

## MINUTES

Joint Planning Commissions  
Eugene, Springfield, Lane County  
McClane Conference Room—Oregon Department of Transportation  
644 A Street, Springfield, Oregon

June 3, 2008  
6 p.m.

**PRESENT:** **Eugene Planning Commission:** Randy Hledik, President; Vice President; Richard Duncan, John Lawless, Ann Kneeland, Phillip Carroll, Heidi Beirle.

**Lane County Planning Commission:** John Sullivan, Chair; Lisa Arkin, Vice Chair; Nancy Nichols, Harold Shapiro, Steve Dignam, Josef Siekiel-Zdzienicki

**Springfield Planning Commission:** Frank Cross, Chair; Johnny Kirschenmann, Vice Chair; Lee Beyer, Steve Moe, Terri Leezer, Sheri Moore, Eric Smith.

Steve Nystrom, Heather O'Donnell, Eugene Planning Division; Chris Henry, Eugene Transportation Division; Planning Director Kent Howe, Stephanie Schuetz, Lane County Land Management; Springfield Planning Director Greg Mott.

**ABSENT:** Todd Johnston, Lane County Planning Commission; Anthony McCown, Eugene Planning Commission.

### **I-5 Willamette Bridge Project** (MA 07 – 3, RA 08 – 01)

Metro Plan Amendment (MA 07 – 3): To amend the text of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan), Policy D.11, to allow for the placement of fill in the Willamette River Greenway for the I-5 Willamette Bridge Replacement Project and to allow for a goal exception to Statewide Planning goal 15 (Willamette River Greenway) to authorize a non-water dependent, non-water related use within the Willamette River Greenway setback.

Refinement Plan Amendment (RA 08 – 1): To amend the text of the Willakenzie Area Plan to allow for the placement of fill within 35 feet from the top of bank of the Willamette River for the I-5 Willamette Bridge Replacement Project.

Mr. Hledik opened the public hearing for the three commissions. He reviewed the applications before the commissions, which had been submitted by the Oregon Department of Transportation (ODOT).

The members of the Eugene, Springfield, and Lane County planning commissions introduced themselves to the audience.

Associate Planner Heather O'Donnell of the Eugene Planning and Development Department noted the public hearing and the request made at that time that the public record remain open until May 20, 2008. She said that all new evidence received was forward to the commissions; the applicant did not submit any rebuttal testimony. No questions were asked of staff for follow-up. She invited new questions and called attention to the approval criteria. She anticipated that the Springfield and Lane County commissions

would adjourn following the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) decision as the refinement plan amendment decision was under the purview of the Eugene Planning Commission.

Mr. Hledik first directed the commissions to the Metro Plan approval criteria.

### ***Eugene-Springfield Metropolitan Area General Plan Amendment Approval Criteria***

#### *Subsection A*

Mr. Hledik asked the commissions if they had concerns related to a Statewide planning goal.

Noting the testimony the commissions received in opposition to the application from Mark Robinowitz, Mr. Siekiel-Zdzienicki asked if the commissions could consider a no-build option. Ms. O'Donnell indicated other land use applications would follow the threshold decision being made in regard to amending the Metro Plan to allow the plan to be considered. The applicant would have to submit a Willamette Greenway permit, water resources conservation overlay permit, and both Springfield and Lane County require permits in regard to the riparian setback. She agreed with Mr. Siekiel-Zdzienicki those issues were decided in a later process. The amendments were necessary to make the project consistent with the Metro Plan.

Ms. Arkin clarified the commissions were voting on a decision to replace a bridge that was not safe, not the number of lanes on the bridge. Ms. O'Donnell agreed. She said the project's design details would be reviewed through a future land use process that could only occur if the commissions approved the application.

#### *Subsection B*

Mr. Hledik asked the commissions if they had concerns about this criterion, related to internal consistency. There were none expressed

Mr. Hledik solicited other concerns.

Mr. Dignam noted the comment made in testimony that ODOT was trying to sneak through an action, and it was his perception that ODOT was going through the proscribed legal process, as evidenced by the commissions' meeting, and he was confident the appropriate process was being followed.

Mr. Siekiel-Zdzienicki said he had testified during the process for the temporary bridge, and he still felt that bridge was a mistake. He concurred the project was consistent with the Metro Plan but wished the agency had done the project right in the first place.

Mr. Sullivan said that 11 facts were laid out by ODOT, and with the exception of the statement the river would not be impacted in the long-term, which was "unknowable," he thought the application met the criteria.

Mr. Kirschenmann, seconded by Mr. Beyer, moved a recommendation to the Springfield City Council to enact an ordinance that amends the Eugene-Springfield Metropolitan Area General Plan text in Chapter III, Section D, Policy D.11, by adopting an exception to Statewide Planning Goal 15, Willamette River Greenway, to allow the I-5 Willamette Bridge Project, removing and replacing existing bridges with two new bridges within the I-5 right-of-way crossing of the Willamette River and the Canoe Canal and within the Wil-

lamette River Greenway setback line. It is the intent of this recommendation that adoption of the new exception shall not affect utilization of the existing temporary detour bridges while they remain necessary facilities previously authorized by the original goal exception text to be replaced by the recommended Metro Plan amendment. The motion passed unanimously, 7:0.

Mr. Carroll, seconded by, Mr. Duncan, moved a recommendation to the Eugene City Council to enact an ordinance that amends the Eugene-Springfield Metropolitan Area General Plan text in Chapter III, Section D, Policy D.11, by adopting an exception to Statewide Planning Goal 15, Willamette River Greenway, to allow the I-5 Willamette Bridge Project, removing and replacing existing bridges with two new bridges within the I-5 right-of-way crossing of the Willamette River and the Canoe Canal and within the Willamette River Greenway setback line. It is the intent of this recommendation that adoption of the new exception shall not affect utilization of the existing temporary detour bridges while they remain necessary facilities previously authorized by the original goal exception text to be replaced by the recommended Metro Plan amendment.

Mr. Hledik said he believed the findings in the staff report were adequate to address the criteria.

The motion passed unanimously, 6:0.

Mr. Sullivan noted the commission had a quorum, but two members were not present at the public hearing.

Ms. Nichols, seconded by Mr. Dignam, moved a recommendation to the Lane Board of County Commissioners to enact an ordinance that amends the Eugene-Springfield Metropolitan Area General Plan text in Chapter III, Section D, Policy D.11, by adopting an exception to Statewide Planning Goal 15, Willamette River Greenway, to allow the I-5 Willamette Bridge Project, removing and replacing existing bridges with two new bridges within the I-5 right-of-way crossing of the Willamette River and the Canoe Canal and within the Willamette River Greenway setback line. It is the intent of this recommendation that adoption of the new exception shall not affect utilization of the existing temporary detour bridges while they remain necessary facilities previously authorized by the original goal exception text to be replaced by the recommended Metro Plan amendment.

Mr. Dignam said he would support the motion because he believed the applicant had met the necessary conditions as outlined in the staff report and the conditions necessary to justify an exception under Goal 2 (a)(b) and (c). He thought those were the key provisions needed to support the motion.

Mr. Sullivan also agreed that the application was consistent with the policy direction in the Metro Plan.

The motion passed unanimously, 5:2:0; Mr. Shapiro and Mr. Becker abstaining from the vote because they were not present at the public hearing.

Mr. Hledik adjourned the joint meeting at 6:15 p.m.

Mr. Hledik reconvened the Eugene Planning Commission at 6:20 p.m.

Mr. Hledik asked the commission to identify areas of concern related to the refinement plan amendment.

Responding to a question from Mr. Carroll, Ms. O'Donnell confirmed that ODOT had proposed temporary

staging areas outside of the right-of-way, so if the commission proposed a text change to that amendment it needed to be clear it was authorizing those staging areas. Mr. Carroll said that it appeared to be a rather open-ended amendment without specific mention about the I-5 project, but if staff did not feel that would be an issue in the future he would not propose the amendment. Ms. O'Donnell referred to page I-52 of the staff report in the original hearing packet, which she believed spoke specifically to the project in question and referred to replacement or expansion of the I-5 Willamette River Bridge and its approaches. Staff did not have a concern about the application as it stood. Mr. Carroll indicated satisfaction with the text as proposed. Ms. O'Donnell indicated the greenway and water resources overlay application processes would examine both those issues in greater detail.

Mr. Hledik referred to page I-51 of the staff report, and suggested that the amendment to the Metro Plan represented a change in community policy, thus justifying the use of both subsections (c) and (e) as justification for the amendment. Ms. O'Donnell conceded one could argue for the use of both (c) and (e). Mr. Hledik asked that the findings be amended to amplify the findings in that regard.

Mr. Carroll expressed concern about that approach. He said that the issue of such amendments as being new community policy that justified the Metro Plan was a continuing issue for him. He thought Subsection (e) was sufficient, and he did not think adding Subsection (c) bolstered the findings. He said if the other commissioners thought it would bolster the findings, he would accept a change.

Ms. Kneeland agreed with Mr. Carroll.

Mr. Nystrom did not think it critical to add Subsection (c). He likened the process to a concurrent Metro Plan and Metro Plan Diagram change and agreed that the change being proposed was dependent on the change that just occurred. He said when one made the findings, one was relying on the change that one just made to find consistency in the refinement plan amendment. The two amendments were interrelated, and he thought the policy issue reliant on that change. Mr. Hledik recalled the Land Use Board of Appeals decision that any amendment to a refinement plan must be consistent with the Metro Plan.

Mr. Lawless was somewhat ambivalent on the topic of adding findings related to Subsection (c) as he saw benefits and problems with both ways.

Mr. Nystrom did not think that the addition of Subsection (c) made the application that much different. Mr. Hledik said the findings were silent in regard to Subsection (c). Mr. Nystrom did not think reliance on Subsection e was a problem. Mr. Hledik suggested that Subsection (c) needed to be addressed one way or another in the findings. Otherwise, it would look like the commission overlooked that subsection. Mr. Nystrom said that staff could approach the findings using an "even/if" approach to that subsection, or merely acknowledge the subsection. He suggested that staff pursue the "even/if" approach. Mr. Hledik had no problem with that approach, and other commissioners indicated concurrence.

Mr. Carroll, seconded by Mr. Duncan, moved a recommendation to the Eugene City Council to amend the text of the Willakenzie Area Plan Neighborhood Design Element, Willamette Greenway Use Management Standard 1 to allow fill within the Willamette Greenway boundary. The motion passed unanimously, 6:0.

There being no further business, Mr. Hledik adjourned the meeting at 6:30 p.m.

*(Recorded by Kimberly Young)*