U.S. Government funds which ODOT administers.

WHEREAS, the new Fern Valley Interchange will relieve the severe congestion on the existing interchange, provide capacity for future growth in traffic volumes on Oregon 99, Fern Valley Road, and North Phoenix Road, and reduce the limited traffic capacity of the existing interchange as a constraint on land development in the area of the City east of I-5.

WHEREAS, future land development in the area of the interchange has the potential to generate motor vehicle traffic which, in combination with traffic from growth throughout the Bear Creek Valley, could cause congestion to exceed mobility performance standards before the expiration of the 20-year design life of the new interchange.

WHEREAS, ODOT has worked closely with the City of Phoenix to develop the alternatives for the replacement of the Fern Valley Interchange examined in an environmental assessment prepared pursuant to the National Environmental Policy Act of 1969 entitled "I-5: Fern Valley Interchange Unit 2a Environmental Assessment."

WHEREAS, the new Fern Valley Interchange will achieve the intentions of three projects in Appendix F, Phoenix Street System Project List, of the Phoenix Transportation System Plan, as revised March 10, 2003.

WHEREAS, Appendix F, Phoenix Street System Project List, of the Phoenix Transportation System Plan, as revised March 10, 2003, does not expressly include the replacement of the Fern Valley Interchange in the way the project is described in the I-5: Fern Valley Interchange Unit 2a Environmental Assessment.

WHEREAS, ODOT has worked closely with the City of Phoenix to formulate a joint interchange area management plan to manage the local transportation system and land development to avoid traffic volumes that exceed mobility performance standards.

WHEREAS, upon City of Phoenix adoption of the interchange area management plan, ODOT will present the plan to the Oregon Transportation Commission for adoption as part of the Oregon Highway Plan.

WHEREAS, the need for the adoption of the IAMP and amendments to the Transportation System Plan, Economic Element of the Comprehensive Plan, and Land Development Code enacted by this ordinance is contingent on the selection of a build alternative for the replacement of the Fern Valley Interchange after issuance of the environmental assessment referenced above.

NOW THEREFORE, The City Council of the City of Phoenix **ORDAINS** as follows:

Section 1. Adoption of Interchange Area Management Plan: The City of Phoenix adopts the Interchange Area Management Plan, I-5: Fern Valley Interchange (hereafter the Fern Valley IAMP), attached as Exhibit 1, as an element of the Comprehensive Plan, as incorporated into Title 17, Chapter 17.04, Comprehensive Plan And Land Use Laws, by Section 17.04.010 of the Municipal Code.

Section 2. Amendment of Transportation System Plan: To implement the Fern Valley IAMP, the City of Phoenix amends the Transportation System Plan element of the Comprehensive Plan, as incorporated into Title 17, Chapter 17.04, Comprehensive Plan And Land Use Laws, by Section 17.04.010 of the Municipal Code, to:

- a. replace Figure 9-2, Street System Classification, with Exhibit 2.
- b. revise projects 12, 13, and 226 of Appendix F, Phoenix Street System Project List, to read as follows.

Project 12

Project Location: Fern Valley Road, Interchange with I-5

Project Description: Replace bridge structure, reconstruct Fern Valley Rd west of I-5, and realign Fern Valley Road east of I-5 and N. Phoenix Rd.

Project Type: Modernization

Time Frame: Long

Project Cost: \$61,300,000.00

Project 13

Project Location: Hwy 99 and Fern Valley Rd/Cheryl Ln/Bolz Rd

Project Description: Rebuild intersection and adjacent segments of Hwy 99, Bolz Rd, and Fern Valley Rd (to bridge over Bear Creek)

Project Type: Modernization

Time Frame: Long

Project Cost: \$6,800,000.00

Project 226

Project Location: Fern Valley Rd. bridge structure over Bear Cr

Project Description: Replace bridge structure

Project Type: Modernization

Time Frame: Medium

Project Cost: \$4,000,000.00

Section 3. Amendment of Policy 4.2 of the Economic Element of the Comprehensive Plan:

To further implement the Fern Valley IAMP, the City of Phoenix amends Policy 4.2 of the

Economic Element of the Comprehensive Plan, as incorporated into Title 17, Chapter 17.04, Comprehensive Plan And Land Use Laws, by Section 17.04.010 of the Municipal Code, to read as follows:

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 at the end of the planning period of the Transportation Element of the Comprehensive Plan or 15 years from the date of the annexation, zone change, or change of existing uses, whichever is later.

Section 4. Amendment of Land Development Code: To further implement the Fern Valley IAMP, the City of Phoenix amends the Land Development Code, as incorporated into Title 17, Chapter 17.04, Comprehensive Plan And Land Use Laws, by Section 17.04.010 of the Municipal Code, as follows:

- a. by adding Chapter 2.9, Trip Budget Overlay Zone, as contained in Exhibit 3.
- b. by adding Chapter 2.10 , Oregon 99 Setback Overlay Zone, as contained in Exhibit 4.
- c. by amending the City's official zoning map, as retained by the City Recorder pursuant to Section 2.1.2.A of the Land Development Code, to include the boundaries of the Trip Budget Overlay Zone and Oregon 99 Setback Overlay Zone, as shown in Exhibit 5.
- d. by adding to Chapter 3.10, Other Design Standards, a new section entitled Section 3.10.2, Motor Vehicle Trip Reduction Designs and Programs, as contained in Exhibit 6.
- e. by adding Chapter 6.3, Transportation Facilities, as contained in Exhibit 7.
- f. by amending Section 4.6.2.A to read "This Chapter applies to all development applications approved through the provisions of Chapters 4 and 6.3, including . . ."

Section 5. Contingent Effect: The adoption of the IAMP under Section 1, amendments to the Transportation System Plan under Section 2, amendments to the Economic Element of the Comprehensive Plan under Section 3, and amendments to the Land Development Code under Section 4 of this ordinance are contingent on the selection of a build alternative for the replacement of the Fern Valley Interchange after issuance of an environmental assessment pursuant to the National Environmental Policy Act of 1969. If the no-build alternative is selected, this ordinance shall be null and void.

Section 6. Severability: The invalidity of a section or subsection of this ordinance shall not affect the validity of the remaining sections or subsections.

Section 7. Effective Date: This ordinance shall become effective 30 days after its date of adoption.

PASSED AND ADOPTED by the City Council and signed by me in authentication of thereof on this ___ day of _____, 200_.

_____, Mayor

ATTEST:

_____, City Manager, Recorder