

JEO #1.

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**AGENDA ITEM SUMMARY**

**SPRINGFIELD  
CITY COUNCIL**

**Meeting Date:** September 22, 2009  
**Meeting Type:** Regular Meeting  
**Staff Contact/Dept.:** Mark Metzger  
**Staff Phone No:** 726-3775  
**Estimated Time:** 30 Minutes  
**Council Goals:** Maintain and Improve  
Infrastructure and  
Facilities

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**ITEM TITLE:** SOUTH BANK VIADUCT METRO PLAN AMENDMENT

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**ACTION REQUESTED:** Conduct a first reading and public hearing on AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN TEXT, CHAPTER III, SECTION D, POLICY # 11; ADOPTING AN EXCEPTION TO STATEWIDE PLANNING GOAL 15 WILLAMETTE RIVER GREENWAY; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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**ISSUE STATEMENT:** A Metro Plan text amendment and an exception to Statewide Planning Goal 15—Willamette River Greenway are necessary for the construction of a bicycle/pedestrian viaduct structure (South Bank Viaduct) beneath the Willamette River I-5 Bridges. The viaduct will allow the future development of a riverfront path on the south bank of the Willamette River, connecting Eugene and Springfield through Glenwood.

Metro Plan policy #D.11 of Chapter III-D (Willamette River Greenway, River Corridors and Water Ways Element) requires the taking of an exception "*if a non-water dependent transportation facility requires placing of fill within the Willamette River Greenway setback.*" Viaduct construction may require fill to be placed within the Willamette River Greenway setback.

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**ATTACHMENTS:** Attachment 1: Adopting Ordinance  
Attachment 2: Staff Report (Exhibit A to the Adopting Ordinance)  
Attachment 3: Planning Commission Recommendation and Draft Hearing Minutes

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**DISCUSSION/  
FINANCIAL  
IMPACT:** Eugene-Springfield has one of the largest networks of riverfront bicycle and pedestrian facilities in the state. The current connection between Eugene and Springfield is limited to the north side of the Willamette River. The extensive south bank Willamette River path system in Eugene ends at Interstate 5 because of the physical barriers created by both the existing I-5 bridges and the proximity of Franklin Boulevard (OR 126B) to the Willamette River. Users traveling between the two cities along the south side of the Willamette River must cross to the north side of the river near the I-5 bridge or divert to the shoulders of Franklin Boulevard (OR 126B), a high speed arterial street.

An ODOT Transportation Enhancement Grant of almost \$1 million, together with \$250,000 in OTIA funds and about \$140,000 in donated materials will be used to fund the South Bank Viaduct project. The timing of the project will allow reuse of several concrete box beams from the Willamette River Detour Bridge on the viaduct project. As the I-5 replacement bridges are completed, and the detour bridge is removed, the South Bank Viaduct will be constructed.

The Central Lane MPO Regional Transportation Plan, TransPlan, the Glenwood Refinement Plan and Willamalane Park and Recreation District Comprehensive Plan, call for the continuation of the Willamette River "South Bank Path" through Glenwood to Springfield. Construction of the South Bank Viaduct is essential to the continuation and development of the South Bank Path.

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AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN TEXT, CHAPTER III, SECTION D, POLICY # 11; ADOPTING AN EXCEPTION TO STATEWIDE PLANNING GOAL 15 WILLAMETTE RIVER GREENWAY; ADOPTING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Policy #11 of Chapter III, Section D of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) requires the taking of an exception to Statewide Goal 15 if a non-water-dependent transportation facility requires placing fill within the Willamette Greenway; and

WHEREAS, on July 7, 2009, the Springfield City Council adopted a resolution initiating a Metro Plan amendment to add language to Policy #11 of Chapter III, Section D of the Plan establishing an exception to Statewide Planning Goal 15 (Willamette Greenway) for the purpose of constructing a bicycle viaduct underneath the I-5 bridges on the South Bank of the Willamette River; and

WHEREAS, Chapter IV of the Eugene -Springfield Metropolitan Area General Plan (Metro Plan) sets forth procedures for amendment of the Metro Plan, which for Springfield are implemented by provisions of Section 5.14-100 of the Springfield Development Code; and

WHEREAS, following an September 1, 2009 joint public hearing with the Eugene and Lane County Planning Commissions, the Springfield Planning Commission, on September 1, 2009 recommended Metro Plan amendments taking an exception to Statewide Planning Goal 15 Willamette River Greenway, to the Springfield City Council; and

WHEREAS, the City Council conducted a joint public hearing on this amendment on September 22, 2009, with the Eugene City Council and the Lane County Board of Commissioners, and is now ready to take action based on the above recommendations and evidence and testimony already in the record as well as the evidence and testimony presented at the joint elected officials public hearing; and

WHEREAS, substantial evidence exists within the record demonstrating that the proposal meets the requirements of the Metro Plan, Springfield Development Code and applicable state and local law as described in the findings attached as Exhibit A, and which are adopted in support of this Ordinance.

NOW, THEREFORE, the Common Council of the City of Springfield does ordain as follows:

Section 1: The Metro Plan Policy #11, Chapter III, Section D. Is hereby amended by the addition of the following paragraph:

*"An exception to Statewide Planning Goal 15 Willamette River Greenway was approved by the cities of Eugene and Springfield and by Lane County authorizing construction of a bike path viaduct beneath the I-5 bridges, along the south bank of the Willamette River. The exception authorizes construction of the bike path viaduct including the fill and removal of fill necessary to build the structure. This exception*

*satisfies the criteria of Oregon Administrative Rules (OAR) 660-004-0022 (6) Willamette Greenway and the exception requirements of OAR 660-004-0020 Goal 2, Part II (c) for a 'reasons' exception. Pursuant to OAR 660-004-0015, this exception is hereby adopted as an amendment to the Metro Plan text, Policy D. 11, Chapter III, Section D."*

**Section 2:** The Metro Plan is hereby amended to include the findings of fact and conclusions supporting a "reasons" exception to Statewide Planning Goal 15 and demonstrating compliance with OAR 660-004-0015, 660-004-0020 and 660-004-0022 (5) attached hereto as Exhibit A, and incorporated herein by this reference.

**Section 3:** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section 4:** Notwithstanding the effective date of ordinances as provided by Section 2.110 of the Springfield Municipal Code 1997, this ordinance shall become effective 30 days from the date of passage by the City Council and approval by the Mayor, or upon the date of acknowledgement as provided in ORS 197.625, whichever date is later, provided that by that date the Eugene City Council and the Lane County Board of Commissioners have adopted ordinances containing identical provisions to those described in Sections 1 and 2 of this Ordinance.

Adopted by the Common Council of the City of Springfield this \_\_\_\_ day of September, 2009 by a vote of \_\_\_\_ in favor and \_\_\_\_ against.

Approved by the Mayor of the City of Springfield this \_\_\_\_ day of September, 2009.

REVIEWED & APPROVED  
AS TO FORM

*Joseph J. L. Smith*  
DATE: 8/24/09  
OFFICE OF CITY ATTORNEY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

**South Bank Viaduct Metro Plan Amendment and Goal 15 Exception  
Staff Report  
September 22, 2009**

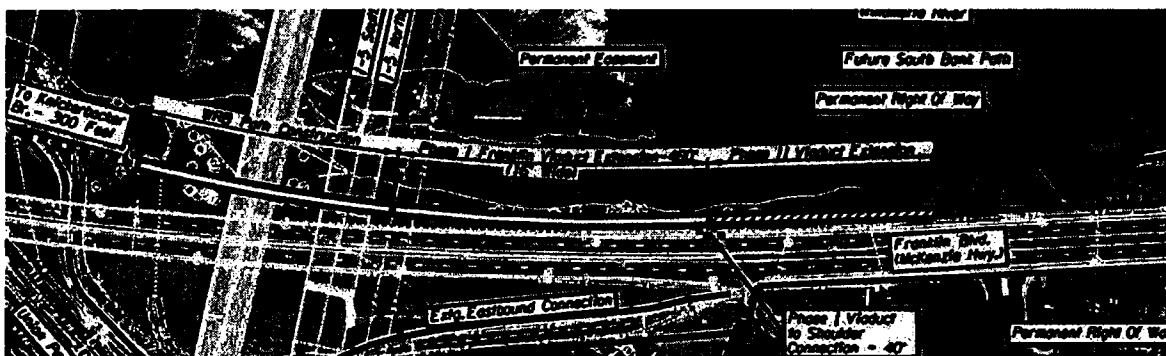
<b>Applicants:</b> City of Springfield (initiated the amendment) City of Eugene Lane County	<b>Local File No.s:</b> Springfield File No. LRP2009-00005 Eugene File No. MA 09-4 Lane County File No. PA09-5472
<b>Request:</b> To amend the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) text to include an exception to Statewide Planning Goal 15 to allow construction of a bicycle viaduct underneath the Willamette River I-5 Bridge.	<b>ProcedureType:</b> Type I Metro Plan Amendment
<b>Attachments:</b>  Attachment 1: Metro Plan text amendment language. Attachment 2: Diagram showing the approximate location of the proposed South Bank Viaduct	

**I. Executive Summary**

Eugene-Springfield has one of the largest networks of riverfront bicycle and pedestrian facilities in the state. The current connection between Eugene and Springfield is limited to the north side of the Willamette River. The extensive south bank Willamette River path system in Eugene ends at Interstate 5 because of the physical barriers created by both the existing I-5 bridges and the proximity of Franklin Boulevard (OR 126B) to the Willamette River. Users traveling between the two cities along the south side of the Willamette River must cross to the north side of the river near the I-5 bridge or divert to the shoulders of Franklin Boulevard (OR 126B), a high speed arterial street.

Many planning documents, including the Central Lane MPO Regional Transportation Plan, TransPlan, the Glenwood Refinement Plan and Willamalane Park and Recreation District Comprehensive Plan, call for the continuation of the Willamette River South Bank Path through Glenwood to Springfield. Construction of the South Bank Viaduct is essential to the continuation and development of the South Bank Path. The combined viaduct and path facilities (the combined facilities referred to hereafter as the viaduct) will provide a safer, more pleasant experience for recreational and commuter bicyclists and pedestrians traveling between Eugene and Springfield through Glenwood.

The proposed viaduct will be about 16 feet wide and 1,100 feet in length. It will connect to the South Bank Path at the point where it currently diverts away from the river in Eugene, just west of the I-5 bridges. The viaduct will elevate the bike/pedestrian path and move it out away from the steep bank near the I-5 bridges, and return to the riverbank at a point where the path can continue to Glenwood. The proposed structure will hug the shoreline, minimizing its impact on the river. Some supporting columns will be placed in the river to support the viaduct as it bypasses the slope barrier.



The South Bank Viaduct has wide support from local jurisdictions and agencies. The following jurisdictions, agencies and communities have expressed support the South Bank Viaduct:

- City of Eugene
- City of Springfield
- Metropolitan Policy Committee (MPO)
- Willamalane Parks and Recreation District
- Springfield Economic and Development Agency
- Eugene Bicycle and Pedestrian Advisory Committee
- Lane County Board of Commissioners

An ODOT Transportation Enhancement Grant of almost \$1 million, together with \$250,000 in OTIA funds and about \$140,000 in donated materials will be used to fund the South Bank Viaduct project. The timing of the project will allow reuse of multiple concrete box beams from the Willamette River detour bridge on the viaduct project. As the I-5 replacement bridges are completed, and the detour bridge is removed, the South Bank Viaduct will be constructed.

Approval of the proposed Metro Plan amendment allows for the consideration of fill within the Willamette River Greenway for the purpose of constructing the South Bank Viaduct. Approval of the amendment does not negate the authority of agencies to oversee the design and construction of the viaduct to avoid, minimize or mitigate impacts that the construction and use of the facility might have on the River. The South Bank Viaduct will undergo NEPA review to assess potential environmental impacts and to secure the needed approvals for construction of the structure.

### Goal 15 Exception

Policy D.11 of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) states in part: *"The taking of an exception is required if a non-water-dependent transportation facility requires placing of fill within the Willamette River Greenway setback."* Eugene, Springfield and Lane County are jointly requesting this Metro Plan text amendment with the Goal 15 exception.

The proposed text amendment adds the following language to policy #D.11 of Chapter III-D Willamette River Greenway, River Corridors and Waterways Element:

*"An exception to Statewide Planning Goal 15 Willamette River Greenway was approved by the cities of Eugene and Springfield and by Lane County authorizing construction of a bike path viaduct beneath the I-5 bridges, along the south bank of the Willamette River in Eugene and Glenwood. The exception authorizes construction of the bike path viaduct including the fill and removal of fill necessary to build*

*the structure. This exception satisfies the criteria of Oregon Administrative Rules (OAR) 660-004-0022 (6) Willamette Greenway and the exception requirements of OAR 660-004-0020 Goal 2, Part II (c) for a 'reasons' exception. Pursuant to OAR 660-004-0015, this exception is hereby adopted as an amendment to the Metro Plan text, Policy D. 11, Chapter III, Section D."*

## **Conclusion and Recommendation of Staff**

The proposed Metro Plan amendments and exception to Statewide Planning Goal 15 is required by Policy D.11 of Chapter III-D (Willamette River Greenway, River Corridors and Water Ways Element). The Staff Report accompanying this memorandum includes findings demonstrating conformance with the criteria for Metro Plan amendments found in Chapter 5, Section 5.14-135(C) of the Springfield Development Code. The same criteria for approving a Metro Plan amendment are found in Eugene Code 9.7730(3) and Section 12.225(2) (a&b) of the Lane Code. The proposed amendments are also consistent with the approval criteria for a Goal 15 exception found in Oregon Administrative Rules (OAR) 660-004-0022 (6) Willamette Greenway and the exception requirements of OAR 660-004-0020 Goal 2, Part II (c) for a 'reasons' exception, and pursuant to OAR 660-004-0015.

Based on the findings of staff with respect to the criteria defined in Section 5.14-135(C) of the Springfield Development Code and Eugene Code 9.7730(3) and Section 12.225(2) (a&b) of the Lane Code for approving a Metro Plan amendment and applicable sections of OAR 660-004-0022 for approving an exception to Statewide Planning Goal 15; staff find the proposed text amendment to the Metro Plan and exception to Statewide Planning Goal 15 allowing the placement of fill for the purpose of constructing the South Bank Viaduct beneath the Willamette River I-5 Bridges, to be consistent with these criteria and recommend approval of the amendment.

## **II. Procedural Requirements**

Procedural requirements for Metro Plan amendments are described in Chapter IV. The amendment procedures are reflected in each jurisdiction's local land use codes. Sections 5.2-115, 5.4-135 and 5.4-140 of the Springfield Development Code, and sections 9.7700 through 9.7750 of the Eugene Code, contain the amendment procedures and policies found in Chapter IV of the Metro Plan. This proposal includes the taking of an exception to Statewide Planning Goal 15 (Willamette Greenway) since the proposed bicycle viaduct may require some fill to be placed or removed during its construction. OAR 660-004-0022 provides additional direction in the processing of a Willamette Greenway Goal exception. The following findings are made regarding procedural matters related to this proposal.

### **Findings:**

**Finding #1.** Section 5.14-115 of the Springfield Development Code (SDC) and Eugene Code (EC) 9.7700, includes definitions of two types of amendments to the Metro Plan. Section 5.14-115 (B.) and EC 9.7700(1) describes a Type I amendment as one which includes changes to the urban growth boundary or the jurisdictional boundary of the plan, requires a goal exception not related to a UGB expansion, or is a non-site specific amendment of the Plan text. This proposal is a text amendment to the Metro Plan which includes an exception to Statewide Planning Goal 15 (Willamette Greenway). By the definition found in Section 5.14-115 and EC 9.7700(1), this proposal is a Type I amendment.

- Finding #2.** This Metro Plan amendment was initiated jointly by the City of Eugene, the City of Springfield and Lane County. A Notice of Proposed Amendment was filed with the Oregon Department of Land Conservation and Development on June 30, 2009. A letter signed by the Planning Managers for each of the jurisdictions was included with the Notice.
- Finding #3.** The Springfield City Council approved a motion on July 6, 2009, affirming the action of the Springfield Planning Manager to initiating the amendment.
- Finding #4.** SDC 5.14-135 and EC 9.7730(1)(b) states that to become effective, “ a site specific Metro Plan Type I amendment that involves a UGB or Plan Boundary change ... or that involves a Goal exception not related to a UGB expansion, shall be approved by all three governing bodies.”
- Finding #5.** A public hearing was scheduled before the Joint Planning Commissions of Eugene, Springfield and Lane County on September 1, 2009.
- Finding #6.** At the September 1, 2009 Joint Planning Commission hearing, each Commission voted to send their governing body a recommendation that the proposed text amendment be approved.
- Finding #7.** A public hearing was scheduled before the Joint Elected Officials of Eugene, Springfield and Lane County on September 22, 2009.
- Finding #8.** Mailed notice of public hearings associated with a Metro Plan amendment must be sent to property owners and residents within 300 feet of the subject sites (SDC Section 5.2-115 (A), and 5.14-140, EC 9.7735(3)).
- Finding #9.** Mailed notice of public hearings was sent out on August 7, 2009 to property owners and residents within 300 feet of the proposed bicycle viaduct. The mailing allowed more than 20 days notice before the first public hearing as required by Section 5.2-115 A of the SDC and EC 9.7745 which directs compliance with the procedures at EC 9.7735(3).
- Finding #10.** Section 5.2-115 (B) of the SDC and EC 9.7735(3) requires that proposed land use actions be advertised in a newspaper of general circulation, providing information about the legislative action and the time, place and location of the hearing.
- Finding #11.** Notice of the public hearings concerning this matter was published on August 10, 2009 in the Register Guard, advertising both the hearing before the Joint Planning Commissions on September 1, 2009, and the Joint Elected Officials on September 22, 2009. The content of the notice followed the direction given in Section 5.2-115 B of the SDC and EC 9.7735(3).
- Finding #12.** While no formal notice process is required, the Notice of Proposed Amendment packet that was sent to DLCD was also sent electronically to Jan Houck, Water Recreation Coordinator with the Oregon Parks and Recreation Department on July 27, 2009.

**Finding #13.** Notice of this project was also sent to Savannah Crawford, Planner for Region 2 (Springfield) of the Oregon Department of Transportation on July 27, 2009. The notice was comprised of the materials filed with DLCD Notice of Proposed Amendment mentioned in Finding #2.

### **Conclusion:**

Procedural requirements described in Sections 5.2-115, 5.4-135 and 5.4-140 of the SDC and EC 9.7745 and EC 9.7735(3) have been followed. Notice requirements established by DLCD for amending the Development Code have also been followed.

### **III. Decision Criteria and Findings**

Section 5.14-135 C of the SDC and EC 9.7730(3) describes the criteria to be used in approving an amendment to the Metro Plan. It states that in reaching a decision, the Planning Commissions and the City Councils and County Commissioners must adopt findings which demonstrate that the proposal meets certain approval criteria. These criteria and findings are shown below.

***Criterion #1 "The amendment must be consistent with the relevant statewide planning goals adopted by the Land Conservation and Development Commission."***

### **Findings**

***Goal 1 – Citizen Involvement.*** Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process."

**Finding #14.** A public hearing was scheduled before the Joint Planning Commissions of Eugene, Springfield and Lane County on September 1, 2009.

**Finding #15.** A public hearing was scheduled before the Joint Elected Officials of Eugene, Springfield and Lane County on September 22, 2009.

**Finding #16.** Mailed notice of public hearings was sent out on August 7, 2009 to property owners and residents within 300 feet of the proposed bicycle viaduct. The mailing allowed more than 20 days notice before the first public hearing as required by Section 5.2-115 A of the SDC and EC 9.7735(3).

**Finding #17.** Notice of the public hearings concerning this matter was published on August 10, 2009 in the Register Guard, advertising both the hearing before the Joint Planning Commissions on September 1, 2009, and the Joint Elected Officials on September 22, 2009. The content of the notice followed the direction given in Section 5.2-115 B of the SDC and EC 9.7735(3).

***Goal 2 – Land Use Planning.*** Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted.

**Finding #18.** Part I of Goal 2 requires that actions related to land use be consistent with acknowledged comprehensive plans of cities and counties. The Eugene-Springfield Metropolitan



Area General Plan (Metro Plan) is the acknowledged comprehensive plan that guides land use planning in Springfield, Eugene and Lane County.

**Finding #19.** Part II of Goal 2 provides the conditions and standards for which a local jurisdiction can adopt an exception to a statewide goal. Relevant to this request is Statewide Planning Goal 15, Willamette River Greenway which does not allow non water-dependent, non water-related uses, such as the proposed transportation facility, within the greenway setback without receiving an exception. The need for a goal exception is specifically triggered by Policy D.11 of the Metro Plan, Willamette River Greenway, River Corridors, and Waterways Element. The exception to Goal 15 is discussed under section IV which is incorporated herein by reference. Chapter III-D of the Metro Plan specifically addresses issues related to the Willamette Greenway. The following policies found in Chapter III-D are cited below (emphasis added).

Policy D.2 Land Use regulation and acquisition programs along river corridors and waterways shall take into account all the concerns and needs of the community, including recreation, resource, and wildlife protection; enhancement of river corridor and waterway environments; potential for supporting non-automobile transportation; opportunities for residential development; and other compatible uses.

Policy D.3 Eugene, Springfield and Lane County shall continue to cooperate in expanding water-related parks and other facilities, where appropriate, that allow access to and enjoyment of the river and waterway corridors.

Policy D.11 states in part that: The taking of an exception shall be required if a non-water dependent transportation facility requires placing of fill within the Willamette River Greenway setback.

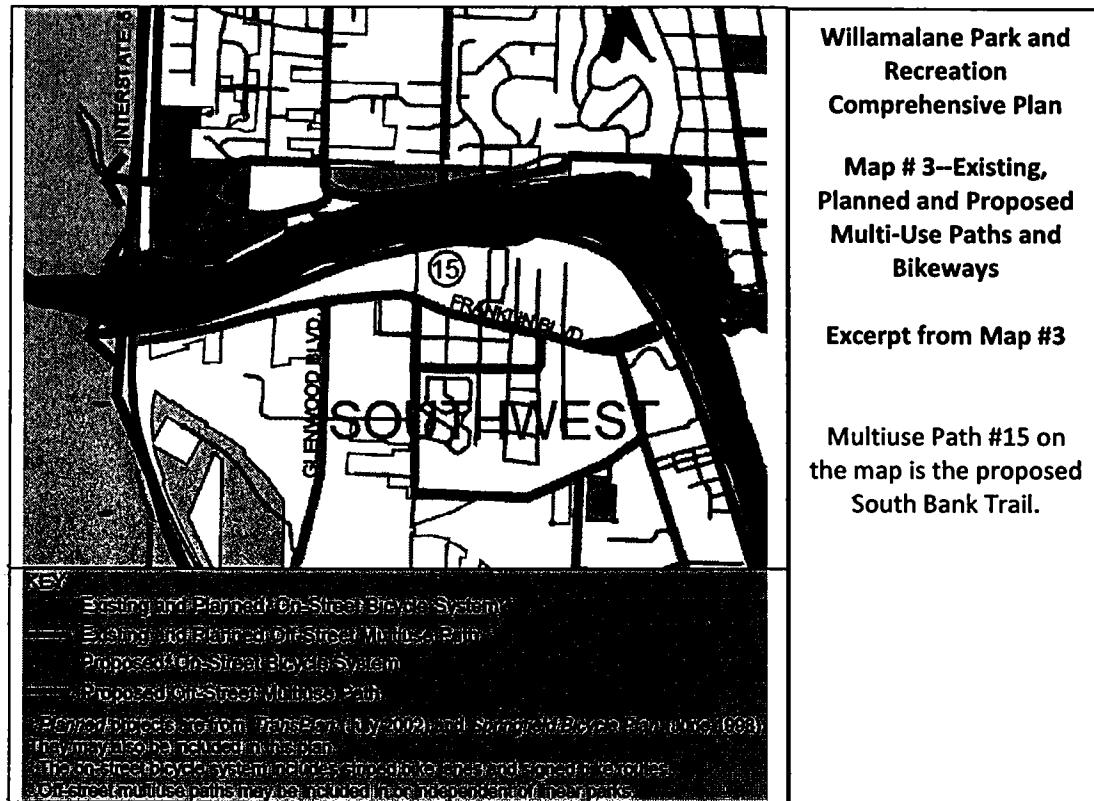
**Finding #20.** TransPlan (2002) is Eugene-Springfield's local Transportation System Plan and is a functional plan of the Metro Plan. TransPlan provides policies addressing transportation facilities and policies for the Eugene-Springfield Metropolitan Area.

**Finding #21.** TransPlan contains project lists and maps showing needed transportation facilities in the Metropolitan area. The Future Bikeway Project Map shows an off-street bike facility running along the south bank of the Willamette River underneath the I-5 Bridge. This bikeway is identified as project #851 South Bank Trail (A) with an estimated cost of \$1,800,000 (Jurisdiction: Springfield). The viaduct would then connect with the existing bike path on the Eugene side of I-5, shown as an existing off-street bike facility on the TransPlan Financially-Constrained Bikeway System Projects map. The proposed viaduct and path facilities would implement a portion of project #851.

**Finding #22.** Central Lane MPO Regional Transportation Plan lists the Glenwood Riverfront Park Path (Project 851) as a financially constrained project. It is classified as a multiuse path without road project.

**Finding #23.** The Glenwood Refinement Plan (1999) is a refinement plan of the Metro Plan. It contains a map of proposed bicycle routes (pg. 53) that shows the South Bank Trail as an off-street path following the Willamette River, connecting the Eugene path system to the Springfield Bridges. Glenwood Refinement Plan Policy # 4.5 calls for the acquisition of

easements for a pedestrian and bicycle access to and along the Willamette River through the Glenwood area.



**Finding #24.** The Willamalane Park and Recreation Comprehensive Plan is a refinement plan of the Metro Plan. Map #3 (page 28) of the Comprehensive Plan shows existing, planned and proposed multiuse paths and bike ways. Map #3 shows the South Bank Trail running along the Willamette River through Glenwood as an off-street multiuse path.

**Goal 3 – Agricultural Land.** Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning.

**Finding #25.** This goal does not apply within adopted, acknowledged urban growth boundaries. The City of Springfield does not have any agricultural zoning districts. These amendments do not apply outside the urban growth boundary and, because of limitations on commercial and industrial development without full urban services, generally do not apply outside the city limits.

All land in the City's urban transition area carries City zoning. An exception to this goal was taken in 1982 when the regional comprehensive plan was acknowledged. The City of Eugene does have agricultural zoning districts, however as stated, Goal 3 excludes lands inside an acknowledged urban growth boundary from the definition of agricultural lands and the project is within the urban growth boundary.

**Goal 4 – Forest Land.** This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

**Finding #26.** This goal does not apply within adopted, acknowledged urban growth boundaries. The City of Springfield does not have any forest zoning districts. These amendments do not apply outside the urban growth boundary and, because of limitations on commercial and industrial development without full urban services, generally do not apply outside the city limits. All land in the City's urban transition area carries City zoning. An exception to this goal was taken in 1982 when the comprehensive plan was acknowledged. The City of Eugene also does not have forest zoning. Goal 4 does not apply within urban growth boundaries and, therefore, does not apply to the subject property which is within the Eugene-Springfield urban growth boundary (OAR 660-006-0020).

**Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources.** Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated.

**Finding #27.** The following administrative rule (OAR 660-023-0250) is applicable to this post-acknowledgement plan amendment (PAPA) request:

(3) Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

(a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;

(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or

(c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.

Subsections (a) and (c) above are not applicable to this request as the proposed amendments do not create or amend a list of Goal 5 resources, do not amend a plan or code provision adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5, and do not amend the acknowledged Urban Growth Boundary.

**Finding #28.** Regarding subsection (b), the Springfield Inventory of Natural Resource Sites (Goal 5 Inventory) was adopted on May 3, 2004. In adopting the Goal 5 Inventory, the City Council chose to apply the "standard process" provisions of ORS 660-23-110 to the protection of riparian corridors.

**Finding #29.** The Willamette River is an inventoried riparian resource site on the Springfield Inventory of Natural Resource sites. This is Springfield's adopted Goal 5 Inventory. It is identified as site "WA/WB" on the Inventory.

**Finding #30.** Site WA/WB is assigned the following protection under Springfield's Goal 5 program for protecting riparian sites:

**“Goal 5 Recommendation:** Limit conflicting uses and employ low impact development practices when developing within 150 feet of the resource site. The Willamette River (WA/WB) is a water quality limited watercourse and is protected by a 75-foot development setback and site plan review standards described in 31.240 of the Springfield Development Code. No additional setbacks are necessary. The documented presence of a state and federally listed species requires coordination with the Oregon Department of Fish and Wildlife and appropriate federal agencies to determine what (if any) additional measures may be needed.”

**Finding #31.** Section 4.3-117 (E) of the Springfield Development Code describes permitted uses within the setback area for locally significant riparian resource sites. Section 4.3-117 (E) (n.) lists “Public multi-use paths, access ways, trails, boardwalks, picnic areas, interpretive and educational displays and overlooks, including benches and outdoor furniture;” among the allowed uses. The proposed South Bank Viaduct is a permitted use within the protective setback along that portion of the Willamette River within Springfield’s planning jurisdiction.

**Finding #32.** In Eugene, the subject project area also includes Eugene-adopted Goal 5 riparian resource sites; the Willamette River, and a tributary to the Willamette River located next to the bicycle/pedestrian path and under Franklin Boulevard. The /WR Water Resources Conservation Overlay Zone are standards in Eugene that address Goal 5. The Willamette River has a 100-foot setback according to these provisions. Construction of public improvements, such as the viaduct, which include work within the setback and riparian resource site areas must comply with the /WR Water Resources Conservation Overlay Zone beginning at EC 9.4900. The tributary to the Willamette River does not have a setback and is identified as not protected.

**Finding #33.** Approval of the Metro Plan amendment allows for the consideration of fill within the Willamette River Greenway for the purpose of constructing the South Bank Viaduct. Approval of the amendment does not negate the authority of local, state and federal agencies to oversee the design and construction of the viaduct to avoid, minimize or mitigate the environmental impacts that construction and use of the facility might have on the River consistent with OAR 660-023-0250(3)(b).

**Finding #34.** Other state and federal permits or actions may be required to protect water quality, fish and wild life protection as part of the federal National Environmental Protection Act (NEPA) review. These permits and actions have yet to be determined at this writing. A consultant has been retained and is preparing the analysis required for NEPA review and processing.

**Goal 6 – Air, Water and Land Resources Quality.** This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

**Finding #35.** The City of Springfield has revised its Development Code to respond to National Pollutant Discharge Elimination System (NPDES) Phase II, the Clean Water Act, and the Drinking Water Protection Act and is in the process of devising a response to the Endangered Species Act for listed species in our area. The South Bank Viaduct will be subject to staff review and to the development standards set forth in Sections 4.3-115 (Water Quality Protection and 4.3-117 (Natural Resource Protection Areas). These standards implement the protections required by the NPDES Phase II, the Clean Water Act and the Drinking Water Protection Act, and the City of Springfield’s Goal 5 program for natural resource protection. Similarly, the portion within

Eugene will be subject to staff review and the development standards beginning at EC 9.4900 (/WR Water Resources Conservation Overlay Zone) including review for erosion, vegetation impacts, replanting, and stormwater. With regard to air quality and noise, the viaduct should have a positive effect on air quality and noise by increasing the options for alternative modes of transportation.

**Finding #36.** The proposed text amendment and Goal exception will not alter the environmental protection standards policies cited in Finding #34 or amend the metropolitan area's air, water quality or land resource policies. The design and construction of the proposed bicycle viaduct will be reviewed and monitored by local, state, and federal agencies with authority to evaluate and regulate the environmental impacts of the project on the Willamette River.

**Finding #37.** Approval of the Metro Plan amendment allows for the consideration of fill within the Willamette River Greenway for the purpose of constructing the South Bank Viaduct. Approval of the amendment does not negate the authority of agencies to oversee the design and construction of the viaduct to avoid, minimize or mitigate impacts that the construction and use of the facility might have on water quality in the River.

**Finding #38.** The viaduct project will require a Joint Application Form seeking permission from the U.S. Army Corps of Engineers and the Oregon Department of State Lands to conduct construction activities that may impact wetland and riparian resources in the project area. These agencies will add conditions for approval as required to address their concerns if any regarding wetland and riparian protection.

**Goal 7 – Areas Subject to Natural Disasters and Hazards.** Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

**Finding #39.** All sites within Springfield and Eugene that are subject to these hazards (floodplain, erosion, landslides, earthquakes, weak foundation soils) are inventoried through a variety of sources. The proposed Metro Plan text amendment and Goal exception does not remove or exempt compliance with Code standards that may apply to development within these hazard areas.

**Finding #40.** FIRM Panel Number 41039C166F shows the project area is affected by the 100-year floodplain (Willamette River, Glenwood Slough).

**Finding #41.** Within the City of Springfield's jurisdiction, floodplain development is regulated by the Floodplain (FP) Overlay District. The FP Overlay District applies to all areas of special flood hazard. Development proposals within the FP Overlay District are reviewed under Type I procedure and approval is required before construction or development begins within any area of special flood hazard.

Within the City of Eugene floodplain development is regulated by development standards beginning at EC 9.6705 through 9.6709. While development within ODOT right-of-way would need to meet these standards the City does not review nor issue permits in ODOT right-of-way. A floodplain development permit is required for development within the Special Flood Hazards Area (SFHA) that is in Eugene but outside of the public right-of-way. Any development within

the floodway will require a no-rise analysis and certification meeting FEMA Region X standards. This would be required as part of a floodplain development permit for any development within the floodway that is outside ODOT right-of-way but still in Eugene. The floodway is a high hazard area typically associated with high velocity flows that is necessary to convey floodwaters out of our community.

**Finding #42.** In February 2009, ODOT prepared and submitted a *Hydraulic and Scour Analysis Report*, including “No-Rise” analysis, to analyze the hydraulic conditions for the I-5 Replacement Bridge project to determine the effects of the required construction activities to the 100-year floodplain during and after construction. The report concluded that the Willamette River I-5 Replacement Bridge project would have a minimal impact on flood levels during a 100-year event.

**Finding #43.** The proposed South Bank Viaduct will be constructed at the same location on the south bank of the Willamette River as the I-5 Replacement Bridges. Although a new analysis may be required, it is likely that the viaduct will contribute little to flood elevations in the event of a 100-year flood event, given the small area affected by the project compared to the Replacement Bridge project.

**Goal 8 – Recreational Needs.** This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them.

**Finding #44.** Willamalane Park and Recreation District is the entity responsible for park planning, development and maintenance in the subject park areas within Springfield. In 2004, Willamalane completed the Willamalane Parks and Recreation Comprehensive Plan that was adopted by both the City of Springfield and Lane County as a refinement plan to the Metro Plan.

**Finding #45.** Willamalane’s Comprehensive Plan shows the proposed South Bank Viaduct (South Bank Trail) on Map 3—“Existing and Proposed Multiuse Paths and Bike Ways.”

**Finding #46.** Several City documents anticipate a multi-use path connecting Eugene and Springfield on the south side of the Willamette River. Additionally, as previously mentioned under Goal 2, the TransPlan Future Bikeway Project Map shows an off-street bike facility running along the south bank of the Willamette River underneath the I-5 Bridge. This bikeway is identified as project #851 South Bank Trail (A) (jurisdiction: Springfield). The viaduct would then connect with the existing bike path on the Eugene side of I-5, shown as an existing off-street bike facility on the TransPlan Financially-Constrained Bikeway System Projects map.

**Goal 9 – Economic Development.** Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

**Finding #47.** The proposed Metro Plan text amendment does not reduce the inventory of commercial and industrial lands.

**Finding #48.** The South Bank Viaduct will be both an important transportation facility for bike commuters and pedestrians connecting Eugene and Springfield. It is also an amenity with the

potential to bring recreational users into the Glenwood and downtown Springfield business areas.

**Finding #49.** To the extent that recreational access to the Willamette River and to future Glenwood development in Glenwood and Downtown Springfield is part of a business location decision, the proposed South Bank Viaduct facility may increase the marketability of Springfield and Eugene for new business and industry.

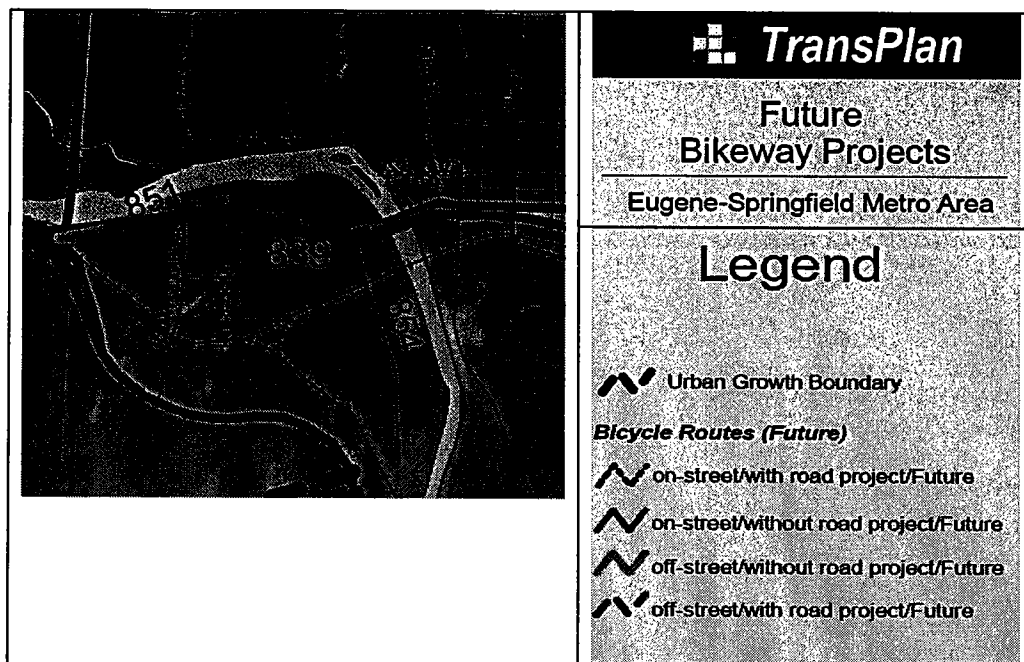
**Goal 10 – Housing.** This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing.

**Finding #50.** The proposed Metro Plan text amendment and Goal exception will not reduce available housing capacity and will not impact needed housing. As such this goal is not applicable to the evaluation of this proposal.

**Goal 11 – Public Facilities and Services.** Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection.

**Finding #51.** The Eugene-Springfield Metropolitan Public Services and Facilities Plan (PFSP) is a refinement plan of the Metro Plan that guides the provision of public infrastructure, including water, sewer, storm water management, and electricity. The proposed Metro Plan text amendment and Goal exception does not modify any policies set forth in the PFSP, and no future facilities listed in the PFSP shall be affected by the amendment.

**Goal 12 – Transportation.** The goal aims to provide "a safe, convenient and economic transportation system."



**Finding #52.** TransPlan (2002) is Eugene-Springfield's local Transportation System Plan and is a functional plan of the Metro Plan. TransPlan provides policies addressing transportation facilities and policies for the Eugene-Springfield Metropolitan Area.

**Finding #53.** TransPlan contains project lists and maps showing needed transportation facilities in the Metropolitan area. The Future Bikeway Project Map shows an off-street bike facility running along the south bank of the Willamette River underneath the I-5 Bridge. This bikeway is identified as project #851 South Bank Trail (A) with an estimated cost of \$1,800,000 (Jurisdiction: Springfield). The viaduct would then connect with the existing bike path on the Eugene side of I-5, shown as an existing off-street bike facility on the TransPlan Financially-Constrained Bikeway System Projects map.

**Finding #54.** TransPlan's TSI Bicycle Policy # 3 (Chapter 2, pg. 33) requires "bikeways to connect new development with nearby neighborhood activity centers and major destinations." As previously mentioned, the South Bank Viaduct and South Bank Path will connect Eugene to Glenwood and to downtown Springfield through Glenwood.

**Finding #55.** TransPlan's TSI Bikeway Policy #4 assigns priority to the finding of "Priority Bikeway Miles." These are defined as stand-alone bike projects listed in TransPlan that are not associated with roadway projects. As mentioned above, the proposed South Bank Viaduct is part of project #851 South Bank Trail (A) which is a stand-alone project that is not associated with a roadway.

**Finding #56.** Central Lane MPO Regional Transportation Plan lists the Glenwood Riverfront Park Path (Project 851) as a financially constrained project. It is classified as a multiuse path without road project.

**Finding #57.** Additionally, Goal 12 is implemented through the Transportation Planning Rule (TPR), as defined in Oregon Administrative Rule OAR 660-012-0000, et seq. The Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) provides the regional policy framework through which the TPR is implemented at the local level. The TPR (OAR 660-012-0060) states that when land use changes, including amendments to acknowledged comprehensive plans, significantly affect an existing or planned transportation facility the local government shall put in place measures to assure that the allowed land uses are consistent with the identified function, capacity and performance standards (level of service, volume to capacity ratio, etc.) of the facility. TransPlan, which implements Goal 12, identifies an off-site bike path as a future facility and the south bank bike path on the Eugene side as an existing off-street bike path.

**Finding #58.** The TPR requires a determination of which existing and planned transportation facilities will experience a significant affect as a result of the proposed plan amendment, and defines what constitutes a significant effect (OAR 660-012-0060(1)). The analysis for significant effect is related to impacts to function, capacity and performance standards which are street standards not applicable to bicycle/pedestrian paths; therefore the proposal is consistent with TPR. Furthermore, the viaduct and path facilities provide alternative transportation modes which would benefit, not worsen, nearby streets.



**Goal 13 – Energy Conservation.** Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

**Finding #59.** Approval of the proposed Metro Plan text amendment and Goal exception will not have a direct impact on efforts to conserve energy; as such this goal is not applicable to the evaluation of this proposal.

**Goal 14 – Urbanization.** This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs.

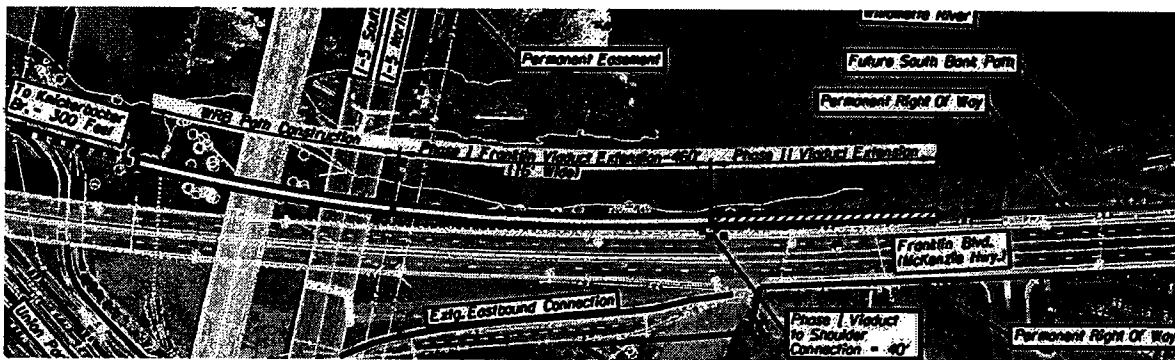
**Finding #60.** The proposed Metro Plan text amendment and Goal exception affect an area within the existing UGB; as such this goal is not applicable to the evaluation of this proposal.

**Goal 15 – Willamette River Greenway.** Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

**Finding #61.** Chapter III D of the Metro Plan—"Willamette River Greenway, River Corridors and Waterways Element" includes findings, objectives and policies for administering the Willamette River corridor as it passes through the Eugene-Springfield area.

**Finding #62.** Policy D.11 of Chapter III states: The taking of an exception shall be required if a non-water dependent transportation facility requires placing of fill within the Willamette River Greenway setback."

**Finding #63.** The proposed South Bank Viaduct is located within the Willamette River Greenway setback. While the viaduct design is not complete, it may require the removal or placement of fill within the Greenway setback. For this reason, an exception to Statewide Planning Goal 15 is required as part of this proposal. Findings for the Goal 15 exception are provided at below under section IV and are incorporated herein by reference.



**Finding #64.** In 2003 and 2008, exceptions to Statewide Planning Goal 15 were taken and Policy D.11 of Chapter III of the Metro Plan was amended to allow construction and related activities for the Willamette River I-5 Detour and Replacement Bridges, respectively. Those exceptions to Goal 15 were approved in advance of any construction designs.

**Finding #65.** The exception taken in 2003 and in 2008 (articulated in Chapter III, Policy D.11) did not foresee or include the proposed South Bank Viaduct.

**Finding #66.** Chapter III-D of the Metro Plan specifically addresses issues related to the Willamette Greenway. The following policies found in Chapter III-D are applicable to this proposal and are cited below (emphasis added), and further addressed below under Criterion #2, consistency with the Metro Plan. Policy D.11, restated below, is the policy that directs an exception to be taken and a text amendment to the Metro Plan for the proposed viaduct and path, similar to the exceptions provided for the I-5 bridges.

Policy D.2 Land Use regulation and acquisition programs along river corridors and waterways shall take into account all the concerns and needs of the community, including recreation, resource, and wildlife protection; enhancement of river corridor and waterway environments; potential for supporting non-automobile transportation; opportunities for residential development; and other compatible uses.

Policy D.3 Eugene, Springfield and Lane County shall continue to cooperate in expanding water-related parks and other facilities, where appropriate, that allow access to and enjoyment of the river and waterway corridors.

Policy D.11 The taking of an exception shall be required if a non-water dependent transportation facility requires placing of fill within the Willamette River Greenway setback.

An exception to Statewide Planning Goal 15 Willamette River Greenway was approved for Oregon Department of Transportation (ODOT) for purposes of removing and replacing the decommissioned I-5 bridge, the temporary detour bridge and the Canoe Canal bridge with two new parallel bridges (one southbound and one northbound) within the I-5 right-of-way crossing the Willamette River and Canoe Canal and within the Willamette River Greenway Setback Line.

The exception authorizes construction and later removal of one or more temporary work bridges; demolition of the decommissioned I-5 Willamette River Bridge, Canoe Canal Bridge, and detour bridges; construction of the two replacement bridges; reconstruction of the roadway approaches to the bridges (I-5 and ramps); rehabilitation of the project area; and completion of any required mitigation of project impacts. In association with these tasks, the exception further authorizes within the Willamette River Greenway Setback Line the addition and removal of fill within ODOT right-of-way and the removal of fill within a temporary slope easement east of I-5. This exception satisfies the criteria of Oregon Administrative Rule (OAR) 660-004-0022(6), Willamette Greenway, and the exception requirements of OAR 660-004-0020 Goal 2 Part II(c) for a "reasons" exception, and pursuant to OAR 660-004-0015, is hereby adopted as an amendment to the Metro Plan text, Policy D.11, Chapter III, Section D

***Goals 16 through 19 – Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources.***

**Finding #67.** There are no coastal, ocean, estuarine, or beach and dune resources within the Eugene-Springfield Urban Growth Boundary. These goals do not apply to this proposal.

## Conclusion

The findings shown above demonstrate that the proposed Metro Plan text amendments and Goal 15 exception allowing the construction of the South Bank Viaduct facility as part of the South Bank Path is in substantial conformance to Oregon's Statewide Planning Goals.

***Criterion #2. "Adoption of the amendment must not make the Metro Plan internally inconsistent."***

## Findings

**Finding #68.** Chapter III-D of the Metro Plan specifically addresses issues related to the Willamette Greenway. The following policies found in Chapter III-D are cited below (emphasis added).

Policy D.2 Land Use regulation and acquisition programs along river corridors and waterways shall take into account all the concerns and needs of the community, including recreation, resource, and wildlife protection; enhancement of river corridor and waterway environments; potential for supporting non-automobile transportation; opportunities for residential development; and other compatible uses.

Policy D.3 Eugene, Springfield and Lane County shall continue to cooperate in expanding water-related parks and other facilities, where appropriate, that allow access to and enjoyment of the river and waterway corridors.

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**Finding #69.** The proposed South Bank Viaduct is located within the Willamette River Greenway setback. While the viaduct design is not complete, it may require the removal or placement of

### **"Reasons" Analysis for Statewide Planning Goal 15 Exception**

The following section of this document analyzes the South Bank Viaduct proposal against the "reasons" that can be used to justify an exception for Statewide Planning Goal 15 as listed in OAR 660-004-0022(6)(a-d).

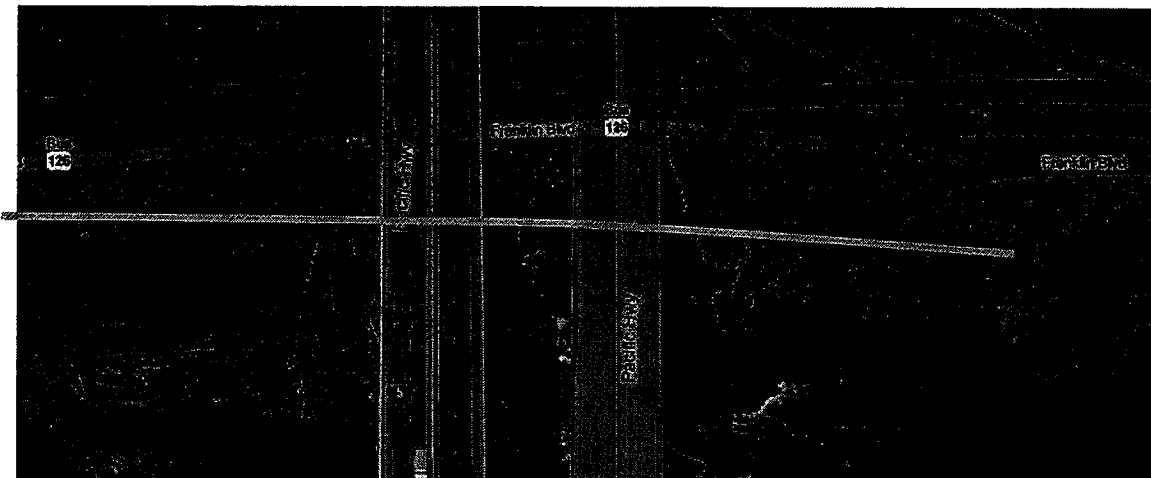
**"(a) The use will not have a significant adverse effect on the greenway values of the site under consideration or on adjacent land or water areas;"**

There appears to be no single statement of "greenway values" in the state statutes or administrative rules. The purposes stated for establishing the Willamette River Greenway are stated in OAR 660-015-0005: *"To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway."* This purpose is reflected in Chapter III Section D of the Metro Plan, the local comprehensive plan element that describes how the Willamette Greenway will be administered within Eugene-Springfield's planning jurisdiction (emphasis added).

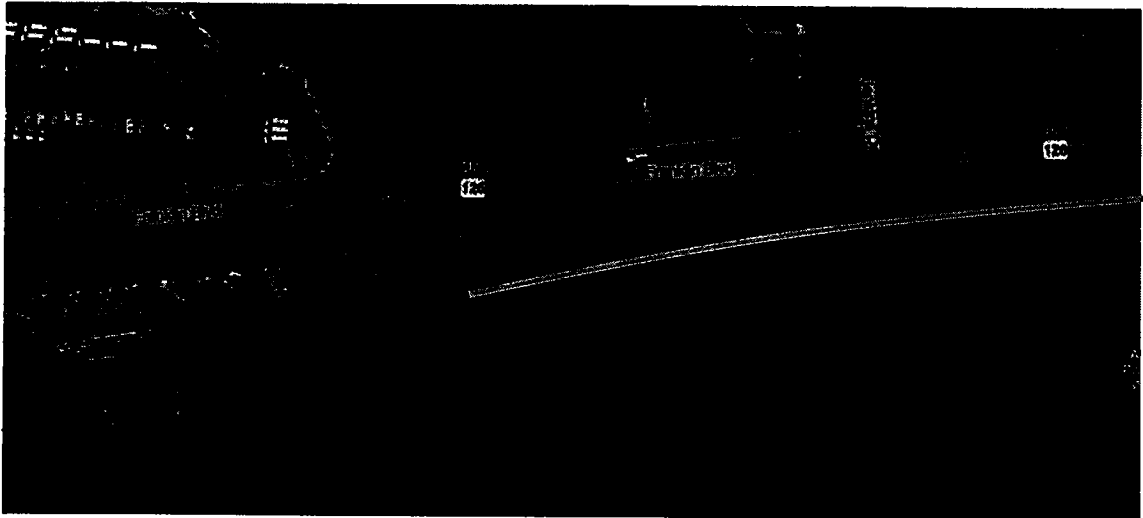
**Finding #81. Policy D.2** Land Use regulation and acquisition programs along river corridors and waterways shall take into account all the concerns and needs of the community, including recreation, resource, and wildlife protection; enhancement of river corridor and waterway environments; **potential for supporting non-automobile transportation**; opportunities for residential development; and other compatible uses.

**Finding #82. Policy D.3** Eugene, Springfield and Lane County shall **continue to cooperate in expanding water-related parks and other facilities, where appropriate, that allow access to and enjoyment of the river and waterway corridors.**

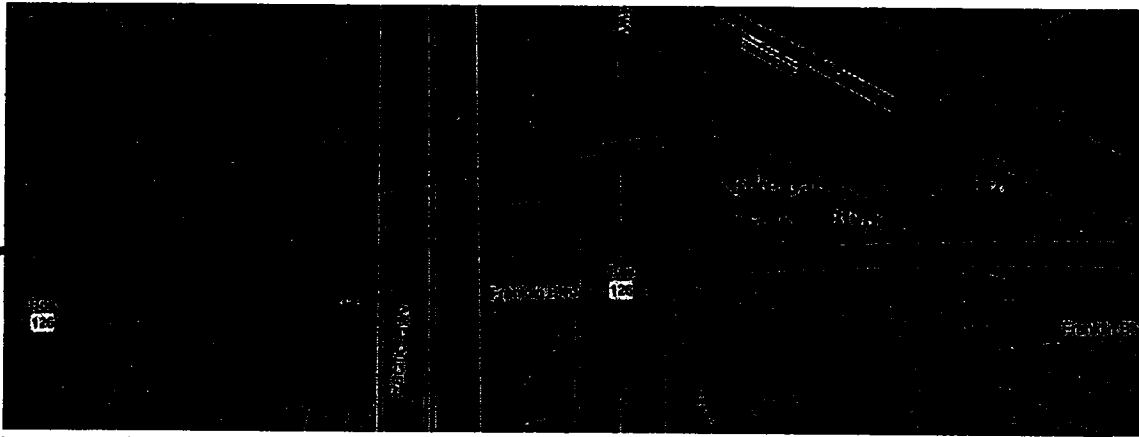
**Finding #83.** The proposed South Bank Viaduct is a non-automobile transportation facility that will serve both recreational and transportation functions. The facility will connect with the larger Eugene-Springfield riverfront bike path system which is arguably one of the best in Oregon.



West end of the South Bank Viaduct



East end of the South Bank Viaduct



The existing bike path is forced away from the river and on to Franklin Blvd. by the steep riverbank beneath the I-5 Bridge and eastward. The path continues on a busy Franklin Blvd. which has an on-street bike lane and minimal pedestrian facilities.

**Finding #84.** The alignment of the proposed viaduct would hug the riverfront, passing beneath the I-5 bridges. The viaduct is located in an industrial zone, including under the I-5 Bridge and adjacent to Franklin Blvd. As can be seen from the aerial photos above, the presence of industrial uses; the I-5 bridges; power transmission lines; and the austerity of Franklin Boulevard significantly impact the scenic of this segment of the river compared to other segments in Eugene-Springfield.

**Finding #85.** Existing development standards would require minimizing vegetation impacts, replacement trees, and restoration of the vegetation that is disturbed by construction of the proposed viaduct on the riverbank, minimizing the long-term visual impact of the facility when viewed from the river.

**Finding #86.** Required NEPA review of this project will result in mitigation measures designed to minimize the impact of the viaduct on riparian habitat and threatened and endangered fish species in the river.

**Finding #87.** The South Bank Viaduct and riverfront path that will be enabled by the viaduct will fulfill a longstanding community need. That need is reflected in long-range planning documents for transportation and recreation (Glenwood Refinement Plan, Glenwood Riverfront Plan, TransPlan, and the Willamalane Parks and Recreation Comprehensive Plan).

**“(b) The use will not significantly reduce the sites available for water-dependent or water-related uses within the jurisdiction;”**

**Finding #88.** The topography of the riverbank prohibits most water-dependent and water related uses. All of the land occupied by the viaduct is publically owned and is not proposed for water-related or water-dependent development in any adopted land use documents. This project will not significantly reduce the sites available for water-dependent, water related-uses. The proposed viaduct structure will enable users to have better access to the river in the future when the planned South Bank Path is built.

**“(c) The use will provide a significant public benefit; and”**

**Finding #89.** As demonstrated by its inclusion in a variety of comprehensive planning documents, the South Bank Path and this portion of the path in particular will have a significant public benefit.

**“(d) The use is consistent with the Legislative findings and policy in ORS 390.314 and the Willamette Greenway Plan approved by LCDC under ORS 390.322.”**

ORS 390.341 and ORS 390.322 are shown below (emphasis added).

**“390.314 Legislative findings and policy.** (1) The Legislative Assembly finds that, to protect and preserve the natural, scenic and recreational qualities of lands along the Willamette River, to preserve and restore historical sites, structures, facilities and objects on lands along the Willamette River for public education and enjoyment and to further the state policy established under ORS 390.010, it is in the public interest to develop and maintain a natural, scenic, historical and recreational greenway upon lands along the Willamette River to be known as the Willamette River Greenway.

(2) In providing for the development and maintenance of the Willamette River Greenway, the Legislative Assembly:

(a) Recognizing the need for coordinated planning for such greenway, finds it necessary to provide for development and implementation of a plan for such greenway through the cooperative efforts of the state and units of local government.

(b) Recognizing the need of the people of this state for existing residential, commercial and agricultural use of lands along the Willamette River, finds it necessary to permit the continuation of existing uses of lands that are included within such greenway; but, for the benefit of the people of this state, also to limit the intensification and change in the use of such lands so that such uses shall remain, to the greatest possible degree, compatible with the

preservation of the natural, scenic, historical and recreational qualities of such lands.

(c) Recognizing that the use of lands for farm use is compatible with the purposes of the Willamette River Greenway, finds that the use of lands for farm use should be continued within the greenway without restriction.

(d) Recognizing the need for central coordination of such greenway for the best interests of all the people of this state, finds it necessary to place the responsibility for the coordination of the development and maintenance of such greenway in the State Parks and Recreation Department.

(e) Recognizing the lack of need for the acquisition of fee title to all lands along the Willamette River for exclusive public use for recreational purposes in such greenway, finds it necessary to limit the area within such greenway that may be acquired for state parks and recreation areas and for public recreational use within the boundaries of units of local government along the Willamette River. [1973 c.558 §1]"

**“390.322 Submission of plan to Land Conservation and Development Commission; revision, approval and distribution of plan.** (1) Following the preparation of the plan or any segment thereof under ORS 390.318, the State Parks and Recreation Department shall submit such plan or segment to the Land Conservation and Development Commission. The commission shall investigate and review such plan or segment as it considers necessary. If the commission finds that the plan or segment complies with ORS 390.310 to 390.368, it shall approve the plan or segment. If the commission finds revision of any part of the submitted plan or segment to be necessary, it may revise the plan or segment itself or require such revision by the department and units of local government.

(2) Upon approval of the plan for the Willamette River Greenway or segment thereof, the commission shall cause copies of such plan or segment to be filed with the recording officer for each county having lands within the Willamette River Greenway situated within its boundaries. Such plan or segment filed as required by this subsection shall be retained in the office of the county recording officer open for public inspection during reasonable business hours.

(3) If the plan for the Willamette River Greenway is prepared and approved in segments, the total of all such approved segments shall constitute the plan for the Willamette River Greenway for the purposes of ORS 390.310 to 390.368. The department and units of local government, with the approval of the commission, may revise the plan for the Willamette River Greenway from time to time. [1973 c.558 §4]"

**Finding #90.** The Metro Plan Chapter III Section D—Willamette River Greenway, River Corridors, and Waterways Element, is the acknowledged plan and policy for implementing Statewide Planning Goal 15—Willamette River Greenway. The Metro Plan provides local coordination and review of development that may affect the Greenway.

**Finding #91.** Amendment of the Metro Plan requires notice to be filed with the Oregon Department of Land Conservation (DLCD) as well as affected local and state agencies. A Notice of Proposed Amendment concerning this proposal was filed with DLCD on June 30, 2009.

**Finding #92.** While no formal notice process is required, the Notice of Proposed Amendment packet that was sent to DLCD was sent electronically to Jan Houck, Water Recreation Coordinator with the Oregon Parks and Recreation Department on July 27, 2009.

**Finding #93.** Notice of this project was also sent to Savannah Crawford, Planner for Region 2 of the Oregon Department of Transportation on July 27, 2009. The notice was comprised of the materials filed with DLCD Notice of Proposed Amendment mentioned in Finding #91.

#### **V. Conclusion and Recommendation of Staff**

Based on the findings of staff with respect to the criteria defined in Section 5.14-135 C of the Springfield Development Code and EC 9.7730(3) for approving a Metro Plan amendment and applicable sections of OAR 660-004-0022 for approving an exception to Statewide Planning Goal 15; staff find the proposed text amendment to the Metro Plan and exception to Statewide Planning Goal 15 allowing the placement of fill for the purpose of constructing the South Bank Viaduct and path facilities beneath the Willamette River I-5 Bridges, to be consistent with these criteria and recommend approval of the amendment.

#### **VI. Attachments**

Attachment 1: Metro Plan text amendment language.

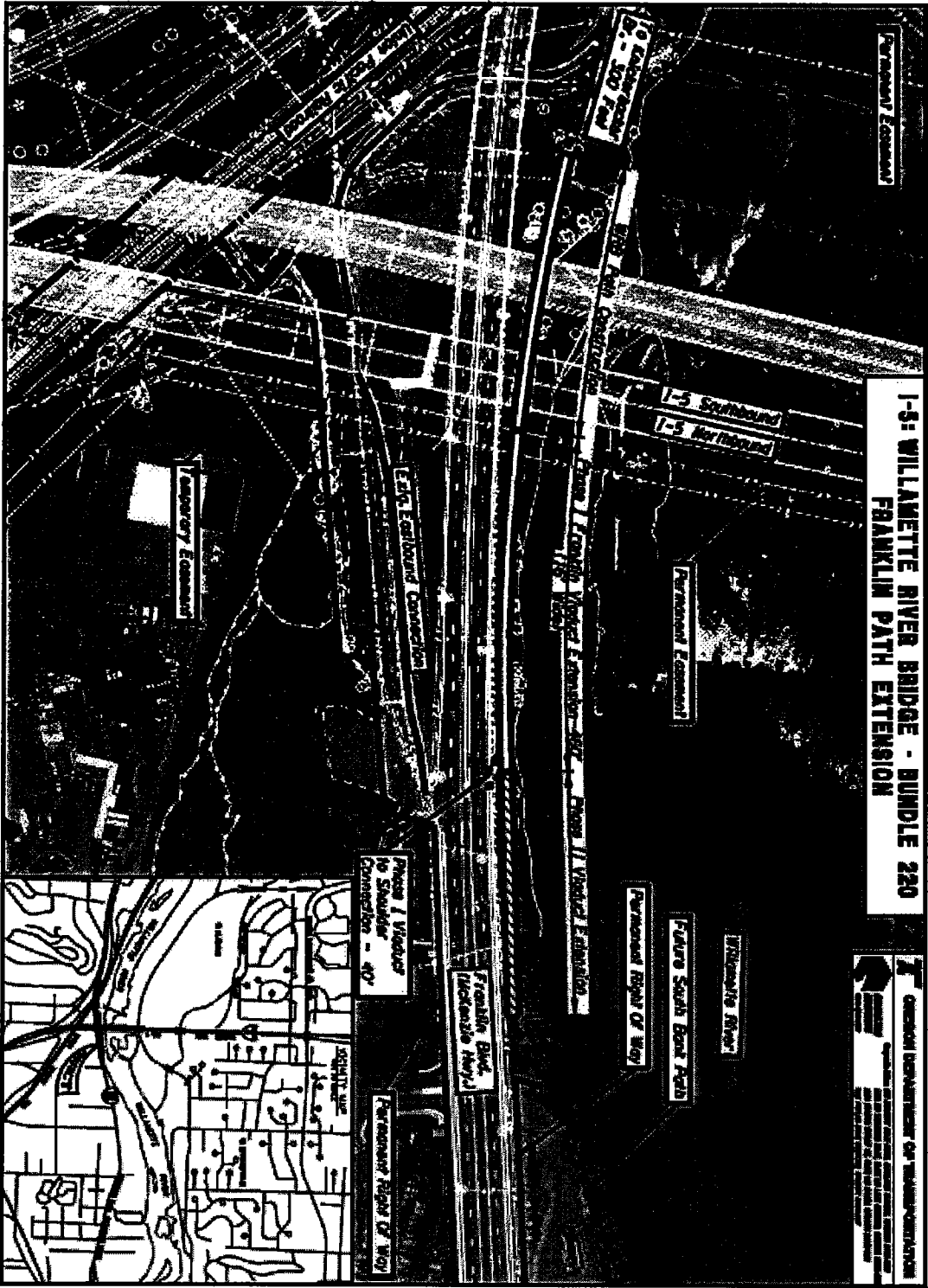
Attachment 2: Diagram showing the approximate location of the proposed South Bank Viaduct



## Attachment 1

The proposed text amendment adds the following language to policy #D.11 of Chapter III-D Willamette River Greenway, River Corridors and Waterways Element:

*"An exception to Statewide Planning Goal 15 Willamette River Greenway was approved by the cities of Eugene and Springfield and by Lane County authorizing construction of a bike path viaduct beneath the I-5 bridges, along the south bank of the Willamette River . The exception authorizes construction of the bike path viaduct including the fill and removal of fill necessary to build the structure. This exception satisfies the criteria of Oregon Administrative Rules (OAR) 660-004-0022 (6) Willamette Greenway and the exception requirements of OAR 660-004-0020 Goal 2, Part II (c) for a 'reasons' exception. Pursuant to OAR 660-004-0015, is hereby adopted as an amendment to the Metro Plan text, Policy D. 11, Chapter III, Section D."*



BEFORE THE PLANNING COMMISSION  
OF THE CITY OF SPRINGFIELD

AN ORDINANCE AMENDING THE EUGENE-SPRINGFIELD METROPOLITAN AREA GENERAL PLAN (METRO PLAN) TEXT, CHAPTER III, SECTION D, POLICY # 11; ADOPTING AN EXCEPTION TO STATEWIDE PLANNING GOAL 15 TO ALLOW THE PLACEMENT OF FILL WITHIN THE WILLAMETTE GREENWAY FOR THE CONSTRUCTION OF A BICYCLE VIADUCT BENEATH THE WILLAMETTE RIVER I-5 BRIDGES

JO. NO. LRP2009-00005        ]  
FINDINGS, CONCLUSION AND    ]  
RECOMMENDATION            ]

**NATURE OF THE APPLICATION**

Metro Plan Policy #D.11 of Chapter III-D (Willamette River Greenway, River Corridors and Water Ways Element) requires the taking of an exception *"if a non-water dependent transportation facility requires placing of fill within the Willamette River Greenway setback."* A viaduct is proposed that will allow the future development of a riverfront path on the south bank of the Willamette River, connecting Eugene and Springfield through Glenwood. Construction of the viaduct will require the placement of fill within the Willamette Greenway setback, triggering the need for the Metro Plan Amendment and Goal 15 exception. The following text proposed for addition to Metro Plan Policy #D.11 of Chapter III-D:

*"An exception to Statewide Planning Goal 15 Willamette River Greenway was approved by the cities of Eugene and Springfield and by Lane County authorizing construction of a bike path viaduct beneath the I-5 bridges, along the south bank of the Willamette River. The exception authorizes construction of the bike path viaduct including the fill and removal of fill necessary to build the structure. This exception satisfies the criteria of Oregon Administrative Rules (OAR) 660-004-0022 (6) Willamette Greenway and the exception requirements of OAR 660-004-0020 Goal 2, Part II (c) for a 'reasons' exception. Pursuant to OAR 660-004-0015, this exception is hereby adopted as an amendment to the Metro Plan text, Policy D. 11, Chapter III, Section D."*

1. The application conforms to the provisions of Section 5.4-105 of the Springfield Development Code. Timely and sufficient notice of the public hearing, pursuant to Section 5.2-115 of the Springfield Development Code was provided.
2. On September 1, 2009 a public hearing on the proposed text amendments to the Metro Plan was held. The Development Services staff notes, including criteria of approval, findings, and recommendations, together with the testimony and submittals of those persons testifying at the hearing or in writing, have been considered and are part of the record of this proceeding.

**CONCLUSION**

On the basis of this record, adoption of the proposed text amendment to Policy #D.11 of Chapter III-D of the Metro Plan is consistent with the criteria of approval of Section 5.6-115 of the Development Code. This general finding is supported by the specific findings of fact and conclusion in the Staff Report and attached hereto.

## RECOMMENDATIONS

It is **RECOMMENDED** by the Planning Commission of Springfield that Journal Number LRP2009-00005, Metro Plan Text amendment and exception to Statewide Planning Goal 15, be (approved), (be approved with revisions) (be denied) by the Springfield City Council.

This **RECOMMENDATION** was presented to and approved by the Planning Commission on September 1, 2009.

  
\_\_\_\_\_  
Planning Commission Chairperson

ATTEST:

AYES:

5

NOES:

0

ABSENT:

2

ABSTAIN:

0

# MINUTES

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

September 1, 2009  
5:30 p.m.

EUGENE PLANNING COMMISSIONERS PRESENT: Phillip Carroll, Chair; Rick Duncan, Randy Hledik, John Lawless.

SPRINGFIELD PLANNING COMMISSIONERS PRESENT: Frank Cross, Chair; Johnny Kirschenmann, Vice Chair; Steve Moe, Sean VanGordon, Sheri Moore.

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

Mr. Cross convened the meeting and explained the joint public hearing process.

Mr. Cross called the Springfield Planning Commission to order.

Ms. Arkin called the Lane County Planning Commission to order.

Mr. Carroll called the Eugene Planning Commission to order.

## I. BUSINESS FROM THE AUDIENCE

There was no business from the audience.

## II. LEGISLATIVE PUBLIC HEARINGS

### A. Eugene-Springfield Metropolitan Area General Plan (Metro Plan) Text Amendment and Exception to Statewide Planning Goal 15 Willamette River Greenway for Construction of a Bicycle/Pedestrian Viaduct Beneath the Willamette River I-5 Bridge

Mr. Cross opened testimony for the Springfield Planning Commission and called for conflicts of interests or *ex parte* contacts. There were none declared.

Ms. Arkin opened the public hearing for the Lane County Planning Commission and called for conflicts of interest or *ex parte* contacts. There were none declared.

Mr. Carroll opened the public hearing for the Eugene Planning Commission to order and called for conflicts of interest or *ex parte* contacts. Mr. Hledik had a potential conflict of interest with agenda item II. A. Eugene-Springfield Metropolitan Area General Plan (Metro Plan) Text Amendment and Exception to Statewide Planning Goal 15 Willamette River Greenway for Construction of a Bicycle/Pedestrian

Viaduct Beneath the Willamette River I-5 Bridge. He was employed by a construction company that could potentially bid on the project.

Mark Metzger, City of Springfield staff, explained there had been an error in the meeting location in the original public meeting announcement for tonight's meeting. The error had been corrected by sending out new written notices and e-mail notices and hand deliveries to interested parties. Additionally, a advertisement had been placed in the Register Guard with corrected information. A sign was posted at Harris Hall, the site originally published, indicating the location time and location change. This matter would be addressed by the Joint Elected Officials (JOE) on approximately September 22, 2009, and any member of the public could address the JOE at that time. He noted there were only two occupied businesses or residences within the 300 foot notice area. There was a longer list of contacts who received information.

Mr. Metzger explained this was a quasi-judicial hearing, and asked that those testifying focus on the criteria for approval of Metro Plan text amendments. He said an exception to Planning Goal 15 was under consideration. Goal 15 dealt with the Willamette Greenway. He referred to a chart on the wall that explained the process for exceptions to Statewide Planning Goal 15.

Mr. Metzger provided the staff report as outlined in the agenda packet. The Eugene-Springfield area had one of the largest networks of riverfront bicycle and pedestrian facilities in the state. The current connection between Eugene and Springfield was limited to the north side of the Willamette River. The extensive south bank Willamette River path system in Eugene ended at Interstate 5 (I-5) because of the physical barriers created by both the existing I-5 bridges and the proximity of Franklin Boulevard (OR 126B) to the Willamette River. Users traveling between the two cities along the south side of the Willamette River must cross to the north side of the river near the I-5 bridge or divert to the shoulders of Franklin Boulevard (OR 126B), a high speed arterial street.

Many planning documents, including the Central Lane MPO Regional Transportation Plan, TransPlan, the Glenwood Refinement Plan and Willamalane Park and Recreation District comprehensive Plan, call for the continuation of the Willamette River "South Bank Path" from Eugene through Glenwood to Springfield. Construction of the South Bank Viaduct is essential to the continuation and development of the South Bank Path. Combined, the viaduct and path will provide safer, more pleasant opportunities for recreational and commuter bicyclists and pedestrians traveling between Eugene and Springfield.

The proposed South Bank Viaduct would be about 16 feet wide and 1,100 feet in length. It would connect to the South Bank Path at the point where it currently diverted away from the river. The viaduct would elevate the bike/pedestrian path and move it away from the steep bank near the I-5 bridge, and return to the riverbank at a point where the South Bank Path could continue. The proposed viaduct structure would hug the shoreline, minimizing its impact on the river. Some fill or supporting columns may be placed in the river to support the viaduct as it bypassed the slope barrier. The final design for the viaduct structure was still being completed.

An ODOT Transportation Enhancement Grant of approximately \$1 million, along with \$250,000 in Oregon Transportation Investment Act (OTIA) funds and approximately \$140,000 in donated materials would be used to fund the South Bank Viaduct project. The timing of the project would allow reuse of multiple concrete box beams from the Willamette River detour bridge on the viaduct project. As the I-5 replacement bridges were completed, and the detour bridge was removed, the South Bank Viaduct would be constructed.

Approval of this proposed Metro Plan amendment did not negate environmental review of the project. The South Bank Viaduct would undergo NEPA review to assess potential environmental impacts of the final viaduct design and to secure the needed approval for construction of the structure.

Ms. Moore commended staff for seeing the opportunity to move forward with the project and take advantage of the opportunities to reuse materials from the Willamette River detour bridge.

Mr. Kirschenmann concurred with Ms. Moore, seeing the reuse as recycling at its best.

Mr. Cross called for public testimony.

**Jan Wostmann**, 2645 Riverview Street, identified himself as the chair of the Laurelhill Valley Citizens Association. He said the neighborhood supported the projects and urged the commissions make the necessary exception to the statewide planning goals. However, he pointed out a deficiency of the proposal. The South Bank bike trail did not connect to the adjacent Laurelhill Valley neighborhood. The association requested that the commissions take the necessary action to connect to the viaduct and the South Bank bike trail to the Laurelhill Valley neighborhood. It was a long overdue connection and would provide a great opportunity to remedy this deficiency.

Responding to questions from Planning Commissioners, Mr. Metzger referred to a map posted on the wall entitled *Proposed South Bank Viaduct*. He noted the mission tonight was to focus on the Metro Plan amendments. While the Metro Plan amendments before the commissions neither supported nor opposed the connection proposed by Mr. Wostmann, the project was not within the purview of the issues before the commissions tonight. He opined Mr. Wostmann's request for a safe connection for the neighborhood was not unreasonable.

Ms. Jerome, City Attorney for the City of Eugene, raised a point of order. It appeared the commissions had moved into deliberations from the public hearing process. She encouraged the commissions to conclude the public hearing and bring questions to staff during deliberations.

Mr. Cross called for additional testimony. There was no one wishing to offer additional testimony.

Mr. Cross closed the testimony and the record for the Springfield Planning Commission.

Mr. Carroll closed the public hearing and the record for the Eugene Planning Commission.

Ms. Arkin closed the public hearing and the record for the Lane County Planning Commission.

In response to a question from Mr. Carroll, Mr. Metzger explained the proposed amendment language had been reviewed by legal counsel from the three jurisdictions.

Ms. Arkin hoped staff would be able to assist the citizens of Laurelhill Valley to find similar special funding to improve public safety for the residents.

Mr. Hledik found the findings well written and more than adequately addressed the criteria.

Mr. Hledik, seconded by Mr. Lawless, moved that the Eugene Planning Commission recommend to the City Council a text amendment to the Eugene-Springfield Metropolitan Area General Plan that added the following language: An exception to Statewide Planning Goal 15 Willamette River Greenway was approved by the cities of Eugene and Springfield and by Lane County authorizing construction of a bike path viaduct beneath the I-5 bridges, along the south bank of the Willamette River. The exception authorizes construction of the bike path viaduct including the fill and removal of fill necessary to build the structure. This exception satisfies the criteria of Oregon Administrative Rules (OAR) 660-004-

0022(6) Willamette Greenway and the exception requirements of OAR 660-004-0015, this exception is hereby adopted as an amendment to the Metro Plan text, Policy D. II. Chapter III, Section D. The motion passed unanimously, 4:0.

Mr. Noble, seconded by Mr. Siekiel-Zdzienicki, moved that the Lane County Planning Commission recommend to the Lane County Board of County Commissioners (BCC) a text amendment to the Eugene-Springfield Metropolitan Area General Plan that added the following language: An exception to Statewide Planning Goal 15 Willamette River Greenway was approved by the cities of Eugene and Springfield and by Lane County authorizing construction of a bike path viaduct beneath the I-5 bridges, along the south bank of the Willamette River. The exception authorizes construction of the bike path viaduct including the fill and removal of fill necessary to build the structure. This exception satisfies the criteria of Oregon Administrative Rules (OAR) 660-004-0022(6) Willamette Greenway and the exception requirements of OAR 660-004-0015, this exception is hereby adopted as an amendment to the Metro Plan text, Policy D. II. Chapter III, Section D. The motion passed unanimously, 5:0.

Mr. Kirschenmann, seconded by Ms. Moore, moved that the City of Springfield Planning Commission recommend to the Springfield City Council approval of File No. LRP 2009-00005, the proposed Metro Plan text amendment adding a Goal 15 exception to policy D.11 of Chapter III, Section D. for the purpose of allowing fill to be placed within the Willamette Greenway for the construction of the South Bank Viaduct. The motion passed unanimously, 5:0.

Mr. Cross announced this concluded the public hearing for the Willamette Greenway.

**B. Metro Plan Text Amendments: New Population Forecasts for Eugene and Springfield**

Mr. Cross opened testimony for the Springfield Planning Commission.

Ms. Arkin opened the public hearing for the Lane County Planning Commission.

Mr. Carroll opened the public hearing for the Eugene Planning Commission.

Greg Mott, Planning Director for the City of Springfield, offered the staff report. He introduced Jason Dedrick, City of Eugene Planning Department and Kent Howe, Lane County Planning Director.

Mr. Mott distributed and reviewed the following handouts:

- Chronology of key population forecast events.
- Existing Proposed Plan Text.
- Memorandum dated September 1, 2009 to City of Springfield, Eugene, and Lane County Planning Commissions from Greg Mott, Kent Howe, and Carolyn Weiss, subject TransPlan Horizon Year.

The City of Eugene, City of Springfield and Lane County were proposing amending the Metro Plan by adding separate population forecasts for each city and their urban growth area. The forecasts were prepared by Lane County pursuant to the provisions of Oregon Revised Statutes (ORS) 195.036 and were recently adopted into the Lane County Rural Comprehensive Plan. The proposed Metro Plan text amendments implemented stated population forecasting and land use planning statutes by providing separate coordinated population forecasts for the Eugene and Springfield jurisdictional areas of the Eugene-Springfield Metropolitan Area General Plan.



Mr. Mott entered into the record the Portland State University (PSU) study. He noted the staff report was part of the record and included the findings adopted by the BCC in support of their amendment to the rural comprehensive plan.

Mr. Cross called for public testimony.

**Michael Farthing**, P.O. Box 10166, Eugene, represented Gordon Webb, who owned about 600 acres on the southeast edge of Springfield. Mr. Webb and Mr. Farthing were involved in the urban growth boundary (UGB) process and the population forecast was essential to the UGB process. He asked what would happen if the December 31 for House Bill (H.B.) 3337 compliance deadline was not met. He asked for a copy of the complete findings. He noted in the text of the plan amendment, the term "urban transition area" was used. He was not familiar with the term and asked for clarification. He also requested clarification of the language in the text which read: "In the event that either city needs to provide a forecast for a planning period that begins after 2010, that city shall determine the 20 year forecast by adding 20 percent of the 2030-2035 total population increment for each year beyond 2030." He did not understand why there was a 2030 figure and 2035 figure, and thought it was a 20 year period from 2010. He was struck by the precision of the population forecast, asserting "nothing could be that precise." He wished the figures were "fuzzier." He added that the numbers in the 2030 column, 211,783 and 81,608, did not add up to the existing forecast in the Metro Plan of 286,000 by 2015, and questioned the consistency of the figures in the current Metro Plan and the PSU study. He assumed the PSU study and what the planning commissions were being asked to adopt was an amendment to the Metro Plan and the 286,000 figure was invalid and inaccurate and would go away. Mr. Farthing generally agreed with the findings on Attachment 1-8, Urbanization, Goal 14, but he thought the population forecast was directly related to Goal 14. He asserted the finding language that said "the proposed amendment to page I-1 is consistent with these statutes and with OAR 660.024" was a conclusion and not findings. He looked forward to following the process as it wound its way through the various governing bodies.

Mr. Sullivan expressed concern that Mr. Farthing had a number of questions and Mr. Sullivan did not know whether they were all germane to the discussion. He asked if staff could respond to those questions during deliberation.

Noting there were no other members of the public wishing to speak, Mr. Cross closed the public testimony for the City of Springfield.

Ms. Arkin closed the public hearing for Lane County.

Mr. Carroll closed the public hearing for the City of Eugene. He asked if there was a reason to keep the record open.

Mr. Mott saw no legal reason to keep the record open if commissioners needed no additional information.

Mr. Mott addressed the concerns raised by Mr. Farthing.

**Question:** What happened if the cities of Eugene and Springfield did not complete the requirement for H.B. 3337?

**Answer:** Ms. Jerome responded the statute did not specify a remedy so it would be the standard remedy under the law, which staff believed would be for someone to file a writ in Circuit Court to make the cities comply. She added that everyone was on track to complete the work and staff had every reason to believe both jurisdictions would comply with H.B. 3337 within the timeframe.

**Question:** What did the term “urban transition area” mean?

**Answer:** Referring to the handout entitled *Existing Proposed Plan Text*, Mr. Mott explained staff was “recommending the tables included in the handout with figures for each of the years between 2030 and 2035 to facilitate the completion of these projects without need to make additional amendments to the Metro Plan text”, as noted on the handout. He noted the term *Metro Urban Area* was used on the handout rather than *Urban Transition Area*. Metro Urban Area referred to the area between a land area between the city limits and the UGB. PSU had developed population figures for the Metro Urban Areas. Staff was proposing that the term Urban Transition Area be replaced with the term Metro Urban Area.

Mr. Howe explained that there was a TransPlan RTP requirement that would be off by five years. Thus, the contract with PSU covered an additional five years.

**Question:** What did “In the event that either city needs to provide a forecast for a planning period that begins after 2010, that city shall determine the 20 year forecast by adding 20 percent of the 2030-2035 total population increment for each year beyond 2030” refer to?

**Answer:** Mr. Mott explained the 20 percent solution referred to in the text “In the event that either city needs to provide a forecast for a planning period that begins after 2010, that city shall determine the 20 year forecast by adding 20 percent of the 2030-2035 total population increment for each year beyond 2030” referred to the mathematical formula representing five years, and allocating 20 percent to each of the years. Although PSU would have addressed the mathematics differently, the 20 percent solution proposed by staff was reasonable.

**Question:** What caused the change in the Metro Plan population figure of 286,000?

**Answer:** Mr. Mott said the 286,000 figure did go away. That population forecast was used during periodic review in 1995 for a 20-year plan. The planning horizon was changing beyond 2015, and new projections were being used.

**Question:** Related to Goal 14 findings.

**Answer:** Mr. Mott said the findings were perfected through the public hearing process. Hearings were not static and subject to change based upon additional information. The JEOs would adopt the findings although it was the job of the planning commissions to make recommendations to the JEOs based on findings and public testimony they receive. He added the rule was unequivocal. The inventory could not be validated for a 20 year period without a population forecast.

In response to a question from Mr. Noble, Mr. Mott said the findings which Mr. Farthing thought were incomplete were those adopted by the BCC in the PSU report and coordinated figures.

Ms. Jerome added said the findings were a matter of public record and had been adopted by Lane County. A more complete version would be provided to the elected officials.

Ms. Brotherton explained the information before the commissioners was intended to be heads up and provide an opportunity for the commissioners to add clarification if they so choose. She noted in April 2009, the joint planning commissions held a public hearing and recommended to elected officials that they adopt some amendments to TransPlan and the Metro Plan as part of the work plan approved by the Land Conservation and Development Commission (LCDC). The work plan required that the planning horizon of TransPlan be adjusted to get in more in line with what it actually planned

for. It planned for a population for the transportation study area. She displayed a map which illustrated the transportation study area.

Responding to a question from Mr. Hledik, Ms. Jerome explained on Goal 8 that the City of Eugene PROS comprehensive plan had not yet been adopted and therefore there was intentionally not referenced in the current process. The Goal 11 findings could be updated based on commissioners' comments from this meeting before the issue went to the City Council. She added there would be further discussions on Goal 11 through the Eugene Comprehensive Lands (ECLA) process.

Responding to questions from Mr. VanGordon, Mr. Mott explained that the variation between the five year increments was irrelevant. Mr. Mott added that the term "safe harbor", as referred to by the Division of Land Conservation and Development (DLCD) director, was the "presumed, constant portionality". He noted DLCD staff thought the safe harbor method did not adequately track the changes that occurred in population movements due to aging and other factors. Mr. Mott added relying on portionality of 72 percent for Eugene and 28 percent for Springfield was a simplistic approach that the state was willing to accept in the circumstances where cities were in crisis and had to have a population forecast and the counties were not acting as needed. Safe harbor was premised on the existing OEA population forecast for Lane County in 2030 to be 434,000. PSU and OEA agreed that was no longer accurate, asserting the Lane County population would be 420,000 in 2030. The original premise of attempting to calculate the constant portionality had been ratcheted down. If the 420,000 figure had been used, the safe harbor numbers would have been even smaller.

Mr. Duncan, seconded by Mr. Hledik, moved to recommend that the elected officials approve the Metro Plan amendment shown on page 1 of the staff memorandum, with the amendments recommended in the provided hand-out (specifically, the amendments adding the break-out for years 2031, 2032, 2033, and 2034; and replacing the term "Urban Transition Area" with the term "Metro Urban Area") but deleting the last sentence from the amendments recommended in the provided hand-out (beginning with: "In the event. . ."). The motion passed unanimously, 10

Mr. Noble, seconded by Ms. Nichols, moved to recommend that the elected officials approve the Metro Plan amendment shown on page 1 of the staff memorandum, with the amendments recommended in the provided hand-out (specifically, the amendments adding the break-out for years 2031, 2032, 2033, and 2034; and replacing the term "Urban Transition Area" with the term "Metro Urban Area") but deleting the last sentence from the amendments recommended in the provided hand-out (beginning with: "In the event. . .").

Ms. Arkin said she would support the motion but found the term Metro Urban Area confusing. She wished to have it further clarified when it was brought forward to elected officials.

The motion passed unanimously, 5:0.

Ms. Moore, seconded by Mr. Kirschenmann, moved to recommend that the elected officials approve the Metro Plan amendment shown on page 1 of the staff memorandum, with the amendments recommended in the provided hand-out (specifically, the amendments adding the break-out for years 2031, 2032, 2033, and 2034; and replacing the term "Urban Transition Area" with the term "Metro Urban Area") but deleting the last sentence from the amendments recommended in the provided hand-out (beginning with: "In the event. . ."). The motion passed unanimously, 5:0.

Mr. Noble, seconded by Ms. Nichols, moved that the Lane County Planning Commission close the record. The motion passed unanimously, 5:0.

Mr. Duncan, seconded by Mr. Lawless, moved that the Eugene Planning Commission close the record. The motion passed unanimously, 4:0.

Mr. Kirschenmann, seconded by Mr. VanGordon, moved that the Springfield Planning Commission close the record. The motion passed unanimously, 5:0.

Mr. Carroll, moved to recommend, that based on the Planning Commission's recommended population forecasts, the amendments to TransPlan and the Metro Plan recommended to the Eugene City Council/Board of County Commissioners on April 7, 2009, be adjusted to reflect the new population numbers. There was no second to the motion.

Following a brief discussion, Mr. Hledik concluded that he was comfortable moving forward with the motion without holding an additional public hearing.

Mr. Siekiel-Zdzienicki concurred an additional public hearing was not needed.

Mr. Hledik called the question.

Mr. Lawless, seconded by Mr. Hledik, moved to recommend, that based on the Planning Commission's recommended population forecasts, the amendments to TransPlan and the Metro Plan recommended to the Eugene City Council on April 7, 2009, be adjusted to reflect the new population numbers. The motion passed unanimously, 4:0.

Mr. Siekiel-Zdzienicki, seconded by Mr. Noble, moved to recommend, that based on the Planning Commission's recommended population forecasts, the amendments to TransPlan and the Metro Plan recommended to the Board of County Commissioners on April 7, 2009, be adjusted to reflect the new population numbers. The motion passed unanimously, 5:0.

Mr. Kirschenmann, seconded by Mr. VanGordon, moved to recommend, that based on the Planning Commission's recommended population forecasts, the amendments to TransPlan and the Metro Plan recommended to the Springfield City Council on April 7, 2009, be adjusted to reflect the new population numbers. The motion passed unanimously, 5:0.

Mr. Cross adjourned the meeting at 7:55 p.m.

(Recorded by Linda Henry)

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