

W. S. A.

Memo Date: May 19, 2008
First Reading Date: June 11, 2008
Second Reading/JEO Public Hearing Date: June 24, 2008
Third Reading/Deliberation/Action: June 25, 2008

TO: Board of County Commissioners
DEPARTMENT: Public Works, Land Management Division, Planning Department
PRESENTED BY: Stephanie Schulz, Planner
AGENDA ITEM TITLE: Ordinance No. PA 1247 / In the Matter of Amending the Eugene-Springfield Metropolitan Area General Plan (*Metro Plan*) Text, Chapter III, Section D., Policy D.11; Adopting an Exception to Statewide Planning Goal 15, Willamette River Greenway; and Adopting Savings and Severability Clauses. (File No. PA 1247)

I. MOTION:

For June 11, 2008: Move approval of the first reading and setting the second reading and joint public hearing on Ordinance No. PA 1247 for June 24, 2008 at 7:30 p.m. in the Eugene Library Bascom/Tykeson Room.

For June 24, 2008: Conduct the public hearing and move to set the third reading and deliberations, for June 25, 2008 if the record closes after the hearing. If the record is left open, set the third reading/deliberations for a date and time certain following the close of the record.

For June 25, 2008: Move approval of Ordinance No. PA 1247 to amend the *Eugene-Springfield Metropolitan Area General Plan* text in Chapter III, Section D, Policy #11, adopting an exception to Statewide Planning Goal 15, the Willamette River Greenway, to allow for the placement of fill within the greenway and to authorize completion of the permanent replacement I-5 Willamette River Bridge, a non-water dependent and non-water related use.

II. AGENDA ITEM SUMMARY

On February 28, 2008, Oregon Department of Transportation (ODOT) requested City of Eugene initiate a Type I Metro Plan Amendment to allow for project approval by all three Metro Plan jurisdictions; Eugene, Springfield and Lane County. The project is the permanent replacement of the I-5 Bridges over the Willamette River to improve safety and ensure mobility of all users in the Eugene-Springfield Metro area through the year 2030. I-5 is the major transportation artery through Oregon and the only freeway that traverses the entire length of the west coast from Mexico to Canada. Local and regional economies, residents, and visitors depend on the reliable use of the freeway in the Eugene-Springfield Metro area.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The existing Willamette River I-5 Bridge was found to have substantial structural problems, including cracks in the supporting structures, revealed in 2004, which required the decommissioning of the existing bridge for safety reasons. Built in 1962, the design standards used at that time were no longer sufficient to support the size of modern freight trucks. Temporary detour bridges were built adjacent to the decommissioned bridge in 2004 and those

bridges now handle all I-5 traffic. Construction of the temporary bridge was authorized in 2004 by all three Metro jurisdictions through a Type I *Metro Plan* Amendment that included an exception to Statewide Planning Goal 15: Willamette River Greenway.

B. Policy Issues

The *Metro Plan* is the basic guiding land use policy document that provides the framework for metropolitan-wide planning. Refinement plans provide further detail and can include city-wide policy documents, functional plans and policies addressing single subjects and neighborhood or special area plans. In all cases, the *Metro Plan* is the guiding document, refinement plans and policies and proposed amendments must be consistent with the *Metro Plan*.

Metro Plan Chapter IV Amendment Policies classify this proposed amendment as a Type I Amendment because approval will require taking a goal exception to Statewide Planning Goal 15; Willamette River Greenway, to allow for the placement of fill and constructing a non water-dependent facility, the permanent I-5 replacement bridges. The previous exception taken for the temporary bridge could not cover construction of the permanent I-5 bridge until project details, including the greenway fill location requirements, were known.

The approval process for a Type I *Metro Plan* amendment requires all three governing bodies to participate in the decision and conduct public hearings. All jurisdictions shall deliberate and attempt to reach a consensus decision. A decision to approve requires the three jurisdictions to approve substantively identical ordinances affecting the change. If consensus can not be reached, *Metro Plan* conflict resolution procedures shall be followed.

C. Board Goals

Adoption of this ordinance after conducting a joint public hearing supports the following Lane County Strategic Goals adopted by the Board:

- Provide opportunities for citizen participation in decision making, voting, volunteerism and civic and community involvement.
- Contribute to appropriate community development in the areas of transportation and telecommunications infrastructure, housing, growth management and land development.

D. Financial and/or Resource Considerations

The I-5 permanent bridge replacement qualifies under the Federal Highway Bridge Replacement and Rehabilitation Funding Program and is a key project of the statewide Oregon Transportation Investment Act (OTIA). The OTIA III State Bridge Delivery Program prioritizes this project as the largest in the statewide list for repair and replacement of more than 300 bridges over a 10 year period. The project is funded at \$180 million, which includes federal SAFTEA funds of approximately \$30 million for this project supplementing the \$150 million from state sources.

The OTIA III program emphasizes using local subcontractors and material suppliers, which means a substantial portion of the project costs are expected to be spent in the local area over the four year expected construction timeframe. Currently, there are no Lane County road fund monies included in the project, nor are any County Road Funds expected to be necessary to complete this federal project.

E. Analysis

The three metro governing bodies have each adopted identical *Metro Plan* amendment criteria into implementing ordinances and codes. Lane Code 12.225 sets forth approval criteria for the Board.

12.225 Metro Plan – Approval of a Plan Amendment.

12.225 (2) Criteria for Approval of Plan Amendment.

The following criteria shall be applied by the Board of Commissioners in approving or denying a plan amendment application:

- (a) The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission; and
- (b) Adoption of the amendment must not make the *Metro Plan* internally inconsistent.

Exhibit A to the Ordinance provides detailed Findings of Fact that show the proposal has consistency with the relevant Statewide Planning Goals and Oregon Administrative Rules and addresses all relevant approval criteria applicable to the Lane County decision. The applicant has conducted extensive analysis and proposed minimization and mitigation measures to ensure the project will meet the Goal 15 exception criteria. In order to move forward with this project that is neither water-dependent nor water-related, the metro governing bodies must approve the requested exception to Goal 15.

The I-5 bridge over the Willamette River is critical to the local economy of the Metro area and for through travelers on I-5. The permanent replacement of the temporary detour bridge will ensure continued efficiency of the transportation system as it functions today, and be designed to support future capacity needs to respond to population and economic changes through the year 2030. This facility is located in the same location as the existing and previous bridges and will continue to make the most appropriate use of best management practices during construction and provide a permanent bridge that ensures safe, direct and efficient freeway access through the area.

The project is recognized in the 1999 Oregon Highway Plan and in TransPlan. TransPlan currently recognizes the importance of I-5 to the region, and because the bridge over the Willamette River is necessary to maintaining the efficiency of I-5, consistency with both TransPlan and the Metro Plan is met, as described in detail in Exhibit A to the Ordinance.

F. Alternatives/Options

- Option 1. Approve the Ordinance as presented.
- Option 2. Revise the Ordinance as directed by the Board and return for approval of the revised Ordinance on a date certain set by the Board.
- Option 3. Do not approve the Ordinance and deny the application.

IV. TIMING/IMPLEMENTATION

Action by the Board is scheduled for Wednesday, June 25th, at the earliest, as required by law to occur with at least 13 days between the first reading of the Ordinance title, which was on June 11th and the reading prior to enactment. Approval of the requested Metro Plan amendment will complete the local land use planning process for approving an exception to Statewide Planning

Goal 15 – Willamette River Greenway. The project continues with planning and analysis through the federal NEPA process, with additional opportunities for public comment.

Upon completion of regulatory approval the project construction timeline is expected to take approximately four years and make extensive use of local subcontractors and material suppliers, to the benefit of businesses in the metro area and the regional economy.

V. RECOMMENDATION

Staff recommends Option 1.

Planning Commission Recommendations

Eugene, Springfield and Lane County planning commissions held a work session/public hearing on April 29, 2008. The record was held open by citizen request and joint Commission deliberations were held on June 3, 2008. The planning commission(s) recommendation and minutes of their joint public hearing and deliberations will be provided in a supplemental packet prior to the joint elected officials hearing.

VI. FOLLOW-UP

Notice of Metro jurisdiction’s action will be provided to DLCD and all interested parties. If the Board adopts the Ordinance as presented or modified, notice of that action will also be provided.

Should the Board choose Option 2, an Order with findings setting forth the Board’s reasons for denying the Ordinance would be prepared and returned to the Board for adoption on a date certain.

VII. ATTACHMENTS

1. Ordinance No. PA 1247
Exhibit A - Findings of Fact

2. The Planning Commission recommendation and additional staff information from Eugene, the lead city will be provided prior to the public hearing in a supplemental memo or delivered at the hearing.

BEFORE THE BOARD OF COUNTY COMMISSIONERS OF LANE COUNTY, OREGON

**ORDINANCE NO. PA 1247)IN THE MATTER OF AMENDING THE EUGENE-
)SPRINGFIELD METROPOLITAN AREA GENERAL
)PLAN (METRO PLAN) TEXT, CHAPTER III, SECTION
)D., POLICY D.11; ADOPTING AN EXCEPTION TO
)STATEWIDE PLANNING GOAL 15, WILLAMETTE
)RIVER GREENWAY; AND ADOPTING SAVINGS AND
)SEVERABILITY CLAUSES.**

WHEREAS, Chapter IV of the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) sets forth procedures for amendment of the Metro Plan, which are implemented by the provisions of Lane Code 12.200 through 12.245; and

WHEREAS, on February 1, 2008, the Oregon Department of Transportation (ODOT) submitted an application to the City of Eugene for a Metro Plan text amendment, and an Exception to Statewide Planning Goal 15, Willamette River Greenway, for the permanent replacement I-5 Willamette Bridge Project; and

WHEREAS, a joint public hearing of the Planning Commissions of the City of Eugene, City of Springfield and Lane County was held on April 29, 2008, to accept testimony and evidence entered into the record of this matter, the three Planning Commissions held joint deliberations on June 3, 2008, and following the June 3, 2008, meeting the Lane County Planning Commission forwarded a recommendation of approval to the Board on the request for the Metro Plan amendment to Chapter III, Section D, Policy D.11, and taking an exception to Statewide Planning Goal 15 Willamette River Greenway; and

WHEREAS, the Lane County Board of Commissioners ("Board") held a first reading of Ordinance No. PA 1247 on June 11, 2008; and

WHEREAS, the Lane County Board of Commissioners, Eugene City Council, and Springfield City Council conducted a joint public hearing on this amendment on June 24, 2008, and the Board is now ready to take action based upon the above recommendation 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, of Lane Code Chapter 12, and of applicable state and local law as described in the Findings, attached as Exhibit 'A' and which are incorporated here by this reference.

NOW, THEREFORE, the Board of County Commissioners of Lane County Ordains as follows:

Section 1. Metro Plan Policy D.11, Chapter III, Section D. is hereby amended by the removal of the old text ~~struck out~~ and the addition of the following text in **bold** added to the end of that policy:

~~An exception to Statewide Planning Goal 15 Willamette River Greenway was approved for Oregon Department of Transportation (ODOT) I-5 right of way crossing the Willamette River and within the Willamette River Greenway Setback Line, for purpose of constructing a temporary detour bridge, implementing the conditions imposed on the Discretionary Use Approval (Springfield Journal SHR 2003 00115) and removing the temporary detour bridge after completion of the permanent replacement bridge. This exception satisfies the criteria of Oregon~~

~~Administrative Rule (OAR) 660-004-0022(5) Willamette Greenway; the exception requirements of OAR 660-004-0020 Goal 2, Part II(e) 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.~~

“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.”


Section 2. The Metro Plan is hereby amended to include the findings of fact, statement of reasons and conclusions of law supporting a “reasons” exception to Statewide Planning Goal 15 and demonstrating compliance with OAR 660-004-0015, 660-004-0020 and 660-004-0022(6) as contained in the attached Exhibit ‘A’ (pages 3-14) and incorporated herein by this reference. While not otherwise included in the Metro Plan except as specifically described above, those and the remaining findings contained in Exhibit ‘A’ are adopted in support of this Ordinance.

Section 3. The provisions of the Metro Plan amended by this Ordinance remain in full force and effect to authorize prosecution of persons in violation of those provisions prior to the effective date of this Ordinance.

Section 4. 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 a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

ENACTED this _____ day of June, 2008

APPROVED AS TO FORM

Date 6-2-2008 Lane County

OFFICE OF LEGAL COUNSEL

Faye Stewart, Chair
Lane County Board of Commissioners

Recording Secretary for this meeting of the Board

Findings of Compliance with the Metro Plan and Statewide Goals and Administrative Rules

I-5 Willamette River Bridge Project

Applicant:

Oregon Department of Transportation

Metro Plan Text Amendment & Goal Exception (Lane County File No. PA 08-5230):

The I-5 Willamette River Bridge project is located entirely within the Eugene-Springfield Metropolitan Area General Plan. The project includes permanent replacement of the temporary detour Interstate 5 bridges over the Willamette River and Canoe Canal (Patterson Slough), construction and later removal of one or more other temporary bridges, demolition of the original temporary detour Willamette River and Canoe Canal bridges, construction of replacement bridges, reconstruction of the roadway approaches to the bridges, rehabilitation of the project area, and completion of any required mitigation. The permanent replacement bridge will be supported by poured-in-place concrete columns and compacted fill that will be located within the Willamette River Greenway Setback Area. By Oregon Administrative Rule (OAR), only water-dependent and water-related uses are permitted within the Greenway setback area, and since this bridge does not meet the definition of water dependent or water related uses found in the Statewide Goals, an exception is required before the project can be authorized. The Rule also requires the goal exception to be included within the comprehensive plan, hence a Metro Plan amendment is also required to allow placement of the fill within the Willamette River greenway for the project.

These findings of fact and statement of reasons will demonstrate the criteria for amending the Metro Plan and the standards for taking an exception to Goal 15 have been met.

Based on these findings and reasons, the Lane County Planning Commission and staff recommend and the Board of Commissioners adopts an amendment to the Metro Plan Text by removing the previous exception text for the temporary detour bridge and adding the following paragraph to Policy D.11, Chapter III, Section D.

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 #11, Chapter 111, Section D.

Eugene, Springfield and Lane County each adopted identical Metro Plan amendment criteria into their respective implementing ordinances and codes. Eugene Code 9.7730(3), Springfield Code Section 7.070(3)(a & b), and Lane Code 12.225(2)(a & b), set forth the corresponding Metro Plan amendment criteria.

Lane Code 12.225 (2) (a & b) requires that the following criteria (in bold and italics) be applied to a Metro Plan text amendment:

(a) The amendment must be consistent with the relevant Statewide Planning Goals adopted by the Land Conservation and Development Commission; and

Goal 1 Citizen Involvement: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Lane County has acknowledged provisions for citizen involvement that ensure the opportunity for involvement in all phases of the planning process. This project does not amend the citizen involvement program.

The Lane County land use code implements Statewide Planning Goal 1 by requiring that notice of the proposed amendments be given and public hearings be held prior to adoption. As a Type I, site specific Metro Plan amendment, consideration of the amendments began with a joint City of Eugene, City of Springfield and Lane County Planning Commission public hearing on April 29, 2008.

Subsequent to deeming the applications complete, on February 27, 2008, the City of Eugene mailed notice of the three jurisdiction proposed plan amendments to the Department of Land Conservation and Development, as required by Lane Code and in accordance with State statutes. Referrals concerning the pending applications were sent to the Oregon Department of Transportation (ODOT), City of Springfield, Lane County, the affected Neighborhood Associations (Laurel Hill Valley Citizens and the Harlow Neighborhood Association), and to relevant departments. On March 14, 2008, notice of the joint Planning Commission public hearing was mailed to the applicant, and owners and occupants of property within 300 feet of the subject property, the affected neighborhood groups in all three jurisdictions and other interested parties such as the Whilamut Natural Area of Alton Baker Park. On March 14, 2008, notice of the joint Planning Commission public hearing was also published in the *Register-Guard*, in accordance with Lane Code. On March 26, 2008, notice of the hearing was posted.

A second joint public hearing before the elected officials of the City of Eugene, City of Springfield and Lane County was scheduled following Planning Commission action. Notice to interested and

affected parties was sent by City of Eugene and published in the Register-Guard on June 4, 2008. In response to the public notice, letters of written testimony were received, including comments from two of the affected Eugene neighborhood groups; the Laurel Hill Valley Citizens (LHVC) and the Harlow Neighborhood Association (HNA). Responses to these comments are provided under the appropriate criteria below where applicable.

Additionally, the federal environmental process applicable to this project provides additional opportunities for public involvement including public meetings, open houses, newsletters, public comment period on the Environmental Assessment, and establishment of a Community Advisory Group. These efforts will continue public involvement outside of the land use application process, consistent with this Goal.

The process used by Eugene, Springfield and Lane County including mailed, posted and published notice (as well as posting on the City of Eugene web page) for reviewing these amendments is found to be in full compliance with Statewide Planning Goal 1, since it provided extensive opportunity for public engagement in the process and surpasses the requirements of the State's citizen involvement provisions.

Goal 2 - Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Part I - Planning

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 policy tool that provides a basis for decision-making in this area. The Metro Plan was acknowledged by the State in 1982 to be in compliance with statewide planning goals. These findings and record show that there is an adequate factual base for decisions to be made concerning the proposed amendments. Goal 2 requires that plans be coordinated with the plans of affected governmental units and that opportunities be provided for review and comment by affected governmental units. To comply with the Goal 2 coordination requirement, the City of Eugene coordinated the review of these amendments that include the three metro jurisdictions with all affected governmental units. Specifically, notice was mailed to the State Department of Land Conservation and Development, Oregon Department of Transportation (ODOT), Lane County, and the City of Springfield. Lane County and both metro cities, Eugene and Springfield, are participating in this amendment.

Part II - Exceptions

Part II of Goal 2 provides the conditions and standards for which local jurisdictions can adopt an exception to a statewide goal. This project includes a request for an exception to Statewide Planning Goal 15, Willamette River Greenway which does not allow non water-dependent, non water-related uses within the greenway setback. The I-5 Bridge is not a water-dependant or water related use, therefore a Goal 15 exception is required by D.11 of the Metro Plan, it is unnecessary to determine if Goal 15 itself would require such 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, which states:

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) I-5 right of way crossing the Willamette River and within the Willamette River Greenway Setback Line, for purpose of constructing a temporary detour bridge, implementing the conditions imposed on the Discretionary Use Approval (Springfield Journal SHR 2003-00115) and removing the temporary detour bridge after completion of the permanent replacement bridge. This exception satisfies the criteria of Oregon Administrative Rule (OAR) 660-004-0022(5) Willamette Greenway; 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.

The taking of an exception is consistent with Policy D.11 for the placement of fill within the Willamette River Greenway setback for the permanent non-water-dependent transportation facility. An exception was previously taken for the temporary bridge, as described under Policy D.11 above. To acknowledge the I-5 Willamette Bridge Project, Metro Plan Policy D.11 is proposed to be amended as follows in **bold**:

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 111, Section D.

In compliance with Metro Plan Policy D.11, the following provides analysis and findings of fact to support a Goal 15 exception.

The Land Conservation and Development Commission (LCDC) administrative rule governing goal exceptions, OAR 660-004-0022(6), states that within urban areas, the proposed siting of uses that are neither water-dependent nor water-related within the Willamette River greenway setback area requires exceptions. The rule states the following:

(6) Willamette Greenway: Within an urban area designated on the approved Willamette Greenway Boundary maps, the siting of uses which are neither water-dependent nor water-related within the setback line required by Section C.3.k of the Goal may be approved where reasons demonstrate the following:

- (a) The use will not have a significant adverse effect on the greenway values of the site under construction or on adjacent land or water areas;*
- (b) The use will not significantly reduce the sites available for water-dependent or water-related uses within the jurisdiction;*
- (c) The use will provide a significant public benefit; and*
- (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.*

The requirements for Goal exceptions are outlined in OAR 660, Division 4 and are as follows:

OAR 660-004-0018 Planning and Zoning for Exception Areas

(4) "Reasons" Exceptions:

- (a) When a local government takes an exception under the "Reasons" section of ORS 197.732(1)(c) and OAR 660-004-0020 through 660-004-0022, plan and zone designations must limit the uses, density, public facilities and services, and activities to only those that are justified in the exception;*
- (b) When a local government changes the types or intensities of uses or public facilities and services within an area approved as a "Reasons" exception, a new "Reasons" exception is required;*

The taking of goal exceptions requires and results in amendments to the Metro Plan. (ORS 197.732(8) defines an "exception" as a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan). The exception provides for the continuation of the existing use of I-5 by motor vehicles for interstate mobility and commerce purposes. The new I-5 Willamette River bridges are needed to accommodate that use.

The new bridges will be replacement bridges to the decommissioned I-5 bridge and Canoe Canal bridge, which are part of the I-5 interstate highway facility whose existence is identified in the Transplan. As such, the new bridges will not be providing a use that does not already exist.

OAR 660-004-0022 Reasons Necessary to Justify an Exception Under Goal 2, Part II(c)

An exception under Goal 2, Part II(c) can be taken for any use not allowed by the applicable goal(s). The types of reasons that may or may not be used to justify certain types of uses not allowed on resource lands are set forth in the following sections of this rule: ...

(6) Willamette Greenway: Within an urban area designated on the approved Willamette Greenway Boundary maps, the siting of uses which are neither water-dependent nor water-

related within the setback line required by Section C.3.k of the Goal may be approved where reasons demonstrate the following:

(6) (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; ...

The new bridges would be located in the same location as the decommissioned and detour bridges, although they would require minor shifts of alignment and reconnection of portions of the Franklin Boulevard northbound and southbound on and off ramps as dictated by bridge design. The Whilamut Natural Area of Alton Baker Park lies west of the I-5 right-of-way in Eugene and the Eastgate Woodlands portion of the Whilamut Natural Area lies east of the I-5 right-of-way in Springfield. Since the project area includes portions of both parks where they are adjacent to I-5 and north of the Willamette River, unless otherwise differentiated, this area will be referred to as the Whilamut Natural Area and Eastgate Woodlands for the remainder of these findings. The area adjacent to ODOT's right-of-way is used as open space. The greenway values of the area are: contribution to the protection of natural, scenic, and recreational uses, fish and wildlife habitat, water quality, protection from flooding, and public recreation.

Because the replacement bridges and associated fill will be located within existing ODOT right-of-way, which is outside of the Whilamut Natural Area and Eastgate Woodlands, there will be no reduction in the amount of permanent open space available at the parks. Because the bridges replace an existing, structurally defective bridge and existing I-5 facility, there will be no change in use of this area. Existing park and river users under the I-5 bridges are accustomed to experiencing overhead interstate travel at this location, and the continuation of that use does not significantly affect Willamette River Greenway values. The bicycle-pedestrian path linking Eugene and Springfield will continue to traverse ODOT's right-of-way below the new bridges. Public access to the river will also not be affected in any significant long-term manner and protection to riparian areas and fish and wildlife habitat will be maintained to the greatest possible extent. Additionally, specific development details will be reviewed for minimizing impacts through compliance with applicable approval criteria, related standards and any necessary conditions of approval, as further reviewed under local permitting processes such as the Willamette Greenway Permit and Water Resources Conservation Overlay Zone.

These findings acknowledge that the project will create some short term impacts to Willamette Greenway values during construction that will be fully mitigated upon conclusion of the project. Staging for bridge construction is likely to occupy up to five acres of park open space for up to four years. The bicycle/pedestrian path crossing ODOT's right-of-way will be closed for periods of up to a few days at a time; however, another path under the Canoe Canal Bridge, located approximately 600 feet to the north of this path, will remain open during any closures of the main bike path to accommodate bicycle and pedestrian traffic.

The new replacement bridges will span the Willamette River and Canoe Canal. Piers will be placed in the Willamette River to support the bridge structures. The new bridges will each have one pier near the center of the river and one on or near the south bank, but no piers will be located in the Canoe Canal. By comparison, the decommissioned bridge has five piers in the Willamette River, and the detour bridge has six, so the new bridges will provide a substantial net reduction in piers

compared to the existing number. Reduction in the number of piers in the river will have a positive effect on recreational uses and values of the river, consistent with this standard. Best Management Practices require as part of any construction plan, a plan to prevent construction debris from dropping into the Willamette River. These measures, best management practices (BMP's) and design features, including the reduction in the number of piers, the inclusion of the Canoe Canal span in the replacement bridge construction for continuity, and the construction measures proposed, ensure there is no significant adverse effect on the recreational greenway values of the site.

Regarding environmental resources, at the conclusion of bridge construction, fill placed for the detour bridge and for temporary work bridges will be removed and those areas will be restored. Bridge construction and demolition, including construction and removal of associated temporary work platforms, will impact riparian vegetation within the greenway (see Figure 6, Approximate Vegetation Disturbance Areas). However, ODOT's temporary easement for use of Eastgate Woodlands requires ODOT to restore the property within 5 years of completion of the permanent replacement bridges. The applicant also proposes several construction, site preparation, post development, and coordination measures to minimize impacts to natural resources discussed under Metro Plan Policy E.2, which is incorporated herein by reference. Additionally, preliminary data indicates that there will be a *net decrease* of 31,000 cubic yards of fill in the Willamette River (30,000 cubic yards of fill added and 61,000 cubic yards of fill removed; application, page 5). The replacement bridges are proposed within existing ODOT right-of-way, ensuring a reduction of impacts to non-transportation utilized areas. The project does include use of some temporary storage areas outside the ODOT right-of-way. Affects on environmental resources will be minimized and mitigated. Furthermore, additional review of detailed site plans during the federal, state and local processes will require mitigation as appropriate, subject to applicable standards.

Scenic values of the Willamette River greenway are addressed by the reduction in the total number of piers within the Willamette River, which will improve views of the river. A key consideration of the project is providing an aesthetically pleasing solution that recognizes the scenic beauty of the project area. ODOT has considered a range of bridge types and pier options. They are soliciting community input on several conceptual schematic design types, and will consider the results of this public survey prior to development of detailed engineering design plans. Ultimately, selection of the bridge design will balance aesthetic considerations and budget.

While construction activities will temporarily impact greenway values, the I-5 Willamette River permanent replacement bridges will have no significant adverse effect on the Willamette Greenway values of ODOT's right-of-way or the adjacent park lands and water areas. Additionally, specific construction and operational details regarding mitigation of riparian impacts will be appropriately addressed during local permitting processes, subject to applicable approval criteria and related standards.

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

The two new replacement bridges will not reduce any sites available for water-dependent or water-related uses in Lane County because the bridges will be constructed entirely within the same

existing ODOT I-5 right-of-way where the decommissioned I-5 bridge and temporary detour bridge are located. The new bridges will have one pier each near the center of the river and one pier on or near the south bank (the Canoe Canal on the north side would be spanned completely and these bridges will be perched on fill associated with the roadway). The available sites for water dependent uses do not change, therefore, they will not be significantly reduced and this standard is met.

(c) The use will provide a significant public benefit; and ...

I-5 is the primary north-south highway corridor serving California, Oregon, and Washington. The facility provides for the significant movement of people, freight, and other services, and serves as the backbone for international, interstate, and intrastate commerce. Project analysis shows that on average, approximately 49,000 vehicles cross the Willamette River through the Eugene-Springfield Metro area on I-5 each day, with numbers reaching greater than 63,000. Approximately 16 to 18 percent of daily trips are made by tractor trailer rigs hauling freight. By the year 2030, I-5 is expected to accommodate approximately 73,000 daily vehicle trips. The connectivity and mobility that I-5 provides to both the local community and to intrastate and interstate travelers constitutes a significant public benefit. This facility is recognized in the 1999 Oregon Highway Plan and in TransPlan. Therefore this standard is met.

(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.

The legislative findings and policy in ORS 390.314 are:

ORS 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.

As previously stated, the I-5 Willamette River bridge predates the adoption of Goal 15. As an element of I-5, the bridge is provided for in TransPlan, which has been acknowledged to be in compliance with all statewide planning goals. Construction of the replacement bridges and removal of the decommissioned Canoe Canal and detour bridges will temporarily affect greenway values during construction. However, as discussed specifically in these findings under Goal 6 (air, water quality, land), Goal 8 (recreation) and Metro Plan Policy E.2 (environment), and generally in the remainder of these findings, the project is in the public interest.

(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.

The State of Oregon and units of local government, including Lane County and the cities of Springfield and Eugene, have cooperated in the implementation of greenway planning as required by legislative intent. The I-5 Willamette River Bridge replacement project is coordinated through the Metro Plan amendment three jurisdictional planning process to adopt this Ordinance, and development and construction will be permitted through the established local and statewide greenway planning process.

(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.

The Interstate Highway System and the I-5 Willamette River bridge are existing uses that predate the establishment of Statewide Planning Goal 15. The replacement bridges and their approaches are a continuation of existing uses of lands included within the greenway. Furthermore, as discussed in the findings under Goal 6 (air, water quality), Goal 8 (recreation) and Metro Plan Policy E.2 (environment), measures are proposed during construction to reduce or mitigate environmental and recreational impacts to acceptable levels. The project is found to be consistent with this standard as an existing use of land needed by the people of Oregon.

(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 continue within the greenway without restriction.

The permanent replacement I-5 Willamette River Bridge is located wholly within the urbanized area of the Eugene-Springfield Metro Plan, and not upon nor near farm land within the Greenway boundary. Therefore, this provision is not applicable.

(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.

Constructing the I-5 replacement bridges in no way limits or changes Oregon State Parks' responsibilities for the coordination of the development and maintenance of the greenway.

(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 recreational areas and for public recreational use

within the boundaries of units of local government along the Willamette River.

The replacement bridges and approaches will be located within existing ODOT public right-of-way. The land is in the public domain and will remain in the public domain after completion of the project. No acquisition is proposed, therefore, this standard does not apply.

These findings clearly demonstrate a reasons exception to Goal 15 is warranted, and the project clearly meets the requirements stated in the above findings, specifically OAR 660-0040-0022 (6)(c). Consistency with the exception requirements to allow for the placement of fill within the greenway setback for the I-5 Willamette Bridge Replacement project is described as follows:

OAR 660-004-0020 Goal 2, Part II(c), Exception Requirements

(1) If a jurisdiction determines there are reasons consistent with OAR 660-004-0022 to use resource lands for uses not allowed by the applicable Goal or to allow public facilities or services not allowed by the applicable Goal, the justification shall be set forth in the comprehensive plan as an exception.

Lane County has determined that the reasons as set forth above for completion of the project are found to be consistent with OAR 660-004-0022(6). Justification is set forth in the comprehensive plan, as the Ordinance text amendment language to be adopted as an exception to Goal 15.

(2) The four factors in Goal 2 Part II(c) required to be addressed when taking an exception to a Goal are:

(a) "Reasons justify why the state policy embodied in the applicable goals should not apply": The exception shall set forth the facts and assumptions used as the basis for determining that a state policy embodied in a goal should not apply to specific properties or situations, including the amount of land for the use being planned and why the use requires a location on resource land;

The reasons justifying why the replacement bridges should be permitted within the greenway setback area, and why associated fill should be permitted, are those addressed above in the analysis demonstrating compliance with the criteria in OAR 660-004-0022(6). An exception to the Statewide Planning Goal 15 is necessary to allow additional fill to be placed in the greenway per Metro Plan Policy D.11. Here, approximately 30,000 cubic yards of fill will be placed within ODOT's existing I-5 right-of-way, while approximately 61,000 cubic yards of fill will be removed, resulting in a *net decrease* of 31,000 cubic yards of fill in the Willamette River.

Except for a few acres of park land needed temporarily for staging construction, all development will occur within ODOT's existing I-5 right-of-way, which is not resource land. The bridges require a location over the Willamette River greenway because I-5 already exists both north and south of the Willamette River and the highway cannot practicably be relocated to avoid crossing the river.

(b) "Areas which do not require a new exception cannot reasonably accommodate the use":

(A) The exception shall indicate on a map or otherwise describe the location

of possible alternative areas considered for the use, which do not require a new exception. The area for which the exception is taken shall be identified;

(B) To show why the particular site is justified, it is necessary to discuss why other areas which do not require a new exception cannot reasonably accommodate the proposed use. Economic factors can be considered along with other relevant factors in determining that the use cannot reasonably be accommodated in other areas. Under the alternative factor the following questions shall be addressed:

(i) Can the proposed use be reasonably accommodated on nonresource land that would not require an exception, including increasing the density of uses on nonresource land? If not, why not?

(ii) Can the proposed use be reasonably accommodated on resource land that is already irrevocably committed to nonresource uses, not allowed by the applicable Goal, including resource land in existing rural centers, or by increasing the density of uses on committed lands? If not, why not?

(iii) Can the proposed use be reasonably accommodated inside an urban growth boundary? If not, why not?

(iv) Can the proposed use be reasonably accommodated without the provision of a proposed public facility or service? If not, why not?

(C) This alternative areas standard can be met by a broad review of similar types of areas rather than a review of specific alternative sites. Initially, a local government adopting an exception need assess only whether those similar types of areas in the vicinity could not reasonably accommodate the proposed use. Site specific comparisons are not required of a local government taking an exception, unless another party to the local proceeding can describe why there are specific sites that can more reasonably accommodate the proposed use. A detailed evaluation of specific alternative sites is thus not required unless such sites are specifically described with facts to support the assertion that the sites are more reasonable by another party during the local exceptions proceeding.

The applicant states that I-5 replacement bridges are needed because the decommissioned bridge is structurally unsafe and the detour bridge was not constructed to accommodate anticipated traffic volumes over the long term, nor does it meet current seismic standards. The replacement bridges and their approaches will be located entirely within ODOT's existing I-5 right-of-way. Because the Willamette River is quite wide in the vicinity of I-5, piers will again be needed within the setback area to support the proposed replacement bridges; however, fewer piers will be used compared to existing conditions. In addition, fill is required to support the approaches to the new bridges, including the new bridges over the Canoe Canal.

Given the non-water dependent and non-water-related nature of the use, and given that fill is required for pier support and bridge approaches regardless of where I-5 crosses the river, there are no alternative sites that would not also require a new exception. The proposed use will be located inside an urban growth boundary on land that is neither agricultural land nor forest land. By

remaining within the existing ODOT right-of-way, the project avoids significant impacts to park lands. Because transportation improvements, including bridges, are considered public facilities, the use cannot be reasonably accommodated without the provision of the proposed public facility: Analysis regarding possible alternative sites is discussed further under subsection (c) directly below, which is incorporated herein by reference.

(c) The long-term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in other areas requiring a Goal exception. The exception shall describe the characteristics of each alternative areas considered by the jurisdiction for which an exception might be taken, the typical advantages and disadvantages of using the area for a use not allowed by the Goal, and the typical positive and negative consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts. A detailed evaluation of specific alternative sites is not required unless such sites are specifically described with facts to support the assertion that the sites have significantly fewer adverse impacts during the local exceptions proceeding. The exception shall include the reasons why the consequences of the use at the chosen site are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site. Such reasons shall include but are not limited to, the facts used to determine which resource land is least productive; the ability to sustain resource uses near the proposed use; and the long-term economic impact on the general area caused by irreversible removal of the land from the resource base. Other possible impacts include the effects of the proposed use on the water table, on the costs of improving roads and on the costs to special service districts;

No other sites requiring exceptions are being considered for this use. This is because the use is not a new use, but rather the replacement of an existing, structurally deficient bridge within an existing right-of-way. Locating the replacement bridges within the existing right-of-way is both necessary and practicable because that right-of-way lines up with the existing I-5 approaches to the north and south. Relocating the bridge replacement project outside the existing I-5 right-of-way would require ODOT to relocate the approaches at considerable additional cost and impact to not only the greenway, but also to protected park and recreational resources, including the Whilamut Natural Area and Eastgate Woodlands. Further, relocating the bridge could require the closure of one or more existing interchanges or ramps, result in demolition of residences and businesses, and result in a hazardous geometry due to the presence of immovable geologic features. Alternative bridge alignment locations to the north or south of the existing footprint and right-of-way were dismissed from further analysis due to the following impacts:

- Right-of-way would need to be acquired from Alton Baker Park, which is prohibited under Section 4(f) of the federal Department of Transportation Act of 1966 unless there are no other prudent and feasible alternatives.
- Right-of-way would need to be acquired from homes and/or businesses on the south side of the river that would not be required if the highway remains on its current alignment.

- A shifted highway would be closer to existing homes, resulting in higher noise and visual impacts.
- Major high-tension power transmission lines are located on both sides of the bridge and one would need to be relocated if the alignment was shifted.

Given the replacement nature of this project, the fact that crossing the Willamette River at some location is unavoidable, and ODOT's inability to realign I-5 on adjoining lands based on federal restrictions protecting park lands, there are no feasible and prudent alternatives to re-using the existing I-5 right-of-way. Accordingly, in terms of economic, social, environmental, and energy consequences, there are no areas warranting comparison. I-5 is an important highway in the State of Oregon and freight corridor on the west coast. The connectivity and mobility it provides statewide, interstate, and regional travelers provides tremendous benefits both economically and socially. The ability to rebuild within the existing ODOT I-5 right-of-way minimizes energy consumption and environmental impacts, as the current right-of-way use for interstate travel purposes is maintained. As such, consistent with this standard, the right-of-way is found to be the least productive land in the immediate area in terms of sustaining resource uses. It's continued use for this purpose also means that no other resource or recreational lands need be removed from the resource base therefore this standard is met.

(d) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. The exception shall describe how the proposed use will be rendered compatible with adjacent land uses. The exception shall demonstrate that the proposed use is situated in such a manner as to be compatible with surrounding natural resources and resource management or production practices. Compatible is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

Uses adjacent to the affected portion of I-5 include park land and the Willamette River, and residential and industrial uses. The temporary staging areas are adjacent to park land and the Willamette River, ODOT and Lane County property, and between I-5 and I-5 ramps. With the exception of the temporary staging areas, the replacement bridges and associated improvements are being proposed within approximately the same location as both the original and temporary bridges and will be located within existing rights-of-way and right-of-way easements. Considering that this area has been utilized as the I-5 bridge location since prior to the establishment of Goal 15, replacement of the facility in the same location is more compatible than relocating the facility and converting non-transportation areas to this use. The proposal also includes a reduction in the number of piers from the existing 11 piers to 8, a net reduction in fill, and the construction of sound walls. At a conceptual level, these elements will reduce adverse impacts to environmental, recreational and scenic resources and will ensure compatibility of the project with adjacent recreational, residential and industrial uses of the area. Regarding the temporary staging locations, the impacts will be temporary and the applicant has proposed several measures to reduce adverse impacts of the construction activities including: a plan to prevent debris from falling into the Willamette River, maintaining a continuous bicycle/pedestrian path, limiting work hours, and restoring the temporary staging areas upon project completion. Additional measures proposed by the applicant to reduce environmental, recreational and scenic impacts, are further discussed under

Metro Plan Policy E.2, Goal 8 below, and OAR 660-004-0022(6)(a) above, which are incorporated herein by reference. These measures will further reduce adverse impacts to the adjacent park land and Willamette River, residential, and industrial uses consistent with this standard.

In addition, compatibility with greenway and Goal 5 resource values associated with the Willamette River, riparian areas both north and south of the river, the Whilamut Natural Area and Eastgate Woodlands will be further ensured through compliance with acknowledged Eugene and Springfield development permitting requirements adopted to implement Goals 15 and 5; Willamette River Greenway and greenway setback review, and the Water Resources Conservation Overlay Zone, subject to applicable standards and conditions. By remaining within the existing ODOT right-of-way, and employing Best Management Practices and other impact avoidance or mitigation techniques identified or required during the local permitting processes, impacts to surrounding natural resource lands can be minimized to protect natural resource qualities in and the use and enjoyment of the Willamette River, the Willamette River greenway, and the Whilamut Natural Area and Eastgate Woodlands.

Based on the above findings, an exception to Goal 15 is warranted and meets the requirements of OAR 660-0040-0020 for the placement of fill within the greenway setback for the I-5 Willamette Bridge Replacement project.

Therefore, the Metro Plan text amendment and Statewide Planning Goal 15 exception are found to be consistent with Statewide Planning Goal 2.

Goal 3 - Agricultural Land: *To preserve and maintain agricultural lands.*

Goal 3 is not applicable to these amendments since the subject property is entirely within the acknowledged Eugene-Springfield Metro Plan urban growth boundary (UGB). Goal 3 is not applicable to any lands inside UGB's, therefore, compliance with Statewide Planning Goal 3 is not relevant to this Metro Plan text amendment.

Goal 4 - Forest Land: *To conserve forest lands.*

Goal 4 is not applicable to these amendments since the subject property is entirely within the Eugene-Springfield Metro Plan UGB (OAR 660-006-0020). Therefore, Goal 4 is not relevant and the amendments do not affect the area's compliance with Statewide Planning Goal 4.

Goal 5 - Open Spaces, Scenic and Historic Areas, and Natural Resources: *To conserve open space and protect natural and scenic resources.*

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.*

The subject project area includes Goal 5 resource sites; the Willamette River, a riparian resource between I-5 and E. 18th Avenue, and riparian resources in Alton Baker Park (the Canoe Canal). However, subsections (a) and (c) above are not applicable to this request as the proposed amendment does not create or amend a list of Goal 5 resources, does 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 does not amend the acknowledged Urban Growth Boundary. Subsection (b) is not applicable because the I-5 Willamette Bridge Project is replacement of an existing use in approximately the same location, not a new use.

Based on the findings above, Lane County is not required to apply Goal 5 in consideration of this PAPA because no amendment is proposed to any Goal 5 resource list nor to an acknowledged UGB, and further, the amendment is not a new use, it is a continuation of an existing use. Therefore, the amendment is found to be in compliance with Statewide Planning Goal 5.

Goal 6 - Air, Water and Land Resources Quality: *To maintain and improve the quality of the air, water, and land resources of the state.*

Goal 6 addresses waste and process discharges from development, and is aimed at protecting air, water and land from impacts from those discharges. The proposal does not amend the metropolitan area's air, water quality or land resource policies and it is reasonable for Lane County to expect that future development of the site will comply with applicable environmental laws as follows:

Air Quality:

The I-5 replacement bridges themselves will have no adverse impact on air quality because they replace an existing facility that has been decommissioned as being structurally unsafe. The new bridges are designed to meet Eugene-Springfield Metro area traffic volumes through the year 2012. The width allows for six lanes, if needed in the future. The replacement bridges will initially be striped to serve existing traffic volumes. If the decommissioned I-5 bridge is not replaced, those vehicles would be forced each day onto city streets and county roads not designed for such trips. The ensuing degradation to the air quality along these alternative routes caused by unmanageable congestion would be in direct contradiction to the purpose of Goal 6. The potential increase to six lanes does not necessarily increase the number of people driving on I-5, but rather ensures safe and continuous traffic movement. Regarding air quality, this goal is met by the proposed plan amendments.

Water quality:

Construction of the replacement bridges and the removal of the decommissioned and detour bridges will impact water quality by affecting soils and vegetation within the Willamette River and along

the greenway setback. Water quality may also be affected where impervious surfaces are added along the bridge approaches. Where areas are paved, water cannot penetrate the soils so it rushes over the surface. This can increase erosion and the movement of fine sediments and increase pollutant loads in watercourses. While construction of the replacement bridges will result in some new impervious surfaces, overall the project will result in a net decrease in impervious surface because ODOT will remove the approach roadway for the detour bridge.

The applicant also proposes that water quality impacts will be mitigated through the use of effective land-based stormwater treatment systems that include measures to preserve and restore mature vegetation and maximize infiltration. The use of construction techniques that include temporary and permanent Best Management Practices (BMP's) for erosion and sediment control, spill control, and prevention ensures compliance with clean water standards. Oregon Highway Plan 5A.1 directs ODOT to implement BMP's on all projects. Based on these findings, water quality will be maintained and mitigated, consistent with this goal. In addition, the local permitting process would impose conditions to ensure BMP's are employed and water quality is maintained. Following these measures will ensure compliance with water quality standards and expectations under Statewide Planning Goal 6.²

Noise:

A project noise technical report was prepared as part of the Environmental Assessment (as required by NEPA) to analyze potential noise impacts resulting from the project. Per the ODOT Noise Manual (June 1996) analysis procedures, noise mitigation measures were evaluated to reduce noise levels to nearby residences as a result of the project. Noise walls were determined to meet the ODOT effectiveness and cost-effectiveness criteria in two locations and are recommended as mitigation (see supplemental information, Figures 7-9). The final wall locations will be determined after public input is completed as part of the NEPA process. Additionally, as stated on page 13 of the written statement, the applicant proposes the following general measures:

- Continue public involvement through design and construction
- limit work hours
- limit noise

Therefore, in the context of a plan amendment, the proposed amendments are found to be consistent with Statewide Planning Goal 6. Additionally, specific construction and operational details will be appropriately addressed during local permitting processes, subject to applicable approval criteria and related standards.

Goal 7 - Areas Subject to Natural Disasters and Hazards: *To protect life and property from natural disasters and hazards.*

Goal 7 requires that local government planning programs include provisions to protect people and property from natural hazards such as floods, land slides, earthquakes and related hazards, tsunamis

² Currently, there is no stormwater treatment for the decommissioned and detour bridges. Providing water quality treatment for the new bridges, which is required through the applicant's proposed BMP's, would have a beneficial effect on water quality. The water quality report for the project noted that the amount of runoff from the bridges would be so minor relative to the volume of flow in the Willamette River that the effect would be negligible.

and wildfires. The project area is not subject to hazards normally associated with wildfires, or tsunamis.

Consistent with this goal, the cities and Lane County have adopted provisions regulating development in floodplains and floodways, and building codes regulations that address steep slopes subject to landslides and seismic concerns. It is important to note that the existing detour bridge does not meet current seismic standards for this area. The permanent replacement bridge will be designed to meet current seismic, safety and design standard to ensure the final project is consistent with Goal 7.

The only portions of the project area are identified on the hazards map for Relative Slope Instability Hazards are the portions of the project site in the Whilamut Natural Area and Eastgate Woodlands, and the area southeast of I-5 and the Willamette River, which are identified as moderate hazard areas. However, both of these areas are proposed for only temporary staging locations. The applicant has completed 10 borings on either side of the river as part of a geotechnical investigation related to the temporary detour bridge (three north of the river, seven south of the river). A geological report (which was not submitted for this application) indicates that geological resources in the project area consist of fill material, alluvium, and bedrock. The processes affecting these materials are man-made, such as excavation and grading, and natural. Since there is an existing bridge, impacts to geological resources would consist of relatively minor changes in topography, minor settlement of near-surface materials, possible increase in erosion, minor changes to the river flow regime and related sediment and related sediment transport, and potential changes in slope stability (from vegetation removal). These impacts would occur as a result of excavation, placement of structure and fills, and clearing and grading. Impacts related to construction would be temporary, localized changes to river flow regime; stability of partially constructed slopes; erosion; and resultant sedimentation. The highest risk to landslide would be slope failure into the Willamette River; however, considering the low height of the riverbank, such a failure would be limited to a small area relative to the width of the river. The applicant states that geotechnical investigations will also be completed during design to determine the best method to seat foundations and piers and to reduce effects related to hazards. Additionally, slopes will be constructed in a manner that reduces potential for erosion or small landslides.

Therefore, the project would have no permanent effects on geological resources. In the context of a plan amendment, landslide and earthquake hazards are addressed consistent with this goal. Furthermore, specific construction details will be further reviewed during the local permitting processes, subject to applicable standards, such as, based on the earthquake hazard, geotechnical investigations should be completed prior to construction to determine the best method to seat foundations, piers, and bents to reduce effects related to earthquakes (e.g., lateral spread, liquefaction). In addition, slopes should be constructed in a manner that reduces the potential for erosion or small landslides.

Regarding flooding, portions of the project area are located within the floodway and floodplain of the Willamette River. As previously stated, both Eugene and Springfield have adopted ordinances regulating construction within floodways and floodplains. Furthermore, in response to Metro Plan policies C.30 and C.31 below, which is incorporated herein by reference, because the I-5

Willamette Bridge project is located within a FEMA designated regulatory floodway and floodplain, the design of the replacement bridges must satisfy the regulations set forth in the National Flood Insurance Program (NFIP). The NFIP requires that any modifications that cause a rise in the Base Flood Elevations (BFEs, which corresponds to water surface elevations associated with the 100-year flood event) must be approved by FEMA.

Two pier location scenarios are currently under consideration (Proposed Option A and Proposed Option B, see written statement page 9). Based on preliminary modeling, Option A would result in an increase of 0.02 feet over existing conditions for the 100-year flood event. For the Environmental Assessment, 'the hydraulic conditions of the I-5 Willamette Bridge Project were analyzed using the U.S. Army Corp of Engineers' HEC-RAS model. Natural, existing and proposed conditions (with pier locations Options A and B) were modeled. Conservative assumptions regarding pier size were used for this modeling. Refined design of the concepts and further hydraulic analysis will allow confirmation that the proposed project will result in no rise of the base flood elevation.

Option B would result in a decrease of 0.54 feet for the 100-year flood event, which is consistent with the no-rise standard and consistent with this goal. While Option A shows an increase of 0.02, which does not meet the no-rise requirement, this is not a detailed analysis and modeling will be run again when the design is refined for the permitting process in order to meet the no-rise requirement. A FEMA "no-rise" certification will be obtained from the City of Eugene for any construction or structures within floodways/special flood hazard areas that are outside of rights-of-way, within Eugene. In addition, the applicant states that the no-rise condition is also a requirement of ODOT for any bridge replacement project.

Other hazards, such as earthquakes and severe winter storms can be mitigated at the time of development based on accepted building codes and building techniques. As previously stated, specific construction and operational details will be appropriately addressed during local permitting processes, subject to applicable approval criteria and related standards.

Therefore, in the context of a plan amendment, the preliminary no-rise data, the landslide information, and findings above, the proposed plan amendments are consistent with Statewide Planning Goal 7.

Goal 8 - Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Goal 8 ensures the provision of recreational facilities to Oregon citizens and is primarily concerned with the provision of those facilities in non-urban areas of the state. East Alton Baker Park is located to the east and west of I-5 right-of-way, which includes recreation, bicycle and pedestrian paths and the canoe canal (utilized by kayakers). The portion of the park that is west of I-5 in Eugene is now called the Whilamut Natural Area and the portion of the park east of I-5 in Springfield is called the Eastgate Woodlands of the Whilamut Natural Area (abbreviated here as Eastgate Woodlands) and these areas will be referred to as such for the remainder of these findings unless otherwise indicated. The demolition and construction of the bridges will take place within the

I-5 right-of-way, which is not part of the park; therefore the replacement bridges will not remove or increase recreational opportunities at the park. However, removal of the detour bridge will include removal of fill material from and rehabilitation of a portion of Eastgate Woodlands. The temporary easement obtained by ODOT to do this work requires rehabilitation of the area within 5 years of completion of the permanent bridges. This easement will ensure that recreational use of this area will return to pre-project conditions.

Additionally, during construction the park will be temporarily affected. Through the other local permitting processes (Willamette Greenway permit, Water Resources Conservation Overlay review, Willamette Greenway setback, etcetera) construction impacts will be required to be minimized through conditions of approval that would preserve bicycle, pedestrian and boater safety, and to maintain consistency with operational provisions in the East Alton Baker Park Plan (which includes the Whilamut Natural Area and Eastgate Woodlands). Public access to the Willamette River will continue to be provided through ODOT's right-of-way under the bridges therefore public access to the river will not be affected (written statement page 49, Metro Plan Policy D.9). Although the bicycle/pedestrian pathways may be impacted during construction, the application will provide a continuous route across ODOT right-of-way for the bicycle/pedestrian pathways that will be maintained on both the north and the south sides of the river during construction (written statement, page 61, Willakenzie Area Plan, Neighborhood Design Element- Willamette Greenway, Use Management Standard 2). Additionally, specific construction and operational details regarding public access and recreational impacts will be appropriately addressed during local permitting processes, subject to applicable approval criteria and related standards.

Comments were received stating that (to summarize) the bridge provides a crossing of Franklin Boulevard and the railroad and provides an opportunity for those crossings to be made available to pedestrians and bicyclists. Additionally, the comments note that since the replacement is not accommodating such a crossing, the applicant has insufficient analysis regarding the provision of adequate access to Alton Baker Park. As discussed in more detail under the Metro Plan Transportation Element, Policy F.14 below which is incorporated herein by reference, the applicant proposes a continuous route across ODOT right-of-way for the bicycle/pedestrian pathways to be maintained on both the north and the south sides of the river during construction. This mitigates for the temporary impacts to the existing bicycle/pedestrian pathways and ensures that connections between existing paths and to near-by Knickerbocker Bridge are maintained. In the context of the proposed plan amendments, this adequately addresses access for bicyclists and pedestrians as these are the existing bicycle and pedestrian facilities affected by the proposed amendments.

Based on the findings above, in the context of a plan amendment, the proposal will not impact the provision of public recreational facilities, nor will they affect access to existing or future public recreational facilities. The amendments are therefore found to be consistent with Statewide Planning Goal 8.

Goal 9 - Economic Development: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

The Administrative Rule for Statewide Planning Goal 9 (OAR 660 Division 9) requires that the City

“[p]rovide for at least an adequate supply of sites of suitable sizes, types, location, and service levels for a variety of industrial and commercial uses consistent with plan policies[.]” Among other things, the rule requires that cities complete an “Economic Opportunities Analysis.” OAR 660-009-0015. Based on the Economic Opportunities Analysis, cities are to prepare Industrial and Commercial Development Policies. OAR 660-009-0020. Finally OAR 660-009-0025 requires that cities designate industrial and commercial lands sufficient to meet short and long term needs. OAR 660-009-0010(2) provides that the detailed planning requirements imposed by OAR 660 Division 9 apply “at the time of each periodic review of the plan (ORS 197.712(3)).” In addition, OAR 660-009-0010(4) provides that, when a city changes its plan designations of lands in excess of two acres to or from commercial or industrial use, pursuant to a post acknowledgment plan amendment, it must address all applicable planning requirements and (a) demonstrate that the proposed amendment is consistent with the parts of its acknowledged comprehensive plan which address the requirements of OAR 660 Division 9; or (b) amend its comprehensive plan to explain the proposed amendment pursuant to OAR 660 Division 9; or (c) adopt a combination of (a) and (b) consistent with the requirements of Division 9.

In the context of OAR 660-009-0010(4), the Eugene Commercial Lands Study (ECLS) is acknowledged for compliance with the requirements of Goal 9 and its Administrative Rule. The ECLS constitutes the City’s obligation under OAR 660 Division 9. However, since the I-5 Willamette Bridge Project is occurring in approximately the same location of the existing bridges, within existing right-of-way, existing right-of-way easements, or temporary staging areas (within existing right-of-way or park property), OAR 660-009-0010(4) does not apply because the proposed amendment will not remove any land from the commercial land supply. Therefore, the amendments are consistent with Statewide Planning Goal 9.

Goal 10 - Housing: *To provide for the housing needs of the citizens of the state.*

The proposed plan amendment will accommodate a bridge replacement project that will occur in approximately the same location as the existing bridges, within existing right-of-way, existing right-of-way easements, or temporary staging areas (that are within right-of-way or park property). Therefore, the inventory of residential land will not be impacted and thus Statewide Planning Goal 10 is not applicable.

Goal 11 - Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

The area affected by the amendments, the bridge right-of-way, is located within the Eugene-Springfield Metro Plan UGB. The proposed amendments would allow demolition and replacement of the temporary I-5 bridge and reconstruction of the roadway approaches to the bridges, which are all public facilities that are acknowledged in the Oregon Highway Plan and TransPlan, the local regional transportation plan, as necessary public facilities and services. Replacement of the temporary bridge with two permanent replacement bridges that meet current seismic standards ensures that this public facility continues to safely serve the area. The provision of these amendments does not significantly affect the planning or development of other future public

facilities or services. Therefore, the amendments are consistent with Statewide Planning Goal 11.

Goal 12 - Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

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 I-5 (including the I-5 bridge) as an existing transportation facility.

Determination of Significant Effect

The TPR requires a determination of which existing and planned transportation facilities will experience a significant effect as a result of the proposed plan amendment, and defines what constitutes a significant effect.

OAR 660-012-0060(1) Plan and Land Use Regulation Amendments

As stated in the following findings, the plan amendments propose no significant effect on any planned or existing facilities under OAR 660-012-0060(1)(a), (b) or (c). OAR 660-012-0060(1) Plan and Land Use Regulation Amendments states the following:

(1) Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*

The proposed amendment will not change the functional classification of an existing or planned transportation facility or change the standards implementing a functional classification system.

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

- (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

The proposed amendment will allow for the construction of permanent bridges to replace existing bridge facilities that have been decommissioned as being structurally unsafe and temporary bridge facilities that were constructed to a lesser standard due to expected short duration of use. The replacement bridges will be constructed in ODOT right-of-way. Since 2004 (when the primary bridges were decommissioned as unsafe), traffic has used the temporary detour bridge for access over the Willamette River. Once the proposed bridges are constructed, existing traffic volumes currently using the temporary detour bridge will be shifted to the new bridges. Construction of the proposed bridges will simply reroute traffic from temporary facilities to the permanent replacement bridges.

While the replacement bridges will be designed and constructed to accommodate six lanes of travel if future need becomes necessary, the bridges will initially be striped for four lanes to serve current traffic needs. Designing and constructing the bridges to allow for six lanes of travel is prudent long term design for this major interstate highway facility. Traffic using the interstate system originates anywhere throughout the State of Oregon or the United States. Therefore, construction of the I-5 replacement bridges does not generate more vehicular trips, it provides vehicular passage over the Willamette River. When the bridges are eventually striped for six lanes (to be made consistent with I-5), the additional bridge capacity will increase the performance and function of I-5, not worsen it.

Accordingly, the proposed amendment will not allow land uses or levels of development that will result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility under OAR 660-012-0060(1)(c)(A).

Further, the proposed amendments will not reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan under (1)(c)(B), or worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan under (1)(c)(C).

For the reasons discussed above, the proposed amendment will not significantly affect an existing or planned transportation facility.

OAR 660-012-0015 Preparation and Coordination of Transportation System Plans

OAR 660-012-0015(1) directs ODOT to prepare and adopt a state transportation system plan that identifies a system of transportation facilities and services adequate to meet identified state transportation needs. The Oregon Transportation Commission has done that through adoption of the Oregon Transportation Plan (OTP) and modal plans, including the Oregon Highway Plan. The OTP

includes policies to increase the efficient movement of people and goods for commerce and production of goods and services that is coordinated with regional and local plans. It emphasizes managing the existing transportation system effectively and improving that system before adding new facilities.

The OTP also promotes a safe, efficient, and reliable freight system to support economic vitality. The OHP identifies I-5 as an interstate highway within the state's roadway network. That highway necessarily includes a bridge over the Willamette River in Eugene/Springfield. OAR 660-012-0015(2) and (3) require that regional and local TSPs be consistent with the state TSP. TransPlan currently recognizes the importance of I-5 to the region. Because the replacement bridges are necessary to maintaining I-5, by approving the proposed plan amendments, all plans will remain consistent and the requirements of Goal 12 will be satisfied.

Based on the above findings, the proposal is consistent with Statewide Planning Goal 12.

Goal 13 - Energy Conservation: *To conserve energy.*

Statewide Planning Goal 13 calls for land uses to be managed and controlled “so as to maximize the conservation of all forms of energy, based upon sound economic principles.” Goal 13 is directed at the development of local energy policies and implementing provisions and does not state requirements with respect to other types of land use decisions. It is not clear that the goal has any bearing on a site-specific decision such as the one at issue. There is no implementing rule that clarifies the requirements of Goal 13. To the extent that Goal 13 could be applied to the proposed plan amendments, the proposal is consistent with Goal 13; the I-5 Willamette Bridge project is located in the same location as the existing and previous bridges and will continue to make efficient use of energy with safe, direct and efficient access through the area.

Comments were received that, in summary, the applicant fails to consider the conservation of energy by any means other than that of maximizing the efficiency of car and truck traffic. Specifically, failure to consider any provision for incorporating bicycle traffic into the crossing does not maximize the conservation of all forms of energy, particularly petroleum energy. However, given that Goal 13 is directed at developing local energy conservation policies, it is determined that Goal 13 is not a means to require a specific project to add a bicycle and pedestrian component.

Based on the findings above, the proposal is consistent with Statewide Planning Goal 13.

Goal 14 - Urbanization: *To provide for an orderly and efficient transition from rural to urban land use.*

The amendments do not affect the transition from rural to urban land use, as the project area is located entirely within the Eugene-Springfield metro area UGB, an existing area of urban land use. Therefore, Statewide Planning Goal 14 does not apply.

Goal 15 - Willamette River Greenway: *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.

Portions of the project area are within the boundaries of the Willamette River Greenway. Findings to support and justify an exception to Goal 15 are described in detail under the Goal 2 discussion above, especially on pages 3-14. An exception to Goal 15 is required by Policy D.11 of the Metro Plan, and the applicant has analyzed the proposal and developed findings that meet the requirements for an exception to Goal 15. Based on these findings, the proposal complies with Statewide Planning Goal 15 as excepted.

Goal 16 through 19 - Estuarine Resources, Coastal Shorelands, Beaches and Dunes, and Ocean Resources:

There are no coastal, ocean, estuarine, or beach and dune resources related to the property affected by these amendments. Therefore, these goals are not relevant and the amendments will not affect compliance with Statewide Planning Goals 16 through 19.

(b) Adoption of the amendment must not make the Metro Plan internally inconsistent.

The applicant proposes to amend the Metro Plan text of Policy D.11 to allow the placement of fill within the Willamette River greenway for the construction of the I-5 Willamette Bridge Project. As found below, this text amendment will not create an internal conflict with the remainder of the Metro Plan. The applicant provided detailed findings that show how the Metro Plan text amendment is consistent with the policy direction contained in the Metro Plan. To the extent that they may be applicable, the applicant's findings are also incorporated herein by reference.

The following Metro Plan polices are applicable to this request:

B. Economic Element

B.18 Encourage the development of transportation facilities which would improve access to industrial and commercial areas and improve freight movement capabilities by implementing the policies and projects in the Eugene-Springfield Metropolitan Area Transportation Plan (TransPlan) and the Eugene Airport Master Plan.

While the expressed language of this policy may not be mandatory, the applicant's findings are provided as further support for the proposed amendments. Replacing the decommissioned I-5 Willamette River bridge with two new bridges, and associated improvements, will maintain the access, mobility, and freight movement capabilities that the decommissioned bridge and temporary detour bridge have provided. By ensuring mobility along the interstate highway system through the Eugene-Springfield Metro Area, the replacement bridges will help provide convenient access to industrial and commercial areas on connecting roads consistent with this policy.

C. Environmental Resources Element

- C.8 *Local governments shall develop plans and programs which carefully manage development on hillsides and in water bodies, and restrict development in wetlands in order to prevent erosion and protect the scenic quality, surface water and groundwater quality, forest values, vegetation, and wildlife values of those areas.*
- C.9 *Each city shall complete a separate study to meet its requirements under the Goal 5 Rule for wetlands, riparian corridors, and wildlife habitat within the UGB. Lane County and the respective city jointly will adopt the inventory and protection measures for the area outside the city limits and inside the UGB.*
- C.10 *Local governments shall encourage further study (by specialists) of endangered and threatened plant and wildlife species in the metropolitan area.*
- C.11 *Local governments shall protect endangered and threatened plant and wildlife species, as recognized on a legally adopted statewide list, after notice and opportunity for public input.*

These policies are directed to the local governments of Eugene, Springfield and Lane County and not necessarily the applicant. However, they are applicable to the extent that the local jurisdictions have all adopted regulations to protect these resources, and that the applicant will be required to apply for all applicable permits pursuant to those local requirements (Eugene's Willamette Greenway permit and Water Resources Conservation Overlay Zone, and Springfield's 75 ft.-riparian setback review).

- C.23 *Design and construction of new noise-sensitive development in the vicinity of existing and future streets and highways with potential to exceed general highway noise levels shall include consideration of mitigating measures, such as acoustical building modifications, noise barriers, and acoustical site planning. The application of these mitigating measures must be balanced with other design considerations and housing costs.*

Comments were also received regarding the noise abatement walls and limiting noise from the project. Since the project is not a "new noise-sensitive development in the vicinity of existing and futures streets and highways..." but is rather the reverse, a highway in the vicinity of existing residential development, this policy is not applicable. Furthermore, the highway is replacing an existing highway in approximately the same location. In the event that this policy is found applicable, the applicant's findings are incorporated to demonstrate consistency. As previously discussed under Goal 6 above, a project noise technical report was prepared as part of the Environmental Assessment (as required by NEPA) to analyze potential noise impacts resulting from the project. Per the ODOT Noise Manual (June 1996) analysis procedures, noise mitigation measures were evaluated to reduce noise levels to nearby residences as a result of the project. Noise walls were determined to meet the ODOT effectiveness and cost-effectiveness criteria in two locations and are recommended as mitigation (see supplemental information, Figures 7-9). The final wall locations will be determined after public input is completed as part of the NEPA process. Additionally, as stated on page 13 of the written statement, the applicant proposes the following general measures:

- Continue public involvement through design and construction
- limit work hours
- limit noise

Based on these findings, this policy is satisfied.

C.26 Local Governments shall continue to monitor, to plan for, and to enforce applicable air and water quality standards and shall cooperate in meeting applicable federal, state and local air and water quality standards.

As previously stated under Goal 6, which is incorporated herein by reference, it is not anticipated that the replacement bridges will have a permanent adverse impact on air quality as the bridges are replacing an existing bridge. The applicant is proposing several measures including site preparation, site construction, coordination and post development measures discussed under Metro Plan Policy E.2, which is incorporated herein by reference, to reduce and mitigate impacts to water quality, consistent with this policy. In addition, water quality impacts will be further reviewed for compliance with local standards under the local permitting process for Willamette Greenway permit, Water Resources Conservation Overlay Zone and the 75-foot riparian setback and under the NEPA Environmental Assessment, subject to applicable requirements.

C.30 Except as otherwise allowed according to Federal Emergency Management Agency (FEMA) regulations, development shall be prohibited in floodways if it could result in an increased flood level. The floodway is the channel of a river or other water course and III-C-16 the adjacent land area that must be reserved to discharge a one-percent-chance flood in any given year.

C.31 When development is allowed to occur in the floodway or floodway fringe, local regulations shall control such development in order to minimize the potential danger to life and property. Within the UGB, development should result in in-filling of partially developed land. Outside the UGB, areas affected by the floodway and floodway fringe shall be protected for their agricultural and sand and gravel resource values, their open space and recreational potential, and their value to water resources.

C.32 Local governments shall require site-specific soil surveys and geologic studies where potential problems exist. When problems are identified, local governments shall require special design considerations and construction measures be taken to offset the soil and geologic constraints present, to protect life and property, public investments, and environmentally-sensitive areas.

Regarding Policy C.30 and C.31, as discussed under Statewide Planning Goal 7, Natural Hazards, which is incorporated herein by reference, the I-5 Willamette Bridge Project is partially located within a FEMA designated regulatory floodway and floodplain. Therefore, the design of the replacement bridge must satisfy the regulations set forth in the National Flood Insurance Program (NFIP). The NFIP requires that any modifications that cause a rise in the Base Flood Elevations (BFEs, which corresponds to water surface elevations associated with the 100-year flood event) must be approved by FEMA. The no-rise condition is also a requirement of ODOT for any bridge replacement project.

Consistent with C.31, all three jurisdictions have adopted ordinances regulating construction within floodplains and floodways; City of Eugene FEMA "no-rise" certification for any construction or structures within floodways/special flood hazard areas; and City of Springfield Type I permit to allow any construction in the floodplains or floodways within Springfield apply to this project. Comments from the Eugene Floodplain Manager note that a FEMA no-rise certificate would only be required through the City of Eugene for construction (fill) or structures within the floodway or floodplain that are outside of the right-of-way. The proposal includes temporary staging areas outside of the ODOT right-of-way; portions of the Whilamut Natural Area and Eastgate Woodlands, and ODOT and Lane County property both located southeast of I-5 and the Willamette River. For these areas, prior to any fill or other development within the regulatory floodway, ODOT will be required to obtain a "no-rise" certification stating that the development will not impact the pre-project (before the temporary bridge) base flood elevation elevations, floodway elevations and floodway data widths. This certification must be signed by a professional engineer and supported by technical data consistent with current FEMA standards.

Based on the preliminary modeling, the proposed pier location options would result in the following; Option A would result in an increase of 0.02 feet over existing conditions for the 100-year flood event and, Option B would result in a decrease of 0.54 feet for the 100- year flood event. Option B, including a decrease in base flood elevation, is consistent with the no-rise and Policies C.30 and C.31. Option A's preliminary analysis shows an increase of 0.02 base flood elevation, which does not meet the no-rise requirement. However, a detailed no-rise analysis has not been submitted and the modeling will be run again to meet the no-rise requirement when the design is refined for the permitting process. Furthermore, ODOT requires its bridges to meet the no-rise requirement. Therefore, in the context of a plan amendment, these policies are met. Specific construction and operational details will be appropriately addressed during local and state permitting processes, subject to applicable approval criteria and related standards.

Regarding Policy C.32, as noted under Goal 7, portions of the project area proposed for temporary staging areas are identified as moderate hazard risk areas on the map identifying Relative Slope Instability Hazards in Eugene. However, while this information may guide the City in adopting code revisions, it does not apply directly to land use applications as it is not adopted as refinement plan or as codified land use criteria. Additionally, based on the earthquake hazard, geotechnical investigations can be completed prior to construction to determine the best method to seat foundations, piers, and bents to reduce effects related to earthquakes (e.g., lateral spread, liquefaction). In addition, slopes can be constructed in a manner that reduces the potential for erosion or small landslides.

Based on the findings above, in the context of a plan amendment, the proposed plan amendments are consistent with these policies.

D. Willamette River Greenway, River Corridors, and Waterways Element

D.9 Local and state governments shall continue to provide adequate public access to the Willamette River Greenway.

The applicant proposes that the public access connecting to the Willamette River Greenway will continue to be provided through ODOT's right-of-way under the I-5 bridges, therefore public access to the Willamette River Greenway will not be permanently affected. As noted under Goal 8 Recreational Need above, which is incorporated herein by reference, a continuous route across ODOT right-of-way for the bicycle/pedestrian pathways will be maintained on both the north and the south sides of the river during construction (written statement, page 61, Willakenzie Area Plan, Neighborhood Design Element- Willamette Greenway, Use Management Standard 2). Therefore, in the context of a plan amendment, this policy is met. Additionally, these specific construction and operational details will be appropriately addressed during local permitting processes, subject to applicable approval criteria and related standards.

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) I-5 right of way crossing the Willamette River and within the Willamette River Greenway Setback Line, for purpose of constructing a temporary detour bridge, implementing the conditions imposed on the Discretionary Use Approval (Springfield Journal SHR 2003-00115) and removing the temporary detour bridge after completion of the permanent replacement bridge. This exception satisfies the criteria of Oregon Administrative Rule (OAR) 660-004-0022(5) Willamette Greenway; 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.

As discussed under Goal 2 above, in accordance with Policy D.11, the applicant is requesting an exception to Goal 15 for reasons outlined under OAR 660-004-0022. An exception is warranted per the standards set forth in OAR 660-004-0020. Therefore, the above Metro Plan text for Policy D.11 must be amended to acknowledge this Goal 15 exception. Accordingly, the following text amendment is proposed, with old text ~~struck out~~ and new text in **bold**:

~~An exception to Statewide Planning Goal 15 Willamette River Greenway was approved for Oregon Department of Transportation (ODOT) I-5 right of way crossing the Willamette River and within the Willamette River Greenway Setback Line, for purpose of constructing a temporary detour bridge, implementing the conditions imposed on the Discretionary Use Approval (Springfield Journal SHR 2003-00115) and removing the temporary detour bridge after completion of the permanent replacement bridge. This exception satisfies the criteria of Oregon Administrative Rule (OAR) 660-004-0022(5) Willamette Greenway; 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.~~

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 111, Section D.

The proposed text amendment replaces the stand-alone paragraph under Policy D.11 regarding the temporary bridge. The applicant's proposed Metro Plan text amendment to Policy D.11 is adequate and with this text amendment and Goal 15 exception granted under Goal 2 above, Policy D.11 is found to be satisfied.

E. Environmental Design Element

E.2 Natural vegetation, natural water features, and drainage-ways shall be protected and retained to the maximum extent practical. Landscaping shall be utilized to enhance those natural features. This policy does not preclude increasing their conveyance capacity in an environmentally responsible manner.

Bridge construction and demolition, including construction and removal of associated temporary work platforms, will impact riparian vegetation within the greenway.

Construction is proposed within existing ODOT rights-of-ways and easements, with the exception of temporary staging areas. As discussed above under Goal 8 Recreational Need, removal of the detour bridges will include removal of fill material from and rehabilitation of a portion of the Whilamut Natural Area. ODOT has obtained a temporary easement to do this work which requires rehabilitation of the area within 5 years of completion of the permanent bridges. Construction best management practices will be implemented to minimize the effects of construction activities. Disturbed areas will be restored and ODOT will work with the community throughout the design and construction process to get input and advice on ways to avoid and minimize environmental impacts.

According to the applicant, a species list provided by ORNHIC (Oregon Natural Heritage Information Center) indicates that there are no federal or state-listed Endangered Species Act (ESA) terrestrial wildlife species known to reside within the project area. There are no known federal or state ESA -listed plant species or plant habitats have been identified within the project area. Two

salmonid populations listed under the ESA are documented as occurring within the reach of the Willamette River that flows through the project area:

- Upper Willamette River spring Chinook (*Oncorhynchus tshawytscha*) and critical habitat – federally threatened – FT.
- Columbia River bull trout (*Salvelinus confluentus*) Distinct Population Segment (DPS) and critical habitat - FT.

ODOT will coordinate with Oregon Department of Fish and Wildlife through the design process to identify opportunities to minimize habitat disturbance. To avoid and minimize potential impacts to fish and wildlife species habitat during and after construction activities, all applicable OTIA III State Bridge Delivery Program EPS will be implemented to reduce the extent of direct and indirect impacts to habitat. These include:

- Minimize effects to natural stream and floodplain by keeping the work area to the smallest footprint needed.
- Prepare and implement a plan to prevent construction debris from dropping into the Willamette River and to remove materials that may drop with a minimum disturbance to aquatic habitat.
- Prepare site restoration plans for upland, wetland, and streambank areas to include native plant species and noxious weed abatement techniques, and use large wood and rock as components of streambed protection treatments.
- Flag boundaries of clearing limits and sensitive areas to be avoided during construction.
- Coordinate with Willamalane Park and Recreation District and the Eugene Parks and Open Space Division regarding sensitive areas in the Whilamut Natural Area and Eastgate Woodlands that should be avoided during construction.
- Restore and revegetate disturbed areas.

ODOT also proposes (written statement, page 13) to avoid, minimize and/or mitigate impacts of this project, consistent with this policy, by utilizing the following general measures amongst others:

- Continue public involvement through design and construction
- Plan traffic management to keep all travel modes open and safe during construction
- Limit work hours
- Restore/enhance affected areas
- Limit project noise

Public comment was received expressing support for these measures, especially limiting project noise and work hours, especially for pile driving activities.

In addition, specific design details will be reviewed and conditioned to minimize environmental impacts during federal and local permitting processes, subject to applicable approval criteria and related standards. The applicant proposes that the project will meet the OTIA III Environmental Performance Standards (EPS) and satisfy the requirements of the programmatic environmental permits that apply to the statewide bridge program. These performance standards define the level of environmental effect that a project may have, thereby limiting or avoiding negative impacts through

the use of proper planning, design, and construction activities. To avoid and minimize negative impacts to fish and wildlife species and water resources during construction activities, all applicable OTIA III State Bridge Delivery Program EPS's will be implemented. There are two conceptual pier locations proposed, Options A & B shown on page 9 of the application, Option B indicates a pier closer to the Mill Race, while Option A shows a pier closer to the Willamette River. No specific design is being reviewed at this time in the context of a plan amendment. Local permitting processes include Willamette Greenway permit and Water Resources Conservation Overlay for Eugene, and a 75-foot riparian setback review for Springfield. Natural vegetation, natural water features, and drainage-ways shall be protected and retained to the maximum extent practical, consistent with these permitting processes.

These measures are found to adequately addresses protection of natural vegetation, natural water features, and drainage-ways in the context of the proposed plan amendments. Additionally, these specific construction and operational details will be appropriately addressed during local permitting processes, subject to applicable approval criteria and related standards.

E.4 Public and private facilities shall be designed and located in a manner that preserves and enhances desirable features of local and neighborhood areas and promotes their sense of identity.

The replacement bridges will be located within the same ODOT right-of-way where the decommissioned bridge is located, an area already utilized by transportation infrastructure. The proposal also includes a reduction in the total number of piers, a reduction in the number of piers in the Willamette River, and review of bridge design options (based on aesthetic and budgetary considerations) through a separate public process; all of which should contribute to a positive visual impact, consistent with this policy.

Additionally, impacted riparian areas and other lands within the greenway setback will be protected during the later permitting process through the imposition of approval conditions as necessary to comply with applicable approval criteria and related standards. Specifics of the bridge design can be considered during the plan amendment process or, for Springfield, through the Discretionary Use Approval process as provided in SDC 3.3-325 25.050 and 5.9-120. Conceptual designs are being addressed as part of the federal draft environmental review process that precedes local land use decision-making. Additionally, as noted above in the discussion of Statewide Planning Goal 1, the public is involved in this process. Among other things, ODOT established a Community Advisory Group (CAG) composed of representatives of local neighborhood associations, parks departments (City of Eugene and Willamalane Park and Recreation District), the Citizen Planning Committee for the Whilamut Natural Area, chambers of commerce, and the University of Oregon that has been involved in the development of the project and will continue to be involved during selection of the bridge type, its design, and construction.

Comments were received regarding concerns with traffic during the construction period along Martin Luther King Blvd, in the Alton Baker Park/Autzen Stadium area, and North Walnut Path where there will be large construction vehicles entering and exiting for several years. As noted above, the applicant has proposed limiting work hours and project noise as well as sound walls.

Conceptually, this is consistent with this policy. Furthermore, these concerns are more appropriately addressed during the local permitting processes where a construction management plan and detailed site plan will be reviewed in detail for minimizing these types of impacts.

F. Transportation Element

As previously mentioned, comments were received stating that the applicant's responses to Goals 1 and 2 of the Metro Plan, Transportation Element, do not demonstrate that these goals have been met. To summarize, Goals 1 and 2 support a transportation system that supports choices in modes of travel that will reduce reliance on the automobile and that enhances quality of life and economic opportunity by being balanced, accessible, efficient, safe, interconnected, environmentally responsible, etcetera (see Metro Plan pages III-F-1 and 2). According to the Metro Plan (page I-4), a goal is "a broad statement of philosophy that describes the hopes of the people of the community for the future of the community. A goal may never be completely attainable, but is used as a point to strive for." A goal is not something for which an application is measured against. Whereas a policy, which is a "statement adopted as part of the Metro Plan to provide a consistent course of action, moving the community toward attainment of its goal," can be used for determining consistency with the Metro Plan. As such, compliance with the goals, as measured through application of the policies, is determined as follows:

F. 10 Protect and manage existing and future transportation infrastructure.

Consistent with this policy, the I-5 Willamette Bridge Project replaces a structurally deficient bridge with two new permanent bridges built to current seismic standards using construction methods meeting environmental requirements for permanent (rather than temporary) structures, and associated improvements, to accommodate anticipated traffic volumes and weight loads for the Metro area to the year 2035. This project reflects an effort to manage and protect I-5, which is an essential part of the region's and state's existing transportation infrastructure, consistent with this policy.

Furthermore, in response to TransPlan policy TSI System-Wide Policy 1, this project calls for the protection and management of existing transportation facilities in a way that sustains their long-term capacity and function. I-5 is an existing transportation facility whose function is that of an interstate highway providing connections to major cities, regions of the state and other states. As an interstate highway, I-5 also serves as a major freight route. TransPlan recognizes I-5 as a single facility that includes a connection over the Willamette River. Failure to replace the decommissioned I-5 bridge and temporary detour bridge with new permanent bridges capable of sustaining I-5's long-term capacity and functions would be inconsistent with TransPlan and this policy.

F.14 Address the mobility and safety needs of motorists, transit users, bicyclists, pedestrians and the needs of emergency vehicles when planning and constructing roadway system improvements.

As described in TransPlan, the intent of this policy is to support the design and construction of systems and facilities that accommodate multiple modes. However, it also supports consideration of the needs of emergency vehicles in the design and construction of system improvements. I-5 across

the Willamette River is an existing transportation facility identified in Transplan and the OHP. Because the original I-5 bridge is structurally deficient, it needs to be decommissioned. New permanent bridges are needed to address the safety and mobility needs of motorists and facilitate efficient movement of emergency vehicles between the north and south sections of Eugene and Springfield. The new permanent replacement bridges will be designed to meet applicable state and federal safety and mobility standards. The temporary detour bridge cannot accommodate the safety needs of motorists because it does not meet current seismic standards and the construction methods used to build it only met environmental requirements as they applied to temporary, not permanent, structures.

Comments were received stating that (to summarize) the bridge provides a crossing of Franklin Boulevard and the railroad and provides an opportunity for those crossing to be made available to pedestrians and bicyclists, and since the replacement is not accommodating such a crossing, the applicant has insufficient analysis addressing the mobility and safety needs of bicyclists and pedestrians. As previously discussed under Goal 8, Recreation which is incorporated herein by reference, the applicant proposes a continuous route across ODOT right-of-way for the bicycle/pedestrian pathways to be maintained on both the north and the south sides of the river during construction. In the context of the proposed plan amendments, this adequately addresses mobility and safety for bicyclists and pedestrians as these are the existing bicycle and pedestrian facilities affected by the proposed amendments.

Existing bicycle/pedestrian connections between the Laurel Hill Valley area and Alton Baker Park (and other areas north of the Willamette River) exist via Riverview, then westerly along the widened sidewalk on the south side of Franklin Boulevard to Walnut Street (where there is a signalized crossing of Franklin/ORE99/BusinessORE126), northeasterly to an underpass beneath the railroad, then east to the Knickerbocker Bridge which connects to the southbank path and Day Island area that have connections to the canoe canal bridge and bike path north along the west side of I-5 to Martin Luther King Jr. Boulevard. The applicant proposes to maintain a continuous bicycle/pedestrian pathway along the south (and north) side of the river through construction. Additionally, TransPlan has identified some improvements (unfunded projects) to the local system between the Walnut/Garden Avenue path connections to the Knickerbocker Bridge and path connections within Alton Baker Park. Furthermore, while the policies do not require a new pedestrian and bicycle connection in conjunction with this plan amendment, the applicant is not prohibited from incorporating a new pedestrian/bicycle element into their facility.

Additionally, the findings under Statewide Planning Goal 12 regarding transportation are incorporated herein by reference as demonstration of consistency with this policy. Based on these findings, this policy is met.

F.15 Motor vehicle level of service policy:

- a. Use motor vehicle level of service standards to maintain acceptable and reliable performance on the roadway system. These standards shall be used for:*
 - (1) Identifying capacity deficiencies on the roadway system.*
 - (2) Evaluating the impacts on roadways of amendments to transportation plans, acknowledged comprehensive plans and land-use regulations,*

pursuant to the TPR (OAR 660-012-0060).

- (3) *Evaluating development applications for consistency with the land-use regulations of the applicable local government jurisdiction.*
- b. *Acceptable and reliable performance is defined by the following levels of service under peak hour traffic conditions: LOS E within Eugene's Central Area Transportation Study (CATS) area, and LOS D elsewhere.*
- c. *Performance standards from the OHP shall be applied on state facilities in the Eugene-Springfield metropolitan area.*

In some cases, the level of service on a facility may be substandard. The local government jurisdiction may find that transportation system improvements to bring performance up to standard within the planning horizon may not be feasible, and safety will not be compromised, and broader community goals would be better served by allowing a substandard level of service. The limitation on the feasibility of a transportation system improvement may arise from severe constraints, including but not limited to environmental conditions, lack of public agency financial resources, or land use constraint factors. It is not the intent of TSI Roadway Policy #2: Motor Vehicle Level of Service to require deferral of development in such cases. The intent is to defer motor vehicle capacity increasing transportation system improvements until existing constraints can be overcome or develop an alternative mix of strategies (such as: land use measures, TDM, short-term safety improvements) to address the problem.

The I-5 Willamette River replacement bridges will be striped to provide two travel lanes in each direction, consistent with current striping patterns. As noted under Goal 12 above, incorporated by reference, the construction of the replacement bridges, whether striped for four lane or six lanes, does not generate any additional vehicular trips, it simply provides passage over the Willamette River and greenway. When the bridges are eventually striped for six lanes (to be made consistent with I-5), the additional bridge capacity will increase the performance and function of I-5, not worsen it. Additionally, it is noted that TransPlan projects 150 and 260 provide for the future widening of I-5 from four to six travel lanes north and south of the Willamette River.

(Because the I-5 Willamette River Bridge and roadway is already recognized in TransPlan, there is no need to amend that plan. The required exceptions in this project are not taken to meet requirements of Statewide Planning Goal 12 or the Transportation Planning Rule (TPR), but to comply with Willamette River Greenway requirements in Goal 15 and the Metro Plan. These findings address the consistency of the needed plan amendments with applicable Metro Plan requirements and land use regulations. Other applicable land use regulations will be addressed during the local permitting processes.)

F. 16 Promote or develop a regional roadway system that meets the combined needs for travel through, within and outside the region.

Although this policy language is not mandatory, the previous findings are incorporated herein as further demonstration of compliance with the Transportation Element: I-5 is a state facility that serves both statewide and regional transportation needs as defined in the TPR, i.e., needs for

movement of people and goods (1) between and through regions of the state and between states (state need), and (2) between and through communities and accessibility to regional destinations within a metropolitan area (regional need). As such, it is an integral element of the Eugene-Springfield metropolitan area's regional roadway system. Indeed, it is likely the principal arterial serving the combined needs for travel through, within, and outside the region. Replacing a structurally deficient bridge with two new bridges and associated improvements promotes the maintenance and continuation of the regional roadway system serving the combined needs for travel through, within, and outside the region, consistent with this policy.

F.29 Support reasonable and reliable travel times for freight/goods movement in the Eugene-Springfield region.

Although this policy language is not mandatory, the applicant's findings are incorporated herein as further demonstration of compliance with the Transportation Element: consistent with this policy, connecting I-5 north and south of the Willamette River via new, structurally safe bridge crossings is essential to ensuring that reasonable and reliable travel times for moving freight and goods in the region are maintained. Without the connection, tens of thousands of vehicles daily would be required to seek alternative means for crossing the river, clogging capacity and causing congestion and delay throughout Eugene and Springfield. Existing roadways lack sufficient capacity to accommodate the existing 49,000 daily vehicle trips or the 73,000 daily vehicle trips anticipated on the I-5 Willamette River Bridge by 2030.

F.34 Operate and maintain transportation facilities in a way that reduces the need for more expensive future repair.

Permanent replacement for the decommissioned bridge is necessary to improve safety and ensure mobility of all users of I-5 in the Eugene/Springfield area. Replacing the unsafe decommissioned bridge and substandard detour bridge with permanent bridges and associated improvements that meets current safety and design standards and that handles increasing traffic volumes will result in the continued operation of I-5 and will eliminate the potential for a more costly, expedited future repair to ensure continued mobility, consistent with this policy.

G. Public Facilities and Services Element

G.18 The cities and Lane County shall adopt a strategy for the unincorporated area of the UGB to: reduce the negative effects of filling in floodplains and prevent the filling of natural drainage channels except as necessary to ensure public operations and maintenance of these channels in a manner that preserves and/or enhances floodwater conveyance capacity and biological function.

G.19 Maintain flood storage capacity within the floodplain, to the maximum extent practical, through measures that may include reducing impervious surface in the floodplain and adjacent areas.

As discussed under Goal 7 Natural Hazards and Metro Plan Policies C.30 and C.31, which are incorporated herein by reference, in the context of the plan amendments the proposal is consistent

with these policies. Specifically, the applicant's preliminary no-rise analysis indicates Option B would decrease the base flood elevation and Option A would increase the base flood elevation by 0.02 feet, which does not meet the no-rise requirement. However, the applicant has not submitted a detailed analysis and the modeling will be run again when the design is refined for the permitting process to meet the no-rise requirement. ODOT also requires its bridges to meet the no-rise requirement. Therefore, in the context of a plan amendment, these policies are satisfied. Additionally, the specific details of the development will be appropriately addressed during local and state requirements, subject to applicable approval criteria and related standards.

Additionally, both the cities of Springfield and Eugene have adopted ordinances to regulate the construction within floodplains and floodways outside of rights-of-way. The applicant will be required to apply for the necessary permits which can be conditioned to ensure appropriate floodplain and floodway construction and mitigation. Furthermore, ODOT's own project rules require that the proposal result in a no-rise of flood elevation.

The following findings are regarding consistency with other applicable refinement plans (TransPlan, Riverfront Park Study, Laurel Hill Plan) that are not proposed to be amended:

TransPlan

TransPlan was adopted as a refinement to the Metro Plan. The I-5 bridge and roadway is identified within TransPlan, therefore, determination of consistency with TransPlan is necessary. However, it is noted that the applicable TransPlan policies have been incorporated into the Metro Plan under the Transportation Element policies above. The applicable TransPlan policies are as follows: TSI System-Wide Policies, Policy 1; TSI Roadway Policies, Policies 1-3; and TSI Goods Movement Policies, Policy 1. Therefore, the findings for Metro Plan policies F.10, F.14, F.15, F.16, and F.29 are incorporated herein by reference to demonstrate compliance with these applicable policies of TransPlan.

As previously mentioned, comments were received stating that the applicant's response to TransPlan Goals 1 and 2 (Metro Plan, Transportation Element, Goal 1 and 2), Objective #3, and TSI Roadway Policy #1 do not demonstrate that these goals and objectives have been met. To summarize, Goals 1 and 2 support a transportation system that supports choices in modes of travel that will reduce reliance on the automobile and that enhances quality of life and economic opportunity by being balanced, accessible, efficient, safe, interconnected, environmentally responsible, etcetera (see TransPlan Chapter 2, page 3 and Metro Plan pages III-F-1 and 2). According to the TransPlan (Chapter 2, page 3), a goal is "a broad statement of philosophy that describes the hopes of the people of the community for the future of the community. A goal may never be completely attainable, but is used as a point to strive for." A goal is not something for which an application is measured against. Similarly, an objective is "an attainable target that the community attempts to reach in striving to meet a goal. An objective may also be considered as an intermediate point that will help fulfill the overall goal." Whereas a policy, which is a "statement adopted as part of TransPlan to provide a consistent course of action, moving the community toward attainment of its goal," can be used for determining consistency with the TransPlan. As such, compliance with the goals and objectives, as measured through application of the policies, is determined under the Metro Plan, Transportation Element policies above. Regarding TSI Roadway

Policy #1, see findings under Metro Plan Policy F.14.

Metro Plan Amendment Conclusion and Recommendation:

Conclusion

Based on the findings above and the Goal 15 exception provided under Goal 2, the proposed amendments are consistent with the Statewide planning goals and the remainder of the Metro Plan.

Recommendation

Based on the available information and materials in the record, and the above preliminary findings, the proposal is found to be consistent with the applicable approval criteria regarding the Statewide Planning Goals, Lane Code and the remaining portions of the Metro Plan.