

MINUTES OF DIRECTORS MEETING

LANE TRANSIT DISTRICT

SPECIAL MEETING/WORK SESSION ON
EUGENE STATION DRAFT ENVIRONMENTAL IMPACT STATEMENT

Wednesday, November 17, 1993

Pursuant to notice given to *The Register-Guard* for publication on November 11, 1993, and distributed to persons on the mailing list of the District, a special meeting of the Board of Directors of the Lane Transit District was held on Wednesday, November 17, 1993, at 5:30 p.m. in the LTD Board Room at 3500 E. 17th Avenue, Eugene.

Present: Kirk Bailey
Peter Brandt, Treasurer
Janet Calvert
Tammy Fitch, Vice President
Patricia Hocken
Thomas Montgomery, Secretary
Keith Parks, President, presiding
Phyllis Loobey, General Manager
Jo Sullivan, Recording Secretary

CALL TO ORDER: Mr. Parks called the meeting to order at 5:50 p.m. He introduced Dave Kleger, Steve Engel, and Rob Bennett, who had been appointed by the Governor to replace the three Board members whose terms would expire on January 1, 1993. They were attending the meeting to learn more about the Board and the Eugene Station project.

EUGENE STATION DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS): Planning Administrator Stefano Viggiano introduced Al Johnson, an attorney with Johnson & Kloos, who was assisting the District on some of the issues about the DEIS process and with the land use approval.

Mr. Viggiano reviewed the environmental process that brought the District to that point in the study, as well as the next steps: a review of some of the key concerns mentioned by people about the sites, and a review of the impacts identified in the DEIS.

Mr. Viggiano stated that for federally-funded projects, environmental review fell into one of three categories. A **categorical exclusion** meant that no environmental analysis was required for projects that clearly had no significant impact on the environment. Almost all of LTD's previous federal projects had been included in this category. If it were possible that a project could have significant impacts on the environment, either an environmental assessment or environmental impact statement had to be done. For an **environmental assessment (EA)**, possible impacts were studied and mitigation of all of the impacts was required, to eventually result in what is called a FONSI (finding of no significant impact). Essentially, this meant that through the analysis of the project, it had been demonstrated that the project could proceed with

no significant impact. If this could not be demonstrated, then an **environmental impact statement (EIS)**, considered to be the most thorough environmental review process, would be necessary. Environmental impact statements were done on LTD's Glenwood facility, the Beltline extension, and the Ferry Street Bridge project. The District had thought an environmental assessment would be conducted on the Eugene Station project, and had hired a consultant to perform the assessment. After several months, staff approached the Board about performing an EIS instead, and the Board agreed. There were three reasons for doing this: initial public comment received expressed the desire that the District conduct the most thorough environmental review on the project; the District was not absolutely sure that a finding of no significant impact could be reached, so an EIS might be necessary, anyway; and, the District wanted to reduce the likelihood of litigation. Following this decision, there was another public comment period, resulting in the release of the Draft Environmental Impact Statement in October.

Mr. Viggiano then discussed the project schedule. The DEIS was released on October 22, 1993, which was the day it officially appeared in the *Federal Register*. A public hearing was planned for December 1 in the Eugene City Council Chambers. The formal public hearing would begin at 7:00 p.m.; preceding this would be an open house from 5:00 p.m. to 7:00 p.m., which was intended as an informal, drop-in session for people who were interested in finding out more about the DEIS or about the project. The consultant and staff would be present to answer questions, and people would be able to submit written testimony or speak to the court reporter to have a statement entered into the official record. Mr. Viggiano thought that a number of people would want to address the Board directly and stay for the formal public hearing at 7:00 p.m. A Board work session was tentatively planned for Wednesday, December 8, with the intent of addressing any new issues or questions that might have come up during the public hearing or in other public comment. Essentially, staff wanted to ensure that all of the issues were addressed so the Board would feel comfortable with the information, so that a decision could be made on December 15. At the regular Board meeting on December 15, the Board would be asked to select a site and authorize staff to proceed with the Conditional Use Permit (CUP) application, and also to authorize staff to proceed with the selection of an architect. The Conditional Use Permit was a requirement of the City of Eugene before the project could proceed. Essentially, the CUP would review some of the same issues as the EIS, to try to ensure that the project was compatible with its neighborhood environment, as well as with plans and policies of the City.

A City Council meeting was scheduled for January 19, 1994, to discuss parking. This would not be a Board/Council meeting, but Board members were invited to attend. Mr. Viggiano stated that parking was one of the key issues that needed to be addressed, and also might be examined as part of the CUP process. The Conditional Use Permit would be based on the hearing official's decision, and would not go directly or indirectly before the City Council. If there were an appeal, it would be heard by the Planning Commission.

Mr. Viggiano discussed the architect selection process. Staff wanted to begin the process so that by the time of final site approval, the District would have finished the selection process, held interviews, and selected the preferred candidate, so that the project could begin right away. In January, staff would ask the Board to form a committee to oversee the project. This committee likely would consist of three Board members. Staff expected the DEIS and CUP processes to be completed sometime in early April, which would mean that the Board could hold final site selection at the April meeting, as well, and could formally select the architect at that time. Design

work and land acquisition also could begin at that time, construction could begin in early 1995, and LTD could be using the station by the fall of 1996. So far, LTD was fairly close to the original schedule for the project.

The site selected on December 15 basically would be the final site, although it would be necessary to obtain additional approval before it truly was the final site. Following site selection on December 15, staff would proceed with the necessary approvals and approach the City Council about site-related issues. If it turned out not to be the final site for one reason or another, staff and the Board would start the selection process again.

Mr. Viggiano reminded the Board of some of the concerns expressed about either the McDonald or the IHOP sites. He stated that the list was not inclusive, but rather represented some of the key issues and concerns.

McDonald Site: Most of the concerns about this site had been expressed by residents of Olive Plaza, including concerns about noise, traffic, personal safety, loss of the surface parking lot across the street, and air quality. Lane Community College (LCC) primarily was concerned about the loss of parking, particularly at night. The surface lot across the street was used by the LCC Downtown Center and, even though parking was available in the Overpark in the evening, LCC had expressed concerns for students' and employees' personal safety. Nearby businesses, including those on 11th Avenue and on Willamette Street, had expressed some concern about the loss of surface parking, and possible related economic impact (loss of business). Owners of the Atrium Building directly to the north of the site had expressed concern about air quality and loss of parking. Mr. Viggiano stated that this air quality issue was primarily an existing problem that might not go away if the McDonald site were selected; some of the bus diesel fumes went into the intake valves of the building and fumes occasionally could be smelled in the building.

IHOP Site: Mr. Viggiano stated that the First Baptist Church, directly west of the IHOP site, had expressed concern about the loss of parking; the Church owned the surface parking lot that covered approximately one-quarter block at the IHOP site. Personal safety, noise, air quality, traffic, and even vibration caused by more buses running through the area, were additional concerns. The Eugene Hotel Retirement Center, approximately one-half block to the west of the IHOP site, expressed concerns regarding personal safety, traffic, air quality, and noise. Broadway merchants, primarily in the area of Broadway and Pearl, had expressed concern about the loss of business and economic impact.

Mr. Engel asked how these concerns were generated--through a survey, mail, face-to-face, etc. Mr. Viggiano responded that the site selection process had been going on for several years. Throughout that time, particularly during the last year and a half, as the list of possible sites was narrowed down, LTD provided opportunities for people to comment. A public hearing was attended by 250 people; more than 200 pieces of written communication had been received; and a mailing list had been developed to mail information about the project. The information provided that evening was a summary of the concerns expressed by the public, but did not reflect any of the positive input. Mr. Engel stated that this was his concern--that the material was phrased in such a way as to generate concerns. The material seemed to present only one side of the issue, and he thought it was possible that there was another side that had not been generated. Mr. Viggiano said that positive comments also had been received from Olive Plaza residents who

were very excited about the station being at the McDonald site, because they were bus riders and liked the convenience of the location. Indirectly, people had supported the concept of a new station by discussing the problems they saw with the existing station. He explained that the reason the material was phrased negatively was that part of the environmental process was to identify peoples' concerns, to make sure that the analysis addressed those issues. Mr. Viggiano explained that a "scoping meeting" would entail people attending to express concerns about the project and let the District know what they hoped the environmental process would consider.

Dave Mayfield, of CH2M Hill, stated that he had been the project manager for the production of the EIS, and would be pointing out some of the major points of the report. He said that if an issue had not been raised during scoping, it probably was not in the report. The scoping meeting focused the discussion of the environmental issues and what kind of research should be done. The work would then be completed and the results presented to the public. The public then would have an opportunity to comment on the draft report. The public hearing on December 1 would allow the public to respond to the DEIS as a matter of public record. The DEIS would then be reviewed in response to those comments, and the final EIS would be written. Between the draft and the final report, staff would identify major concerns raised during the comment period. At the December 15 meeting, the Board would be asked to select the "locally preferred alternative," which was a standard part of project development for a federally-funded transit project. Following Federal Transit Administration (FTA) approval, the funding would be in place and the remainder of the project could proceed.

Mr. Mayfield stated that he felt the most important issue to be addressed at this meeting had to do with the findings of the State Historic Preservation Office (SHPO) that two of the buildings on the IHOP site were eligible for the national register of historic places. Neither house was eligible on architectural grounds. One (the Eli Bangs House) was eligible because it was built by Tyrell and Hunter, who were considered very important builders in their time period; the other house (the Earl McNutt House) was where Mr. McNutt, mayor of Eugene between 1941 and 1945, and considered a significant person in Eugene history, lived most of his life. Mr. Mayfield said that the historical eligibility of these two houses was a complete surprise, and had a very direct bearing on site selection because of the law called "Section 4-F, the Department of Transportation Act." This meant that the IHOP site could only be accepted by the FTA if there were no feasible and prudent alternatives. Even if there were economic reasons for selecting the IHOP site over the McDonald or other sites, that would not be considered a feasible or prudent reason for not proceeding with another alternative. The only way the District could proceed against this determination would be to appeal the SHPO decision to an advisory committee at the federal level. This process would take several months and, if the appeal were successful, anyone could appeal the District's appeal and the process could start over again. Mr. Mayfield stated that the District would need a good argument why these two houses should not be considered eligible, and then it would be necessary to go through the appeal process.

Ms. Calvert asked if a private party could purchase the property and remove the houses. Mr. Johnson stated that there was a provision in the Eugene City Code to request the designation of a building as an historic landmark. He understood that these particular buildings had not yet had that designation; however, if this process had been initiated before any applications for demolition permits and construction permits had been issued, everything would go on hold while the Historic Review Board determined whether or not to classify it that way. Once it had been

classified, that did not completely foreclose the project, but alternatives would have to be considered. Since a private citizen did not use federal funds, there normally were substantially fewer restrictions and constraints. If the current owners of the IHOP site wanted to tear down and remove those buildings, they would not have to do an EIS. Mr. Mayfield stated that the Eli Bang House was rated by the City as a primary resource, and the Earl McNutt House was a secondary resource. He added that there was a very good chance that the properties could be considered to have landmark status.

Mr. Mayfield stated that if these two buildings were already on the national register of historic places, the District would not have gotten this far in the process. Even if something were on the national register, it could still be appealed, to try to remove it from the register, but Mr. Mayfield knew of no case in this type of situation where that had occurred. Mr. Engel asked why the houses were not already on the national register, and what the difference was between being on the State list and being a candidate for the register. Mr. Mayfield stated that it was a matter of the public filling out and submitting the paperwork. Just the fact that the properties were eligible meant that the FTA would not fund the project, because of the 4-F law, so there would be no reason for anyone to complete the paperwork in order to halt the project.

Mr. Mayfield stated that a finding that there was "no feasible and prudent alternative" to building a central Eugene Station at the IHOP site would mean that the McDonald site would not be a feasible and prudent alternative, nor would numerous other sites that had been rejected in the past for various reasons.

Mr. Bailey asked Mr. Mayfield to describe what impact building on the McDonald site would have on the properties there. Mr. Mayfield stated that the same letter from the State Historic Preservation Office stated concern about the McDonald site and requested a continued dialogue in order to protect the McDonald Theatre building from any adverse impacts, such as vibration, incompatible visual elements, etc. Development of the McDonald site would require special consideration for preservation of the theatre building, which was already on the historic register. Mr. Mayfield stated that if the District did not obtain consent from SHPO that LTD was not impacting the historic value of the property, the District would face the same situation that it found at the IHOP site. Ongoing coordination with SHPO would be necessary. The SHPO decision would be based on issues such as colors, shades, or bulk of the station that in some way took away from the McDonald Theatre building. Since the McDonald Theatre building had one face that was the most important side, Mr. Mayfield did not see coordination with SHPO as a large problem. The specifications would have to be engineered to address the vibration issue, however, or that could be a problem. He added that the building was a very solid, concrete building, and the District was not anticipating that there would be any special problems.

Ms. Hocken asked at what point a complete sign-off from SHPO could be attained, and at what point SHPO would cease to have any ability to regulate the project. Mr. Mayfield stated that SHPO would want to see quite a bit of detail before signing off on the project. They would want proof that there would not be vibration impact, that the color and material choices were appropriate, etc. He added that this was a very normal process in any type of downtown development project. A great deal of coordination would be required during this period. Ms. Hocken asked if there might be some conditions in the Conditional Use Permit that would make the site not valid if LTD did not comply. Mr. Mayfield stated that he expected that there would

be similar concerns to those raised by SHPO as part of the CUP process. The Downtown Development Plan had general guidelines for urban design and visual context, and it was likely that those would be included for review, as well.

Mr. Mayfield discussed the Summary of Comparison. With regard to secondary development, the McDonald site was the most supportive of downtown redevelopment, in terms of the pedestrian zone, or what people could walk to from that site. The McDonald site was better in this regard than the IHOP site, but the IHOP site also was supportive of downtown redevelopment. Business impacts were greater at the McDonald site in terms of the number of businesses that would be displaced: eight businesses at the McDonald site, versus three at the IHOP site. Contrastingly, there were twelve dwelling units that would be lost at the IHOP site, causing a residential impact. In terms of the social issues of the people involved, about 50 jobs would be affected at the McDonald site, as opposed to 35 at the IHOP site. Fourteen people currently were living in the housing units at the IHOP site and would be displaced. Mr. Mayfield commented that the units had reasonable rents, but replacement housing was available.

Ms. Hocken asked about the secondary development issue, referring to a map in Chapter 4 that indicated "redevelopable land" areas. She questioned how the Baptist Church, Sears Building, Catholic Church, etc., were considered redevelopable land. Mr. Mayfield stated that this comment had been raised during the internal review by the FTA, and the statement, "does not include other factors, such as historic significance," was added. The map only reflected the economics and not the other cultural values. The land value was worth more than the value of what was built on it. If there was a one-to-one ratio, or if the land was worth more, then it was considered redevelopable.

Mr. Mayfield stated that the McDonald site fit in very well with the downtown vision of the City of Eugene. Traffic, in terms of the level of service (people being able to get where they were going in the same amount of time) would not change very much. The most important impacts would be on two particular blocks. For the McDonald site, on Willamette between 10th and 11th, approximately 54 buses would be passing along that block during the peak hours. At the IHOP site, it was anticipated that 85 buses would travel on Broadway between High and Mill during the evening peak hour. This would mean more than one bus per minute.

Mr. Mayfield stated that the type of parking affected at the McDonald site was more short-term of medium demand, as classified by the City. Low, medium, and high demand related to the percentage of time the parking lot was full. City studies showed that parking around the McDonald site was in medium demand, and around the IHOP site currently was in high demand. It was questioned how IHOP parking could be considered high impact, since parking was not permitted in the Baptist Church parking lot. Mr. Mayfield stated that the Baptist Church rented the spaces to the City for employee parking during the week, and that most of the spaces were rented. Weekend parking impacts might be significant at the IHOP site. For all three alternatives (including the no-build alternative), the DEIS stated that parking impacts might be significant in the future, especially with the library being proposed without associated parking near the McDonald site. Mr. Mayfield stated that he did not believe the impacts on parking were related only to the development of the transit station; all types of increased density in the downtown area would have an impact on parking. This seemed to be the vision of the City Planners: more intensification of the downtown, more people working downtown, less parking available, and more

public transit. Mr. Bennett asked if Mr. Mayfield thought the City view was that the future of downtown was not going to continue to rely on private car parking. Mr. Mayfield stated that it was clear that downtown would have to have adequate parking, but in terms of the percentage of how many people were going downtown in the private automobile versus the bus or other transportation, the percentage of transit users versus car users probably would increase. He said that he might be wrong, but stated that his opinion had to do with decisions that the City made regarding development of parking structures as opposed to surface parking. The DEIS was saying that, in the worst-case scenario, there would be a significant cumulative effect on parking if the structures were not built to handle future needed parking. If the structures were built to handle the demand for cars, then there would not be a significant effect. Mr. Mayfield stated that it had to do with the timing of decisions the City made with regard to building the structures. Ms. Loobey added that the City had adopted a number of plans that would lead to higher densities around the downtown core and a shift in trip-making from automobiles to public transit. This had been done in two documents--CATS and TRIP, which placed emphasis on changing the modal split to greater transit and alternative-mode use.

Mr. Mayfield stated that the City-owned parking at the McDonald site had in the past been considered for development, and if LTD's project were not built, the property would be considered for other types of development in the future. If LTD's project contributed to the construction of a parking structure at another location using the funds LTD provided, there may be significant impacts associated with that. Mr. Mayfield stated that since the District had no idea where that structure would be, LTD could not identify what those impacts would be. Ms. Hocken asked if LTD would have to include in the Eugene Station EIS any impacts caused by the City spending the money given them by LTD for a parking structure in a different location. Mr. Mayfield responded that the District thought it was good to include this simply in case it came up. The DEIS was a fact-finding document; the more things included that might seem once-removed from the project but that might be addressed would help people feel better about it. Mr. Mayfield stated that it was not the burden of the Eugene Station project to resolve all the indirect cumulative impacts of downtown parking issues. Mr. Johnson added that under the environmental impact statement process, it was necessary to be thorough in identifying clear impacts and consequences and those that were somewhat more remote. However, unlike in the environmental assessment process, the District would not be required to mitigate all of the items. Rather, it was a matter of saying that there would be some impacts; they had been fully disclosed and considered in balance with the benefits that would arise from the project; and that it had been determined that mitigation was or was not appropriate.

Ms. Hocken asked if the DEIS included a list of potential impacts, since the location of a possible parking garage was so difficult to predict. Mr. Mayfield stated that it was not necessary to resolve the issue; there was a one-sentence statement that there might be impacts of the City building the garage that were indirectly related to this project, and that was basically the end of the discussion. Mr. Pangborn commented that the \$865,000 to be used as part of the purchase agreement was federal Surface Transportation Program money. He noted that the funds came with the same strings in terms of the environmental impacts and assessments.

Ms. Hocken stated that there was a statement in the DEIS that said, "parking mitigation will be developed by LTD to minimize adverse direct and indirect parking impact" (page 4-13). She was concerned that this was what LTD really was committing to. Ms. Calvert thought this was

a question of proportion. She could see making an effort to do some, but the District was not going to mitigate everybody's perceived negative impacts. Mr. Mayfield stated that this was a very general statement, because a number of levels of parking issues would be raised. He cited the businesses around the McDonald site who raised the question about the economic impacts, or at the IHOP site of people being able to reach the church. What this statement meant and how it would be implemented should be refined during the next few months. Ms. Hocken stated that a lot of the parking mitigation decisions would be decisions that the Board or the District could not make or control. The District could give the City the \$865,000 and pay a fair price for the site, but Ms. Hocken was not sure that LTD could control the number of parking spaces downtown without buying property and building a parking garage. She asked if the District would meet its obligation just by giving the money to the City. She added that she didn't know if anyone had the answer to this at the present time, but maybe more information would be available in the future. Mr. Mayfield stated that the District would receive some of this information at the public hearing. After hearing more feedback about the DEIS, LTD would be able to fine-tune and finalize the document, which was very general.

Mr. Bennett asked whether "a minimum" meant looking at contributing toward replacing 173 surface parking spaces. He wondered if the District's position would be that, because of the potential modal-split change, the parking problem would go away. Mr. Mayfield replied that the report said that, in the short term, there would be adequate parking for the lost 173 spaces within the immediate area of the McDonald site. In the long term, as there was more intense development, such as the library or other projects in that neighborhood that would attract more people, there would be a shortage of parking, and something was going to have to be done. Ultimately, the parking proposal would undergo a great deal of discussion with the Board, staff, experts, the City, and the FTA. He stated that this was one of the issues that the District would be resolving over the next four months.

Ms. Loobey commented that the District had an option with the City for the property, in which LTD had agreed to pay not only the cost of the land, but the cost to replace the parking, so essentially it would be about \$1.4 million. From the standpoint of mitigation of the loss of that parking, the District had agreed to do that. Aside from that contribution, LTD's Board had not agreed, nor had discussion occurred with the Board, to make any contribution greater than that for the spaces on the current property and the price of the property. Mr. Bennett expressed his concerns about the choice of language used. He stated that, being somewhat familiar with downtown Eugene, he felt he could make the case that there were parts of downtown that were severely depressed in terms of the use of buildings, and there could come a time in the not too distant future when those buildings might be intensively used. If downtown were used effectively, particularly by a broad cross-section of the community, and the activity level increased significantly, a great many more private parking spaces could be needed, even though the modal split may be changing, perhaps even materially. Mr. Mayfield said that the question was how soon they would be needed, and would they be enough. There were numerous questions that were outside this study that had more to do with the entire downtown than with this particular project.

Ms. Fitch referred to a sentence in the DEIS that talked about a shuttle bus. She wondered if the City could put this in the CUP now that it was in the DEIS. She also wondered why it was in the DEIS. She was concerned that if it was in the DEIS, it would look like something that LTD

probably wanted to do. Mr. Mayfield said he suspected that one of the parking specialists had included it. Ms. Hocken stated that this was a park and ride shuttle, not a circulator.

Mr. Montgomery stated that once the District had dealt with the mitigation of parking, it wasn't LTD's job to supply additional parking to meet growing demands just because the \$175,000 wasn't enough at that point. Once everyone agreed on what was sufficient mitigation, and the project was finished, whatever happened after that would not be LTD's problem. Mr. Mayfield stated that this was correct. Mr. Parks said that LTD's contract with the City should have those things spelled out. If they were not, the District could be subject to any political contingent with an agenda. Mr. Mayfield stated that this project was part of a bigger issue; this project had a parking issue and downtown had a parking issue, and LTD was not out to solve the big issue with this project. Mr. Mayfield also thought that the City would respond to the DEIS with specific input. That would be part of the process to develop the final document. Mr. Parks stated that some persons on the City Council already had indicated as public record that they did not need that kind of parking downtown for the library other projects, because LTD had changed the whole mix. He thought that was a substantial statement to put down on paper and then say, however, that three or four more parking structures were needed.

Mr. Johnson commented on the language in the parking mitigation plan. The DEIS spoke of a joint planning process ("A parking mitigation plan will be developed by LTD and the City of Eugene"). If LTD, as a special district, and the City of Eugene, as a public body of local government, both had land-use planning obligations that had to be coordinated, the DEIS statement basically was stating a truism. It did not say that LTD would spend money for that purpose or that they would build, only that LTD would be a part of the process for doing that planning. The allocation of that responsibility, both in the option and the existing plan, was primarily the City of Eugene's; the City had the responsibility for dealing with the parking issue. He said that the statement about "mitigating adverse direct and indirect parking impacts" spoke of the issue in very general terms. He thought there was a fair amount of room for resolution of those issues through a common planning process. As an attorney, his obligation was to tell LTD what the range of options were; not what should or should not be done, but where the lines had to be drawn. The District had financial lines as to what it could afford. If LTD had enough money, maybe the District could build a parking structure, and that would be within LTD's discretion. There also were limits on the other side, such as not addressing the parking issue at all.

Mr. Johnson described a similar situation, in which the U.S. Supreme Court did address the specific issue of what happens with mitigation of impacts that are really the responsibility or jurisdiction of other agencies. This was done recently, and actually answered quite a few questions. The case was Robertson vs. Menlo Valley Citizens, a 1989 U.S. Supreme Court case involving a ski resort in the Northern Cascades. One of the key concerns was the impact on mule herds, because there would be an impact on the deer range. The Forest Service identified those impacts and talked about ways in which they could be addressed, and committed itself to a planning process. But the Forest Service also indicated that this was primarily a matter for the State and Federal Fish & Wildlife Service and for a number of other agencies to address. A group opposed to the project persuaded the Ninth Circuit Court of Appeals, which is Eugene's circuit, that this was not enough, and that a very specific plan had to be developed by the Forest Service for mitigating those impacts. The State Supreme Court and the U.S. Supreme Court decided in favor of the Forest Service and the site developer. What the Court said in that case

was, first of all, the obligation of an EIS was full disclosure, analysis, and discussion, and there was no obligation in the statute of actual mitigation or an outcome, although the agency could choose to do so. The second thing the ruling said was that the EIS did not have to be specific about the mitigation plans and the responsibilities of other agencies. There was a footnote that stated this more concisely: "Because NEVPA (National Environmental Policy Act) imposes no subsequent requirement that mitigation measures actually be taken, it should not be read to require agencies to obtain an assurance that third parties will, in fact, implement particular measures."

Mr. Johnson stated that this was the kind of position LTD was in with respect to parking and the City of Eugene. LTD had some choices to be made; it was a fairly wide range of choices and they were really up to the Board. It was a decision that would appropriately be made after hearing some additional comments through the scheduled public comment period and hearings, and it would be affected to some degree by the Conditional Use Permit process, although that was a separate process and a separate set of requirements.

Mr. Mayfield told the Board that noise was raised as an issue at both sites, with regard to the residences surrounding the Eugene Hotel at the IHOP site and Olive Plaza at the McDonald site. After performing measurements, both indoors and outdoors at both of those facilities, with the windows open and shut, it was determined that there would be a one- to two-decibel increase in maximum noise as a result of the development. This would not be discernable to the human ear, since humans notice a change of three or more decibels. Mr. Kleger asked if the current decibel levels were approaching the maximum comfort level for people, and whether this was likely to create a threshold-crossing issue. Mr. Mayfield stated that both retirement residences were in urban areas. Existing noise levels with the windows closed at Olive Park Plaza were 42 and 46 decibels, which was pretty quiet. But with the windows open, noise levels were up to 59 decibels. Mr. Kleger thought that when people were expecting to notice something, they would notice it. Mr. Mayfield agreed that this may well be the case. Ms. Calvert asked if the noise level was tested at a specific time, and whether it measured the frequency of noise levels. Mr. Mayfield stated that the report looked at peak conditions--the worst case. Ms. Calvert commented that before, there may have been one peak every 10 minutes, for example, and later they may be more continuous. She questioned if this had been investigated. Mr. Mayfield said there would be very little difference in the actual number of buses that would go by the McDonald site, since the current station was in that area. One of the issues with regard to diesel odor was that the buses would be closer to the Olive Plaza. If people opened windows, they were likely to experience the same level of odor experienced at the Atrium Building if the District burned the same fuels. However, cleaner fuels already were being used. The Atrium Building was, in fact, likely to have less of an odor issue because the bulk of the buses would be farther away. Mr. Viggiano commented that most of the Olive Plaza units were not air conditioned, so the windows were kept open regularly. Also, residents who wanted to move up to higher rooms because of the street noise had already expressed concerns. He stated that this issue was very important to the Olive Plaza residents, and he thought they would express this at the public hearing. Their hope seemed to be that some kind of mitigation would be done as part of the Eugene Station project, so that residents on the lower floors might be a little more comfortable.

Ms. Calvert stated that it was interesting that, except from the Baptist Church, there was no mention about the noise, air, and safety concerns; those were not identified in the DEIS as an


impact, although the church had identified them. Mr. Mayfield commented that future noise measurements were taken and calculated at the church (page 4-47). Operation of the day care center inside the Church was not expected to be affected by noise from an IHOP transit center operation because of the day care's location inside the church. Mr. Mayfield commented that right outside the church, the noise level was fairly high (72 decibels).

Mr. Kleger commented that very few impacts were noted for the no-build alternative. He said that the issue of where the downtown station would be permanently located had been hanging for 20 years, with a negative impact on downtown development, simply because no one knew where it was going to be. He wondered if that might be added to the no-build alternative as an impact because, in fact, that condition was likely to go on being an issue if the site decision were not made. Mr. Mayfield asked if Mr. Kleger felt this affected downtown redevelopment. Mr. Kleger thought it did. He stated that if he were going to build a furniture store downtown, he would not want it across the street from the bus station, but if he wanted a place that catered to quick, drop-in traffic, he definitely would want it across from the station. If he did not know where the station was going to be, he would not locate in either place; he would go somewhere in town where he would know where things were likely to be.

Mr. Bennett commented that the ability to make a timely decision to take what currently was on-street linkage and get it to an off-street location was very significant. He asked if this was discussed in the DEIS. Mr. Mayfield stated that it was discussed on a number of levels, including economic, visual, pedestrian safety, and others. Mr. Parks commented that LTD currently could be put off the streets just by action of the Council. Ms. Fitch commented that moving off-street would allow the return of on-street parking along 10th Avenue.

Mr. Mayfield discussed the DEIS time line and the Board's responsibilities. On December 1, the public hearing would be held in response to federal law, and all testimony would be recorded. The purpose of the meeting was not to resolve any issues; it was to put them out on the table. Mr. Engel asked Mr. Mayfield if his company wrote the DEIS document, and if this was the first time the Board had seen and discussed it. Mr. Mayfield stated that CH2M Hill had written the document. The Board had not seen it before it became a public document; it was not reviewed by anyone until the Federal Transit Administration approved its release. Mr. Parks reminded the group that the document was a draft. Mr. Viggiano explained that the DEIS was actually an FTA document, and LTD was a local supporting agency. The purpose of that evening's work session was not to make any decisions, but rather to make the Board aware of what was in the document before hearing the public testimony.

ADJOURNMENT: With no further discussion, the meeting was adjourned at 7:25 p.m.


Board Secretary