

MINUTES

JOINT PUBLIC HEARING OF
SPRINGFIELD AND LANE COUNTY PLANNING COMMISSIONS
Springfield Library Meeting Room
225 Fifth Street—Springfield

June 30, 2009
5:30 p.m.

SPRINGFIELD PLANNING COMMISSIONERS PRESENT: Frank Cross, Chair; Johnny Kirschenmann, Vice Chair; Lee Bayer, Steve Moe, Sheri Moore, Eric Smith.

LANE COUNTY PLANNING COMMISSIONERS PRESENT: Lisa Arkin, Chair; Robert Noble, Vice Chair; Nancy Nichols, Joseph Siekiel-Zdzienicki, John Sullivan.

Chair Frank Cross convened the meeting for the Springfield Planning Commission.

Chair Lisa Arkin convened the meeting for the Lane County Planning Commission.

Andy Limbird, Planner for the City of Springfield, provided the staff report. He stated that the purpose of the application was for the City to update tables and maps as a function of the Metro Plan. He noted that the tables and maps had been last compiled in the 1980s. He listed the proposed amendments, as follows:

1. To add 24 significant projects to Table 6 of the Public Facilities and Services Plan (PFSP) including those with stormwater lines 36 inches in diameter or larger, detention basins, water quality facilities, or new outfalls;
2. To delete three projects from Table 6 that have been completed;
3. To modify 15 projects on Table 6 that have been reconfigured or eliminated;
4. To modify 18 projects on Table 18 that have been reconfigured or eliminated;
5. To modify Table 19 to reflect the current available funding sources for the stormwater projects
6. To update Map 3 and Map 8 in the PFSP to indicate the general location of the projects added to or removed from Table 6.

He underscored that the proposed amendments were consistent with the City of Springfield's recently adopted Stormwater Facility Master Plan which updated the previous master plans.

George Walker, Public Works Environmental Services for the City of Springfield, provided a brief overview of the Stormwater Facility Master Plan. He noted that the plan was somewhat different from the Stormwater Management Plan which was tied to the National Pollution Discharge Elimination System (NPDES) requirements. He said fulfillment of the regulatory requirements had been a reason for updating the plan. He underscored that the rules had changed considerably since the plan had been put into place in the 1970s and 1980s; during that time such plans were largely focused on flood control and protection of property. He related that one goal of the update was to develop a capital projects list. They had taken a comprehensive look at stormwater for Springfield beginning at a watershed level. He stated that it had involved Lane County, the City of Springfield, and the City of Eugene, though the latter had chosen not to participate. He said they had established what the runoff would be based on future conditions that had been based on the estimated build-out and the Urban Growth Boundary (UGB). He related that both the Willamette and McKenzie Rivers had water quality limitations and other regulatory issues to consider. He noted that the Eugene Water & Electric Board (EWEB) had its water intake on the McKenzie River and the Springfield Utility Board (SUB) had its intake on the Willamette River.

Mr. Walker reported that the study area had encompassed approximately 25 square miles, including 35 miles of pipe systems and 26 miles of open channels. He said the study method had been to collect data and, because it had crossed political boundaries, had taken three years. He explained that the hydrologic model characterized the rainfall and runoff and the hydraulic model characterized the conveyance of that runoff. He related that staff had used the November, 1996, storm event as a calibration point for the model, using measurements collected in the field and anecdotal evidence to adjust the model to fit that storm event. He stated that the highest priority things they had looked at were those that were consistent with the flooding projects they had come up with. He added that all of it had been a part of another part of the work done with the Lane Council of Governments (LCOG) called that Basin Characterization Project, a project that had looked at all of the waterways in and around Springfield with regard to the total maximum daily loads that the Department of Environmental Quality (DEQ) had imposed on them having to do with temperature, bacteria, and mercury. They had also looked at threats, habitat issues, industrial discharges, invasive plants, channel stability, and more. This had resulted in the 43 prioritized projects set forth – prioritized at the first level for flood control, development potential, and multi-purpose, and then staff had reviewed them from an engineering, maintenance, and planning perspective. He related that they had then placed a factor in the prioritization based on staff needs ranging from development needs to the cost of maintaining the facilities that were in place.

Ms. Moore asked if the UGB would need to be modified. Mr. Walker replied that he hoped it would be a working document and that it would be dynamic enough the City would modify it as they saw changes.

In response to a question from Mr. Sullivan, Mr. Walker assured him that they had involved EWEB in an ongoing discussion, mostly with Water Resource Protection Manager for EWEB, Karl Morgenstern. He said they had worked with Mr. Morgenstern on parameters and had a “good dialogue.” Mr. Limbird noted that Mr. Morgenstern was the contact person regarding any developments around the EWEB water intake.

Mr. Siekel-Zdzienicki asked what was meant by the term “conceptually located open channel.” Mr. Walker replied that when they had evaluated the runoff from the development that had occurred in the Jasper/Natron area they had put a line across the basin in a couple of places and had indicated that conceptually they would locate channels near there as development occurred and as runoff patterns changed.

Mr. Noble referred to Map 3 and said he assumed it had come from the Stormwater Master Plan. He noted that Map 8 indicated multiple utilities including water, wastewater, and electric. He asked if it would be a correct assumption that the map only sought to update the stormwater facilities. Mr. Walker confirmed this.

Mr. Limbird stated that the sanitary system had recently been updated with a series of planning amendments and the maps had been updated then.

Ms. Arkin asked if staff was looking at ways to divert water through bioswales and retention ponds. Mr. Walker responded that the technology along those lines was growing. He assured her that staff was always looking for better ways of managing the runoff. He said this was one reason they hoped to keep working with and modifying the plan. He underscored that it was hard to anticipate what would take place, adding that the modeling and facility planning was mostly based on conveyance.

Ms. Arkin asked Mr. Walker to describe the plans. Mr. Walker referred her to Appendix E, which described them in greater detail.

In response to a question from Mr. Sullivan, Mr. Walker underscored that EWEB was a very good steward of the McKenzie River. Mr. Sullivan surmised that the City of Eugene was comfortable in allowing EWEB to oversee the McKenzie River.

Mr. Siekel-Zdzienicki noted that three of the high priority projects, numbers 2, 3, and 12, were in wetlands in Attachment 9. He asked how the projects would address stormwater in wetlands that “were supposed to be wet.” Mr. Walker replied that technically wetlands, stormwater, and water quality management had to mesh. He said there was a precedent in a number of other communities in the state to accomplish just that.

Mr. Siekel-Zdzienicki noted that project 2 indicated that two drainage lanes traversed the wetlands. He asked how they would set up guards for the wetlands. Mr. Walker responded that those lanes were existing conditions and there had not been other projects identified to date. He noted that the projects were not specific enough to answer more detailed questions.

Mr. Siekel-Zdzienicki ascertained from Mr. Walker that riparian resource areas were generally along the rivers.

Mr. Noble asked if the conveyances were mostly open and not piped. Mr. Walker affirmed that this was so in most cases.

Mr. Noble noted that the stormwater management plan had included 43 projects but the update only contained 24. He asked why this was so. Mr. Limbird replied that only 24 rose to the criteria of significant projects and those projects necessitated the proposed amendments which was why they were being presented to the joint planning commissions.

Mr. Noble asked how many of the projects were associated with retention ponds. Mr. Walker listed approximately half a dozen. He thought it likely that they would utilize that mode of stormwater treatment in other projects as well as the design work progressed.

In response to a follow-up question from Mr. Noble, Mr. Walker stated that some projects would be unfunded. Mr. Limbird added that the funding resources were spelled out in greater detail in the Stormwater Facility Master Plan.

Mr. Noble asked why some projects had come off the list. Mr. Walker responded that they had been encompassed in other projects in the master plan or had been completed.

Ms. Arkin noted that there were four projects listed under Goal 15, the Willamette Greenway. She said the goal of the projects was to protect the water. She wondered if upgrades were being paid in part by an industry that had caused a serious spill on the river. Mr. Walker replied that the board required 36-inch pipe be included in the criteria for the smaller pipe. He noted that the industry had made many improvements since the spill. He said the industry fell under the NPDES 1200(c) permit and had to work directly with the DEQ.

Ms. Arkin asked if the outfall pipe was collecting water from the hill. Mr. Walker replied that at present the outfall pipe collected water from the Hexagon site itself. He said a small portion of the discharge came from the hill.

Ms. Arkin asked if the industry would contribute money to the project. Mr. Walker anticipated that this would be so as the design aspect came into play. He reiterated that at this point the projects were at the conceptual master planning phase.

In response to a question from Mr. Cross, Mr. Walker replied that the pipe was not part of the PFSC but it was part of the Stormwater Master Plan.

Mr. Limbird stated that staff had received a letter of testimony in opposition to the amendments after the commissioners' packets had been prepared. He passed out copies of the letter, written by Michael A. Kelly.

Mr. Noble asked if stormwater conveyances were planned for along the transportation corridors. Mr. Walker replied that some inclusion of the transportation plan features in the analysis that had been conducted in regard to impervious surfaces. He said they were aware of the corridors but when working with runoff and a numeric model at that level, this might not have been a part of the impervious surface runoff model that staff had done. He indicated that road runoff in a community was less than 30 percent of the total runoff; the rest came from rooftops and other forms of drainage. He stated that the existing system with an increment of the Trans Plan made for a pretty small fraction of the total runoff.

Mr. Cross asked if there would be more detailed plans for each project at a later date with opportunities for the public to give input. Mr. Walker assured him that there would. He said they had limited data with which to conduct more extensive analysis.

Mr. Cross asked what implications there were if the commissions moved the recommendation forward. Mr. Walker responded that the inclusion of the projects in the PFSP was related to the City's ability to pay for the projects later on. He said if the projects were not identified, Systems Development Charges (SDCs) could not be used to fund them.

Mr. Beyer clarified that it also helped to establish the formula for SDCs. He stressed that without the identified projects in the plan, those revenues would be reduced.

Mr. Siekel-Zdzienicki asked if some projects were waiting to be identified dependent on the results of the land inventory. Mr. Walker said both studies would have an impact, but those studies were to determine whether or not the City had enough reserves of residential and industrial/commercial land. Mr. Limbird added that the City could potentially look at adjustments to the UGB at that point, but these particular plan amendments only took into consideration the UGB as it was currently determined by the Metro Plan designations.

Mr. Beyer noted that he assumed that at the conclusion of the lands study process, there could be an impact on the stormwater conveyances. Mr. Walker confirmed that this was so.

In response to a question from Mr. Noble, Mr. Limbird stated that the person who submitted the letter of testimony did not reside within the UGB. Mr. Noble said it sounded like some of the current runoff already ran through the person's property. Mr. Walker responded that it appeared that the increase in flows across Mr. Kelly's property that could be attributed to development.

Ms. Moore noted that the Springfield Planning Commission intended to look at the development codes in regard to impervious surfaces at its meeting scheduled for July 7.

Mr. Cross opened the public hearing.

Stephen M. Swift, 656 Lakesonen Loop, Springfield, asked, regarding Project 122 – the 69th Street open channel, how the project had fallen under the criteria. He recalled that the creek had not flooded during the major flood event of 1996. He had lived on his property for 20 years. He was concerned that he could be assessed for part of the project, which was estimated to cost \$2.5 million. He also wondered if the project would entail the installation of a concrete pipe running down the hill.

Mr. Walker explained that the criterion related to flooding had to do with potential future development causing an increase in impervious surfaces. He said at present a portion of it was piped in two 60-inch pipes. He related that over the years there had been some maintenance issues; the flows had become high

and eroded soil from adjacent lots. He stated that a piece of the design would seek to mitigate those issues.

Mr. Swift did not feel that his lot had been eroding. He reiterated his concern about who would pay for the improvements. He noted that his property tax had increased by \$50 a month over the past year. Mr. Walker responded that there were two primary sources of funding. He explained that as people developed properties they were required to pay SDCs, in order to pay for their impact on the system.

Mr. Swift asked if he would be assessed, given that he owned property adjacent to the creek. Mr. Walker replied that he would not likely be assessed “in a noticeable fashion.” He said the property taxes that went into the general funds were primarily used for public safety services and some for city administration. He related that most stormwater projects were funded through SDCs and user fees. Mr. Beyer clarified that there would not be a specific assessment on existing properties. Mr. Swift added his feeling that the money could be used in better ways.

Mike Kelly, 86965 Mahogany Lane, Springfield, expressed his concern regarding project 3, which was also known as project 114. He underscored that his objection was specific only to that project and not to the Metro Plan amendment. He added his feeling that the plan revisions were long overdue. He was primarily concerned with the downstream impact of the project as he lived immediately downstream of the Jasper/Natron area. He predicted that a developer would propose a development that would include drainage pipes that would drain onto his property and there would be no recourse if the plan amendments were already in place. He asked that they take a time out so that a more comprehensive plan could be reviewed. He hoped that they would mention language in the plan that indicated that there would be no net increase in flows through existing meander channels. He said though the meander channels might look like they had a lot of capacity on paper, they were small weed-choked channels in reality. He asked that the commissioners stipulate that until there was a more sophisticated plan there be no net increase in flow, both in quantity and in duration.

Mr. Beyer asked what the liability of the City was in regard to increasing water intrusion. Springfield City Attorney Mary Bridget Smith replied that the City could have liability in terms of trespass and any damage that could happen as a result from an increase in flows.

Mr. Beyer asked what the plan was to address the impacts on rural areas. Mr. Walker responded that in his mind Mr. Kelly was correct – the City should form a public/private partnership in order to continue analysis. He noted that there was a similar situation in northeast Springfield.

Mr. Beyer asked Mr. Walker how they should respond to Mr. Kelly’s suggestion that they slow down the adoption process. Matt Stouder, Civil Engineer for the City of Springfield, replied that administratively they were limiting the amount of runoff occurring in the Jasper/Natron basin. He thought it would be possible to include in the requirements for development that they had to keep the same runoff volumes as existed prior to development. He noted that this sometimes made it difficult to develop.

Mr. Beyer observed that based on input from Mr. Kelly, it did not seem like this approach was working. Mr. Stouder responded the large portions of development were approved several years earlier. He said developers had been required to install retention ponds in order to detain the peak flow rates but they had not been required to maintain the volume levels.

Mr. Nobel asked what the implications would be if the commissions made a recommendation that the amendments move forward with the stipulation that the historic flow levels be maintained. Mr. Stouder replied that it would not hamper the City’s projects but it might hamper the developers’ projects. He did not think it would be inconsistent with how they had been proceeding for the past several years.

In response to a question from Mr. Sullivan, Mr. Walker said he believed that to give flexibility to people who lived downstream from development to have an alternate solution would make it more viable to continue development of urban areas.

Tom Philip, representing **Susanna Bajkin**, 3973 Dillard Road, Eugene, explained that his daughter owned a lot in the area of one of the proposed projects. He had looked at the project and observed that there was a drainage buffer of 300 feet along the property. He also owned a lot across the street. He was a little confused because the property was dry and he had never seen a disastrous situation occur there. He wanted to ensure that their properties would not be affected.

Mr. Limbird explained that the 300 foot buffer referred to everyone who was to receive notice of the hearing. He said anyone who was within 300 feet of a project was required to be notified of the proposed plan amendments. He related that several thousand notices had been sent out to property owners. He said in looking at the summary table for project 2, it fell under the category of open water quality and flood control and was referred to as the 75th Street Channel. He stated that this project was taken from the Stormwater Facility Master Plan and not the PFSP and as such the details were in the master plan. He explained that possible outcomes were the development of a water treatment pond or some type of swale located “somewhere around” 75th Street.

Mr. Philip stated that the church was located on the east side of his lot and there was a bioswale located on the church property. He said the church would likely expand its facilities and wondered what the implications would be. Mr. Limbird responded that such an expansion would typically trigger a site plan review and then the City would look at the site and how the stormwater was being treated. He said if the church decided to add to its parking capacity it could trigger more mitigation measures for runoff, but in general the amendments and the project summary were for potential development.

Mr. Philip asked if there would be an easement. Mr. Walker stated that the specifics and area of the project were not identified. He said the plan did not provide for land acquisition if additional land was needed.

Mr. Limbird related that as urban development occurred it carried forward the framework of the current development. He said it was a reasonable expectation that there would be some type of land contribution toward the city infrastructure for streets, storm sewer, drainage, etc. He stated that this would be factored into the overall development plan. He did not think this would entail retroactive measures taken on existing property.

Warren Boyd, 147-75th Street, Springfield, stated that he was pastor of the church that Mr. Philip referred to. He wanted to ensure that the buffer was not an easement. He said the church could not afford to lose property. He observed that Attachment 13 indicated that they were identifying 2000 feet of pipe and 6,500 feet of open drainage and asked what was meant by that.

Mr. Stouder thought this meant the entire segment of the channel and pipe.

Mr. Boyd surmised that this project included all of the church property. He said the ditch served as a “freeway” for the deer. He would hate to see a pipe placed there because it could cause more deer to be killed on the highway. He related that the “only thing” that happened that was related to drainage was that the ditch along the highway filled up on occasion and drained into the church parking lot, but the ditch in question was “absolutely necessary.”

Mr. Walker stressed that the final design for the project was not in place. He did not know what details would be worked out when the planning for the projects was finalized. He said part of the pipe was already in existence and needed to be upgraded and another part may need to be added. He stated that what they had done was to put some infrastructure into a numeric model that would make it work. Whether or not this worked on the ground would take a lot more analysis.

In response to Mr. Noble, Mr. Walker stated that there was no easement currently. Mr. Limbird added that he had not seen a situation where there would be a 150 foot setback except in the case of the Millrace or the McKenzie River and even then it was only a buffer that triggered site review for development.

Mr. Sullivan ascertained that the Lane County Planning Commission would take action on the amendments on July 29 and the Springfield Planning Commission planned to do so on July 22.

Mr. Noble asked, regarding the gentleman concerned about assessments for the stormwater improvements, if this was not a typical funding strategy. Mr. Walker responded that when streets were reconstructed and a street was assessed to the benefiting property owners, if there were stormwater amenities that benefited the properties, if the stormwater facilities were above the local needs the City would pay the difference above what was the actual benefit to the properties. As far as he knew, no straight stormwater project had been assessed to abutting property owners.

Mr. Sullivan commented that he would not support a motion that did not also stipulate that the elected officials had an opportunity to see the downstream properties that would be affected by the construction of the projects and that the City also should provide two or three potential solutions. He thought the motion should include some specific language set forth by Mr. Kelly, given that he had some expertise in engineering.

Mr. Limbird conveyed staff's recommendation to support the amendments.

Chairs Cross and Arkin closed the public hearing.

Mr. Beyer echoed Mr. Sullivan's concerns. He averred that Mr. Kelly raised some good points.

Mr. Beyer, seconded by Mr. Kirschenmann, moved that the Springfield Planning Commission recommend adoption of the master plan to the City Council with the added condition that the council consider added options provided by the staff for treating flow on downstream properties.

Mr. Sullivan moved to recommend to the Lane County Board of County Commissioners to approve the proposed amendment to the public facilities and service element of the Metro Plan and the Public Facilities and Service Plan as requested by Springfield in journal # LRP 2008-00016, with the stipulation that the City of Springfield identify potential downstream properties affected by the proposed projects. In addition, the impact and potential solutions should be identified by the Springfield staff, such as public/private partnerships.

Mr. Siekel-Zdzienicki indicated that he would prefer to be more specific and include an adverb or adjective to explain why.

Mr. Noble provided a second to Mr. Sullivan's motion.

Ms. Arkin agreed with the intent of the motion but wondered if they could include downstream properties and natural areas.

Mr. Sullivan said he would not accept that as a friendly amendment. He averred that Springfield had a boundary they had to address.

Mr. Smith thought the motion, as set forth, was a good idea. He believed they needed to protect people who were affected by development. He thought the elected officials could take the commissions' condition and address it.

Ms. Arkin thought they should reinforce it.

Mr. Kirschenmann agreed with Mr. Sullivan. He said he had done work on a development and he had seen the impacts of stormwater flow from one yard to the next. He hoped that this would address the issue legislatively.

Mr. Noble indicated he would support the motion. He felt that they needed to ensure collectively that they were protecting their water. He wanted to make sure “on a micro-level” that the staffs were working on the details and were using bioswales and open ditch drainage where possible.

Mr. Sullivan averred that the water issue was too big to “mess with” incorrectly. He shared his concern about the lack of Eugene involvement.

Ms. Arkin ascertained from staff that the Eugene Planning Commission had been invited to participate and had declined.

Ms. Arkin supported the motion fundamentally but felt that Mr. Kelly had made points that they had not addressed. She questioned whether they should conduct a comprehensive plan before amending the Metro Plan. She believed they should. She opined that they should do the overarching guidance policies and not after the fact. She would be hesitant to support the motion as it was set forth.

The Springfield Planning Commission passed the motion unanimously, 6:0.

The Lane County Planning Commission passed the motion, 4:1; Ms. Arkin dissenting.

Mr. Cross adjourned the meeting of the Springfield Planning Commission and Ms. Arkin adjourned the meeting of the Lane County Planning Commission at 7:32 p.m.

(Recorded by Ruth Atcherson)