

# MINUTES

Joint Elected Officials  
Public Hearing  
Eugene City Council/Springfield City Council/Lane Board of County Commissioners  
Bascom-Tykeson Room—Eugene Public Library

June 24, 2008  
7:30 p.m.

EUGENE CITY COUNCILORS PRESENT: Betty Taylor, Bonny Bettman, Jennifer Solomon, Andrea Ortiz, George Poling. Councilors Alan Zelenka, Mike Clark, and Chris Pryor were absent.

SPRINGFIELD CITY COUNCILORS PRESENT: Mayor Sid Leiken, Councilors John Woodrow Christine Lundberg, Hillary Wylie, Anne Ballew. Councilors Joe Pishioneri and Dave Ralston were excused.

COMMISSIONERS PRESENT: Faye Stewart, Bobby Green, Peter Sorenson, Bill Fleenor, Bill Dwyer.

## A. PUBLIC HEARING:

**An Ordinance Amending the Eugene-Springfield Metro Plan Text; Amending the Willakenzie Area Plan Text; Adopting an Exception to Statewide Planning Goal 15 Willamette River Greenway; Adopting Severability and Savings Clauses; and Providing an Effective Date (I-5 Willamette Bridge Project, Eugene files MA 07-3, RA 08-1; Springfield file LRP2007-00010; Lane County file PA08-5230)**

### *Call to Order – Three Governing Bodies*

Councilor Bettman convened the Eugene City Council and reviewed the rules for testimony.

His Honor Mayor Sid Leiken convened the Springfield City Council. He requested that Greg Mott, Springfield Planning Manager, read the portion of the ordinance that would affect the City of Springfield into the record. Mr. Mott did so.

Commissioner Stewart convened the Lane Board of County Commissioners. He read the portion of the ordinance applicable to Lane County into the record. He opened the public hearing.

Councilor Bettman stated that the actions in the ordinance were quasi-judicial and asked councilors to declare *ex parte* contacts or conflicts of interest.

Councilor Bettman said she had received a call from David Sonnichsen and she had requested that he submit his comments in writing.

Mayor Leiken ascertained that no Springfield councilors had *ex parte* contacts or conflicts of interest. He stated for the record that he had a conversation with Congressman Peter DeFazio regarding the issue. He said Rep. DeFazio had indicated he felt he had a commitment from the Oregon Department of Transportation (ODOT) for the bridge to potentially have ramps in the future and wanted to ensure that the Mayor knew that.

Commissioner Stewart asked if his colleagues had any *ex parte* contacts or conflicts of interest to disclose.

Commissioner Dwyer indicated that he had a conversation with Rep. DeFazio regarding ramps, similar to Mayor Leiken's conversation.

### ***Introduction of Topic and Background Information***

Councilor Bettman called for the staff report.

Heather O'Donnell, Associate Planner for the Eugene Planning and Development Department, provided the report. She stated that the focus of the joint elected officials hearing was on approval of a Metro Plan text amendment and a Willakenzie Refinement Plan text amendment for the Interstate 5 Willamette River bridge project. She indicated that Attachment C delineated the project area. She explained that this was one of the earlier steps in the process, among multiple steps. She said if the amendments were approved the project details would be reviewed during other land use approval processes, such as the City of Eugene's Willamette Greenway Permit and Water Resources Conservation Overlay Zones and a Standards Review and the City of Springfield's 75 Foot Riparian Setback Review. She stated that the subject policies would be amended to include an exception for the proposed Interstate 5 Bridge.

Ms. O'Donnell reported that Mr. Sonnichsen had submitted an email, copies of which were provided to the Joint Elected Officials.

Ms. O'Donnell stated that the Planning Commissions of Eugene, Springfield, and Lane County had held a joint public hearing and deliberations to consider the request and had voted unanimously to forward a recommendation of approval to the Joint Elected Officials. She further stated that the Eugene City Council was scheduled to take action on July 28; Springfield City Council was scheduled to take action on July 21; and the Lane County Board of Commissioners planned to hold the third reading of the proposed amendments on June 25 with a possible fourth reading to be held on July 30.

### ***Open Public Hearing***

Councilor Bettman reviewed the hearing procedure. She stated that the purpose of the hearing was to receive relevant testimony, arguments, and evidence presented regarding the amendments under consideration and that testimony must address the approval. She said failure to raise an issue with sufficient specificity to allow the City Councils and Board of Commissioners to respond would preclude the issue from being raised in an appeal to the Land Use Board of Appeals (LUBA).

Councilor Bettman opened the public hearing and called for testimony from the applicant.

**Tim Dodson**, 3258 Northwest Countryman Circle, Albany, explained that he was the ODOT Project Manager for the bridge project. He pointed out that the project would be constructed entirely in the ODOT right-of-way. He reported that the Environmental Assessment document had been completed, but ODOT needed the plan amendments approved before it could be signed. He said ODOT had hired OBEC Engineering Consultants to begin engineering work and Hamilton Construction had been hired to be the contractor. He related that preliminary design work was underway and they planned to select the type of bridge on August 8. He stated that it was hoped that 60 percent of the design work would be completed by January for the purpose of obtaining permits with the ultimate goal of having the bridge completed by December 12, 2012.

Mr. Dodson outlined the public input process ODOT had undertaken, which included engaging local involvement whenever possible and a regularly updated Website that had been available since 2006. He related that an advisory group had been convened that represented the neighborhoods, the parks, the University, and the Chambers of Commerce and had met for 11 three-hour meetings. He said ODOT had held three open houses in each city, had met with neighborhood associations, and had held design workshops to help inform the bridge designers. He stated that ODOT had received comments on the environmental assessment and had conducted a Web survey, responded to by 1,285 people.

Mr. Dodson underscored the urgency regarding the schedule. He said it was critical to gain approval of the amendments in order to begin work in 2009. He urged the Joint Elected Officials to help ODOT meet its schedule by approving the amendments before them.

**Mark Greenfield**, 495 Northwest Greenleaf, Portland, land use consultant for ODOT, pointed out that city and county staffs had recommended approval based on compliance with all of the applicable standards, including local code standards. He underscored the need for an exception to the Metro Plan in order to place a non-dependent transportation facility in the Willamette River Greenway, which would require some fill. He stated that it would not have a significant effect on the greenway and because the development would be entirely within the Willamette Greenway there would be no reduction in the amount of permanent open space available in the surrounding park land – public access to the river would be maintained as would the bicycle and pedestrian paths. He said impacts to significant natural resources in the area would be addressed through the permitting processes of the two municipalities and could be mitigated. He also noted that the new bridge would reduce the number of piers in the water to only one.

Councilor Bettman called for testimony that was neither in favor nor opposed.

**Charles Biggs**, 540 Antelope Way, indicated that he lived within the Willakenzie Area Plan. He was neutral on the change because he was uncertain of the impacts. He felt that placing additional fill would raise the water level and increase flood levels in the flood plains. He asked if ODOT had conducted hydrological studies on how the fill would impact surrounding areas. He conveyed a request by Mr. Sonnichsen to hold the record open for seven days.

**Lauri Segal**, 642 Charnelton Street, expressed disappointment that much of the community focus had been on design elements. She averred that there were still legal issues to be resolved. She asked why Division 20 of Oregon Administrative Rule (OAR) 660 was not relevant. She related that it was the Willamette River Greenway portion of the OAR. She thought ODOT had jurisdiction over plan segments in the Greenway, identified in the OAR and the Land Conservation and Development Commission (LCDC) adopted the plan segments. She asserted that procedures had to be followed when amending the plan. She wanted to know if it was relevant to the proposal to make the bridge larger. She alleged that talk of ramps would fall under segmentation issues and federal highway law. She wondered if the plan segment plan had relevance to ODOT's plan and, if so, why the Oregon State Department of Parks and Recreation had not received notice of the proposal. She asserted that the Oregon Department of Fish & Wildlife (ODF&W) also had not received notice and should be notified.

**John Dotson**, 2447 Canterbury Lane, said he was neutral to the project. He considered the Metro Plan to be "another layer of bureaucracy." He felt that the Lane Council of Governments (LCOG) and the Metro Plan were intended to dilute the authority of the county commissioners and blur the lines between the cities. He averred that this had created procedures of stagnant growth. He suggested that the Metro Plan and LCOG be disassembled.

Councilor Bettman called for testimony in opposition.

**Mark Rabinowitz**, PO Box 51222, supported a stronger bridge, but not a wider bridge. He predicted that traffic would be reduced given the rising price of fuel and that oil production was falling. He opposed “a rubber stamp” to widening an interstate. He cited the directive from the Environmental Protection Act (EPA) that new circumstances should be considered. He believed that the end of cheap oil and climate change were new circumstances. He asserted that the environmental assessment refused to address comments regarding traffic issues. He declared that there would no longer be money to replace bridges “over and over.” He averred that the new bridge would cost less and create less impact if it was not widened.

Councilor Bettman called for staff response to testimony.

Ms. O’Donnell stated that the preliminary hydrological analysis from ODOT determined that Pier Option A would result in an increase of .02 feet over existing conditions for a 100-year flood event and Pier Option B would result in a decrease of .54 feet. She said the discussion began on page 26 of the findings and was within the context of the policies.

In response to a question from Councilor Bettman, Ms. O’Donnell affirmed that staff would provide specific responses to questions.

Councilor Bettman called for the applicant’s rebuttal.

Mr. Dodson clarified that the detour bridge project had placed 61,000 cubic yards of fill into the flood plain and the permanent bridge would remove approximately half of that fill. He stated that Oregon State Parks had been involved in the project, as had been the ODF&W. He stressed that all of the regulatory agencies had been involved in the process.

Regarding the width of the bridge, Mr. Dodson stated that it was mandated by the Federal Highway Administration (FHWA) to be no less than 64 feet from curb to curb in each direction. He said the project had to comply because it was utilizing federal dollars.

Mr. Stringfield added that there were no ramps being considered for the project at this time. He said while the bridge would be built to ultimately accommodate three lanes in each direction, it would only be striped for two lanes. He said the ultimate expansion to three lanes was part of the TransPlan as a future project. In regard to concerns that the project was not applying the right criteria, he stressed that ODOT had to apply the criteria for taking exception to put fill in the greenway.

Councilor Bettman called for questions and comments from the elected officials.

Commissioner Fleenor asked if ODF&W had been contacted with regard to the potential effect of the bridge project on fisheries.

Councilor Bettman asked if the applicants could legally respond to questions in a quasi-judicial proceeding. Eugene City Attorney Kathryn Brotherton advised the elected officials to ask questions of staff and allow staff to respond to them.

Ms. O'Donnell indicated that she would find the answer to Commissioner Fleenor's question and respond in writing.

Mayor Leiken assumed that a demolition permit would be required to remove the temporary and current bridges. He asked if the two cities would be involved in the permitting process. Mr. Mott replied that they would not be involved in authorizing such a permit.

Councilor Taylor said she was confused by the statement that the completed bridge would only have two lanes but would be wide enough for three lanes. She asked if that meant that the lanes would be extra wide. Ms. O'Donnell explained that the road would have extra wide shoulders. She added that she would include this in her written response.

Commissioner Sorenson asked if the elected officials were approving the bridge or were they approving the use of the land within the greenway. Ms. O'Donnell reiterated that the proceeding was seeking approval for a text amendment to the Metro Plan and the refinement plan in order for the bridge to be considered.

In response to a follow-up question from Commissioner Sorenson, Ms. O'Donnell repeated the information provided in the staff report regarding what other permits and processes the project would have to go through for the City of Eugene. She noted that ODOT would also have to acquire a flood plain development permit, only applicable to the portion that was outside of the ODOT right-of-way. Mr. Mott listed the permits that ODOT would need to apply for in the City of Springfield, which included a permit to develop within the greenway, a permit to develop within the flood plain, and, if there would be any kind of tree removal, a tree felling permit. He said the application of those permits applied within the boundary of Springfield.

Commissioner Sorenson asked if the size of the bridge was relevant to the present decision. Ms. O'Donnell responded that the fact that the proposed bridge would be built within the existing ODOT right-of-way meant that it was not relevant to the present decision. She stated that if the bridge were designed to be built outside of the right-of-way, ODOT would have to provide more information and a detailed review of pier locations, vegetation removal, and so on.

Commissioner Dwyer asked what permits would be required by the County. Stephanie Schultz, Planner for the Lane County Planning Department, replied that no permits would be required by the County; the County was only required to provide its approval for the amendment to the Metro Plan.

Councilor Bettman averred that the findings indicated there would be no change in use but she thought the noise and fill levels were only related to the temporary bridge use. She found this illogical. She asserted that the new bridge was actually capacity enhancement and not a replacement project. She asked what an average lane width for an Interstate 5 lane was. Ms. O'Donnell replied that she did not know.

Councilor Bettman asked what the bridge would cost in transit money. She wanted to know if the project was in the Regional Transportation Plan. She also asked if there was any local money from the cities or the County. Ms. O'Donnell said she would provide those answers in her written response.

Commissioner Fleenor asked if the three-lane width would be in addition to an emergency pull-off. Ms. O'Donnell replied that she would include the answer in her written response. She noted that it was her understanding that striping the bridge for additional lanes was a project identified in the TransPlan but it was a separate project. She stressed that typical replacement projects did not appear in that plan. She

explained that when the striping was proposed at some future point there would have to be another federal process that would include hearings. She thought the concerns related to additional traffic and noise would be addressed at that future point.

Chris Henry, Transportation Planning Engineer for the City of Eugene, clarified that the road was planned to be 64 feet from curb to curb and an extra four feet was included for a barrier on the inside and outside of the bridge. He assured Commissioner Fleenor that the bridge would include shoulders on both sides for emergency break-downs or emergency services and that the road would be striped for two lanes consistent with the interstate elsewhere. He cited, as an example, the bridge over the Santiam River as it had recently been constructed to a width that could accommodate three lanes if needed in the future but was currently striped for two.

Commissioner Green requested that a copy of the written response to questions be provided for everyone.

Commissioner Sorenson wanted to ask questions regarding the transportation implications of the decision. He related that lists had been made of projects that were to be done in the short-term and projects that were to be done in the future and asked where this project would fall on the list. Ms. O'Donnell responded that she would include the answer in the written response. Mr. Henry added that he believed the project had been identified for Oregon Transportation Improvement Act (OTIA) 2 and OTIA 3 funding by ODOT and had been included in the Metropolitan Transportation Improvement Program (MTIP). He said it had not existed as an identified TransPlan project because it had not been known at the time that the bridge was broken.

Councilor Bettman reiterated that she considered it a capacity project and asked, given this, why it did not include consideration for pedestrians and bicycles. Ms. O'Donnell responded that at this point what was being considered was a high policy question regarding whether or not the bridge replacement made sense and should be considered. She stated that those other considerations would be addressed at the time that the decision to propose striping the bridge for three lanes was made.

Councilor Bettman asserted that this was actually bridge expansion and not bridge replacement. She repeated her concerns regarding the proposal referring to a replacement bridge and that it did not take into consideration the changes that would result from expansion to three lanes. She said the figures for the amount of fill in the river disregarded existing fill. She averred that all of the findings needed to be corrected.

Councilor Bettman asked if both bridges would be identical. Ms. O'Donnell responded that the design work had not been completed to that point; the project was in the conceptual phase.

In response to a follow-up question from Councilor Bettman, Ms. O'Donnell clarified that what was under consideration at the hearing was not a Willamette Greenway Permit, which was a Type 3 Land Use Application. She explained that such an application would look at the bridge design and the impacts to riparian features.

Councilor Bettman averred that the amendments under consideration did not predict the design of the bridge.

Commissioner Dwyer understood from the preliminary design that the concept for the bridge was a cantilevered single pier bridge. Ms. O'Donnell responded that the Plan Options A and B submitted by ODOT indicated that they were considering a bridge with one pier in the water under both bridges, one

pier in the water possibly for one or both bridges on the south shore, and both piers on land on the north shore.

Mayor Leiken asked if the design of the bridge could accommodate ramps in the future. Ms. O'Donnell responded that if the record was left open the applicant could respond to this but staff was not looking at the design at this point.

Councilor Ballew said ODOT had gone through a lengthy process. She was not certain what would be accomplished by leaving the record open. She underscored that when the bridge reached the design phase there would be more opportunity for review and for public input. She stated that it would assist ODOT if the elected officials could allow the process to proceed.

Councilor Bettman asked if ODOT had looked at alternative plans for the plan, such as a four-lane bridge. She wondered what that would have cost. Ms. O'Donnell did not have the actual cost analysis, but she believed that the applicant did respond to the issue and had determined that the design of two bridges would create less of an environmental and an economic impact.

Councilor Ortiz, seconded by Councilor Taylor, moved to leave the record open for seven days for the City of Eugene. The motion passed unanimously, 5:0.

Mayor Leiken called for a motion from the councilors of Springfield. None were offered.

Commissioner Dwyer asked when this would end and whether they would have to convene another meeting of the Joint Elected Officials. Commissioner Stewart noted that the third reading of the ordinance was scheduled for the following day. Assistant County Counsel Stephen Vorhes clarified that if the record was left open it meant the hearing was closed and the deliberation or continuation of the reading could extend to the point where the record was closed, staff would be allowed to respond to questions and answers, and then each entity could take up deliberation at their respective times. He said unless there was a desire to continue the hearing, all that needed to be considered would be when the next meeting was scheduled to deliberate on the ordinance before the Board.

Commissioner Stewart ascertained from legal counsel that leaving the record open did not affect the three dates scheduled for the different jurisdictions to take action.

Commissioner Green asked what complications might arise if one entity closed the record and another kept it open. Ms. Brotherton responded that it was not impossible. She said if the record was not left open for everyone, the entity for which the record would be closed would not have access to further information.

Commissioner Dwyer, seconded by Commissioner Sorensonn, moved to keep the record open for seven days for the Lane County Board of Commissioners with an additional five days for the Oregon Department of Transportation to respond.

Councilor Bettman said the Eugene council motion was for only seven days. She felt that ODOT could respond to staff if necessary.

Commissioner Dwyer amended his motion so that the record would only be open for seven days. The second was amenable to the change. The motion passed unanimously, 5:0.

Councilor Wylie moved to keep the record open for the Springfield City Council. The motion died for lack of a second.

***Close Public Hearing***

Councilor Bettman closed the public hearing for the Eugene City Council.

Mayor Leiken closed the public hearing for the Springfield City Council.

Commissioner Stewart closed the public hearing for the Lane County Board of Commissioners.

***Adjournment***

Mr. Stringfield requested a list of the questions that had been asked.

Councilor Bettman adjourned the meeting at 8:45 p.m.

Respectfully submitted,

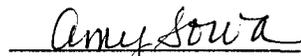
Jon Ruiz

(Recorded by Ruth Atcherson)



Sidney W. Leiken  
Mayor

Attest:

  
City Recorder