

September 5, 1979
Following KA/URA
Meeting

REGULAR MEETINGS
BOARD OF COUNTY COMMISSIONERS

Harris Hall

A regular meeting of the Board of County Commissioners was called to order on the above date by Chairman Freeman. Four Commissioners were present - Vance Freeman, Gerald Rust, Harold Rutherford and Archie Weinstein. Commissioner Otto t'Hooff was absent and the meeting was held with his knowledge. Terry Anderson was Recording Secretary for the morning meeting.

1. COMMISSIONERS' ANNOUNCEMENTS AND BUSINESS

a. REPORT/Energy Hotline

Rust noted the effort had a high degree of cooperation and the private industries had no problems. The County would have to give up its appropriate technology library to the U of O as a research contribution. The Extension Division was the appropriate place to do the outreach work when the funds became available and at the present time the University of Oregon was ready to go. He moved that Lane County endorse the University of Oregon's Solar Energy Center's grant request to the Oregon Department of Energy, that Lane County donate its energy library to the Center, and that the County seek to continue intergovernmental cooperation toward the larger coordinated effort. Freeman seconded the motion. Weinstein pointed out Rust was to refer to the Board with a list of agencies that had obtained energy grants. Rust explained there were too many to list and Weinstein questioned how many were needed. All voted yes on the motion. Weinstein qualified his yes vote by saying the County should not donate its library to the Center. Regarding the sample resolution in support of the creation of an energy information center included in the materials submitted to the Board Rust suggested that Lane County, Clerk of the Board, draft a letter to that effect and the Board agreed by consensus. Rutherford asked Rust if he was going to name a contact person for Lane County and Rust agreed to do so and to work with the General Administrator and come back in a month with a list of agencies to participate and with implementation strategies. Weinstein stated some central coordination was needed in the General Administrator's Office and perhaps Stan Biles, Intergovernmental Relations Officer, could work with him. Hirsman stated his office would work with Rust to make sure the Board was informed on the status of the Committee. Freeman moved that the Committee be set and that Rust be the Board's representative. Rust added that the Board should receive a report in no later than one month so far to estimate the progress. Rutherford seconded the motion; all voted yes and the motion passed.

b. APPROVAL/Nonfunding of CETA Positions in Lane Economic Development Council

Weinstein suggested the Board consider transferring the 11 positions to the Lane Economic Development Commission. He explained a commission on the Board and stated the Commission was not needed as most agencies have their own economic development and development commissions. He

submitted further material to the Board and moved that the Board add a tenth termination to the nine previously terminated, i.e., the LDC. Steve Ickes, Employment and Training Director, stated the project would end in one year in September of 1980. There were 15 positions at \$7,000 to \$8,000 salaries. Freeman stated that many valuable programs went through LDC. Ickes went on to explain the participants went through the main CETA process and the project itself was placed by the Board on the list of projects to be funded. Rust pointed out that a two to one vote placed LDC on the list, i.e., Weinstein and Wood voted in favor and he voted in opposition. Weinstein explained the project was way down on the list and he felt it would not be funded. When the salary list went down to \$7,200 there was more funding available and the project got back on the list. He pointed out the recall started right after it was put on the bottom of the list. Rutherford asked if the Commission was achieving its purpose to the extent it should be. He also asked if some of the participants were receiving benefits from CETA in other areas. If the Board decided to not fund the project, could it do so without any liability. Ickes replied that LDC went through the same process as all the other projects and was found to be a legal subgrantee. The participants were then investigated by the staff. The labor market relevance to the positions was high. Everyone had been treated equitably in this and he had some concerns about possible liability. To treat LDC differently the Board would have to go back to the administrative process. LDC was a legal subgrantee and the participants were legal participants in the CETA program. The department could not be more restricted than the federal law and to do so would result in a liability procedurally. The program went through a rigorous staff review and an ETAC review. LDC was doing a better job than most other agencies on the staff analyst case load and as participants were running a legitimate program. The average education level of the people in the forestry project was less than high school and was approximately 10 years for the technical program which was not college graduate level. Presumably, 37 percent of the participants were college graduates as opposed to the previous 75 percent. Ickes went on to state that if he treated a program differently there would be liability to himself and he was concerned about equity. The program was performing well and there was nothing administratively he could do with it legally. The department would continue to encourage the subgrantees to hire entry level people. Weinstein spoke regarding a person participating in LDC whom he did not identify, i.e., background and salary. Ickes indicated he checked employment eligibility and they were all legal participants in CETA Title II. The Board's intent to follow the lower educational standards was being followed and he could not legally interfere in a charge in personnel administration without a suit. Rutherford asked if any of the participants were receiving other funds and Ickes replied no. His staff rechecked their eligibility following a request from Weinstein. Weinstein spoke on CETA abuses and stated he understood that a University of Oregon professor's wife was on CETA. Ickes explained that the program used to look at individual incomes but now looked at family incomes. The only way such a person could still be in the program was that if he/she were employed in the institution. Weinstein felt that Ickes should investigate that matter. Rutherford asked if the County had to participate in the Title II program and Ickes replied

that it was part of the package. The Title 6 program presently presented the abuses Weinstein was concerned about. It provided job, work and training for entry level people but he added the program was still transitioning. Rutherford asked Ickes if he would classify LDC as a program he would initiate if it were a new program. He asked if the Commission served a function. Ickes replied that LDC would be an eligible applicant under CETA but a different process would take place than the one under the old program. The staff analysts had made three statements regarding LDC: it was doing its assigned tasks which were consistent with CETA legislative intent, supervision was adequate and the project was doing a good job. Rust stated the Administrator should not be an advocate for or against a project. Rutherford stated he was not familiar with what LDC was supposed to be doing and what it was doing. Ickes reviewed the projects involved. Weinstein stated the Commission was telling the cities and the Board how to get industry in the area. That was not training, he said. There were approximately 10 economic investment and development commissions in Lane County. Freeman asked that the matter be postponed for two to four weeks in that the Board needed to know the impact of terminating the funding. Weinstein stated he would withdraw his motion and set it ahead 30 days. Rutherford requested copies of the information Ickes had for the Board and Ickes agreed. Rust asked that a similar report be submitted to the Board by LDC itself. The Board should also ask the clients how they felt about the program. If the Board was going to investigate one project he asked why not all of them and Weinstein replied the Board could do so. Freeman moved to ask Ickes to come back with information on one month on October 3. Rust noted he made some statements previously when this issue was discussed and he wanted to stand on those statements. Weinstein seconded Freeman's motion. George Morgan, General Administrator, noted the County had a contract with the organization and he suggested County Counsel examine the legal ramifications of terminating that contract. Freeman agreed. Rust indicated he would vote for the motion to allow for the flow of information but he had not contemplated termination of the project. Rutherford asked that the issue be brought back to the Board in two weeks as the contract was into effect on October 1. Freeman stated the matter would be discussed on September 19. All voted aye on the motion.

c. PRESENTATION/Compensation for Land that is Downgraded by LDC Rules

Weinstein submitted materials to the Board. He noted Senate Bill 300 directed the Legislative Committee to study and make recommendations regarding compensation. The Committee recommended that amendments be adopted which he believed was contrary to the direction in Senate Bill 300. He asked that the Board review the material he presented and bring the matter back for discussion. He felt the Committee should be reminded that it was held six years ago to come up with a plan. Freeman suggested that Weinstein write to the Committee asking for a letter in return on why they did not do their job. George Hendriksen, County Counsel, stated the Committee did follow the statutes which stated they should make a recommendation. Weinstein stated he would place the matter back on the agenda in two weeks for public discussion.

Rust suggested obtaining money from property owners whose property was upzoned to give to the owners whose property was downzoned.

- d. DISCUSSION AND ACTION/Unzoned Properties in Siuslaw Lake Creek Subarea and the Western Half of the Long-Tom Subarea

Rutherford moved that the Board of County Commissioners withdraw its referral to the Lane County Planning Commission and West Lane Planning Commission of all unzoned properties in the Siuslaw Lake Creek and Willamette-Long Tom subareas and that hearings be scheduled at the earliest dates possible in order to complete the zoning of those properties. Rust seconded the motion but noted the moratorium would be lifted. He wanted to deal with the unzoned area development permit process so that would be taken care of. He suggested postponing the motion and amending the unzoned area development permit process first. Margie Hendriksen, County Counsel, pointed out that agenda item 10.b. addressed that concern and she suggested postponing this item until after item 10.b. Rust agreed. Rutherford moved to lay the motion on the table and to bring it back later. Rust seconded that motion; all voted aye and the motion carried.

- e. ORDER 79-9-5-1 Designating Jasper-Lowell and Big Fall Creek Roads as Truck Routes

Hendriksen noted the County was involved in litigation on some property located in the area, i.e., Besetts Rock Quarry. Rust moved to table this matter for one week. Bruce Anderson, Attorney representing Mobile Crushing Company, indicated he would not oppose designating the road as a no-through truck traffic road as long as it did not affect the traffic of the residents already living on Ruben Leigh Road. Rutherford moved to postpone the matter for two weeks to September 19, at 9:00 a.m. Freeman seconded the motion; all voted aye and the motion carried.

- f. Freeman noted that Commissioner t'Hooff was interviewing applicants for the LRAPA director position.

- g. Rutherford noted he received a letter from Al Wyson, West Lane Planning Commission, requesting a meeting with the Board before the zoning of the Subarea. Wyson suggested a dinner meeting on September 13. Rust moved to set that meeting; Rutherford seconded the motion but recommended that the meeting be held at 6:30 and that it not be a dinner meeting so that more business could be accomplished. Rust suggested meeting at 5:30 for dinner and beginning the discussion at 6:30. Rutherford agreed and Rust also suggested a box dinner at the Annex. Rutherford indicated he would work on the arrangements and he suggested that the Florence City Council also be involved. The Board agreed by consensus. All voted aye on the motion.

2. GENERAL ADMINISTRATOR'S REPORT

- a. George Morgan, General Administrator, noted the parking lot structure completion date was October 31, 1979. Sterilization would be done just before the asphaltting.

3. CONSENT CALENDAR

(All items listed here are considered to be routine by the Board of Commissioners and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.)

a. Approval of Minutes

- 1) Tuesday, July 31, 1979 - Regular Meeting at 9:30 a.m.
- 2) Wednesday, August 1, 1979 - Regular Meeting at 1:30 p.m.

b. Approval/Liquor License Applications (No business)

c. Assessment and Taxation (No business)

d. Environmental Management (No business)

e. Finance (No business)

f. General Administration (No business)

g. Legal Matters (No business)

h. Plat Approvals

- 1) Farmin Creek Estates, Lane County

i. Public Works

- 1) ORDER 79-9-5-2 Releasing an Assignment of Savings Accounts Submitted by Barry D. Brown in Connection With Approval and Recording Partition No. M 458-78
- 2) ORDER 79-9-5-3 Releasing a Cashier's Check Submitted by Brian Lynn Giochetti in Connection With Approval and Recording Partition No. M 148-79
- 3) FIRST READING AND SETTING OF PUBLIC HEARING (Second Reading) Wednesday, September 26, 1979, 1:30 p.m. Ordinance No. 1989-79 Naming Certain Private Roads "Rogers Lane" "Village Lane"
- 4) ORDER 79-9-5-4 Accepting a Deed of Land to be Used as a Public Road Easement and Not as a County Road from Charles E. Rush et al. (Rogers Lane)
- 5) ORDER 79-9-5-5 Accepting a Deed of Land to be Used as Public Road Easement and Not as a County Road from Gerald L. and Janet E. Midhust (Mia Road) M 508-78

- 6) ORDER 79-9-5-6 Accepting a Deed of Land to be Used as a Public Road and Not as a County Road From Barry D. Brown (Samer Way) M 458-78
- 7) ORDER 79-9-5-7 Accepting a Deed of Land as a Reserve Parcel From Barry D. Brown M 458-78
- 8) ORDER 79-9-5-8 Accepting a Deed of Land to be Used as a Public Road Easement and Not as a County Road From Robert E. and Francis P. Smith (Camp Creek Road) M 186-79
- 9) ORDER 79-9-5-9 Accepting a Deed of Land to be Used as a Public Road Easement and Not as a County Road From Larry S. and Christine Anne McReynolds (Place Lane) M 227-79
- 10) ORDER 79-9-5-10 Accepting a Deed of Land to be Used as a Public Road Easement and Not as a County Road From Richard C. Williams et. al. (River Loop #1) M 417-78
- 11) ORDER 79-9-5-11 Releasing and Dedicating Parcel B of Zephyr Ridge First Addition as a Public Road
- 12) PARTITION APPROVALS: G. L. Michest, M 500-78; and Barry D. Brown, M 458-78

Rust moved approval; Rutherford seconded the motion. All voted yes and the motion carried.

4. PUBLIC HEARINGS (No business)
5. COMMITTEE APPOINTMENTS (None)
6. ASSESSMENT AND TAXATION (No business)
7. COMMUNITY HEALTH AND SOCIAL SERVICES (No business)
8. DISTRICT ATTORNEY (No business)
9. EMPLOYMENT AND TRAINING (No business)
10. ENVIRONMENTAL MANAGEMENT

3. APPROVAL/Acceptance of 1979-80 Planning Assistance Grant Offer from LORX

Nike County, Planning, explained that \$49,585 would be contributed to work already underway and the work would have to be done anyway. The Department had received similar grants in the past. Rust moved to approve and accept the grant; Freeman seconded the motion. Heister questioned the conditions attached to the grant. County explained the department was complying with the conditions anyway except for the

agreement with the City of Florence on the Urban Growth Boundary which was already underway. Rutherford pointed out that some items would be paid for by the grant that otherwise would be charged to the residents, such as copies of minutes, staff reports, etc. Weinstein and Rutherford voted no on the motion; Rust and Freeman voted aye and the motion did not carry. Morgan explained the funds were anticipated in the budget and would have to be obtained from the General Fund as the work was mandated. Rust moved to set the matter over for one week; however, Weinstein pointed out that a two week vote was a denial. Hendriksen noted the Board could vote to reconsider the matter. Rust reiterated his motion to set the matter over for one week. Freeman seconded the motion. Rutherford stated Rust's motion was a motion to reconsider.

b. APPROVAL/Direction From Planning Commission: Consider Amendments to Unzoned Area Development Permit Ordinance

Lee Miller, Planning Director, noted the Board would have to go before the Planning Commission and, therefore, any effective date for charges would be late October. He suggested determining if there was another legal vehicle that could be used regarding issuing building permits that would have the same effect as a moratorium. Rust suggested the Board direct the Planning Staff to apply LCDC goals directly to every action. Miller pointed out there would be no public hearing procedure. Margie Hendriksen, County Counsel, noted the request could be brought to the Board for public hearing. Miller suggested the Board direct the staff to hold in advance permits contrary to the zoning or bring them to the Board for public hearing and Hendriksen agreed. Regarding the unzoned properties in Stensland-Lake Subarea and the western half of the Willamette-Lang Tom Subarea (see agenda item 1.d.), Rutherford asked if notification regarding an exception to Goal 2. Hendriksen replied that if it was the Board's intent to take an exception it would have to be advertised. Rutherford stated the Board needed to be prepared for that and that he would go along with that advertisement. Freeman suggested holding the hearing for the west half of the Willamette-Lang Tom on October 11, at 7:30 p.m., at the Willamette-Lang Tom Grange. Rust moved to advertise for an exception, direct the staff to not issue permits contrary to the proposed zoning and instead bring them to the Board on an interim basis until the Board adopted zoning and that a first reading be held on September 25, and a second reading and public hearing on October 11, at 7:30 p.m., at the Willamette-Lang Tom Grange. Rutherford seconded the motion. Weinstein abstained; the other three Commissioners voted aye and the motion carried. Weinstein stated the Board should not take up people's property. Rust made the same motion regarding the Stensland-Lake Subarea with a first reading to be held on October 15, and a second reading and public hearing on October 25, at the Madras High School. Freeman seconded the motion. Weinstein abstained; the other three Commissioners voted aye and the motion carried. Regarding the amendments to the unzoned area development permit ordinance, Rutherford moved to refer the proposed unzoned area development permit ordinance amendment to the Planning Commission for public hearing and recommendation back to the

Board. Rust seconded the motion and reviewed the area still unzoned in the County. Weinstein abstained; the other three Commissioners voted aye and the motion carried.

- c. APPROVAL/Proposed "Joint Agreement for Planning Coordination" with (1) Junction City and (2) Cottage Grove

Mike Copely, Planning, indicated the City of Junction City approved the agreement with amendments that would not be detrimental to the agreement. Cottage Grove had signed off on its agreement with a one-word change. He recommended that Junction City be allowed to sign off on the agreement as recommended and then it would be brought back to the Board. The practice had been for the cities to sign first. Rutherford moved approval of proposed "Joint agreement for planning coordination" with Junction City, upon signature by city officials; approved of "joint agreement for planning coordination" with City of Cottage Grove; move to authorize Board Chairman (or General Administrator) to sign on behalf of Lane County. Rust seconded the motion; all voted aye and the motion carried.

- 11. FINANCE (No business)
- 12. GENERAL SERVICES (No business)
- 13. HOUSING AND COMMUNITY DEVELOPMENT

- a. CONTINUED APPROVAL/Request for Assistance from Homesland, Inc., a Self-Help Housing Agency

This item was heard in the afternoon session.

- 14. JUDICIAL ADMINISTRATION (No business)
- 15. JUVENILE DEPARTMENT (No business)
- 16. LEGAL MATTERS (No business)
- 17. PUBLIC LANDS

- a. ORDER 71-2-5-12 Waiving the Requirement for a Performance Bond and Reducing the Liability Insurance Requirements for a Small Carpet Installation Contract at the Florence Annex

Rutherford moved to waive the performance bond requirement of ORS 279.029 and accept the contractor's present liability insurance coverage for carpet installation work at the Florence Annex. Truston seconded. Rutherford asked that Legal Counsel research whether such small contracts had to come before the Board. The contract was only for \$22, and he questioned the necessity for a performance bond. All voted aye on the motion.

18. PUBLIC SAFETY

- a. APPROVAL/State Marine Board Contract From July 1, 1979 to June 30, 1980

Freeman moved approval; Rust seconded the motion. All voted aye and the motion carried.

19. PUBLIC WORKS

- a. DISCUSSION AND ACTION/Boiler Creek Road

George Price, Public Works Director, gave a review on the status of the road: Irving Road had a 30-foot dedication and in September of 1978 the Board signed a resolution assigning it as a public road. Presently there were still four properties not acquired, i.e., Stegal, Reynolds, Walters and Brandt. And on Irving Road the Height property had not been acquired. The original dedication was 30 feet and Public Works was proposing a 50-foot right-of-way. Rust asked why the road had to be wider and Bill Van Vactor, Assistant County Counsel, replied that it was mandated by Oregon Statutes. Rust commented the road itself did not have to take the entire 50 feet. Citizens from tax lots 1200 and 1201 were present and stated there was phone and power off of Tax Lot 1400, west of the section line below the Walters property. Rust asked if the five options previously submitted to the Board were still timely and Price recommended the Board adopt the first which was to drop the proceedings. Tom Brandt explained where the underground cable was located. Rust asked if right-of-way was purchased for a public road and Price replied no. He agreed it would seem appropriate that if the County paid for one it should pay for all and this would be an exception to the standard policy. Van Vactor questioned the choice of options 4 and 5 as the County did not have a public purpose for taking the property and, therefore, after 10 years the old property owners could retake the property. The County could appoint road viewers to assess damages which was similar to condemnation and payment was at the discretion of the Board. Another option was to assess the property owners for acquisition costs. Ralph Brown, Irving Road, advocated making the road a County road and keeping it as such. He pointed out that a right-of-way was not necessarily "given" right-of-way. Weinstein referred to September 12, 1978, when action was taken on this item. He read material from that date and stated the resolution of intent at that time was to dedicate and bring to public road status the road. Deeds were prepared and easement rights worked out except for four or five properties. He read from the minutes of September 19, 1978, and the motion he made at that time. He felt all the Board had to do was obtain signatures on documents from the four people who are absentee landowners. Van Vactor stated the Board did have the authority to level assessments to build a road up to County standards and pay the rest that would be for public use. Rust asked if there was someone present who did not have electricity or phones and two people (Aldrich and Brandt) raised their hands. Ralph Brown expressed concern about the time of year and felt he should be compensated for the County's 30-foot easement. Rust

related his concern regarding residents in his district paying for roads they did not normally use. The Board needed to come to grips with an overall policy. Freeman asked how wide Brown's road was and Brown replied 12 feet and that it was an old railroad bed. George Morgan, General Administrator, explained the procedures the County was trying to follow were contingent on a voluntary effort from the citizens. In the absence of voluntary compliance the County could contact those who had not complied and advise them on alternative course of action. The cost of improving the road would be part of the owner's responsibility and until the property was acquired the County could not move on public road status. The County was in a no win position. Rust asked how much the right-of-way acquisition would cost and Tony Lum, Real Estate Division, replied that he had not determined a value but could do so. Rust asked for information regarding how the County was to acquire the remaining five pieces of property for a 50-foot right-of-way and how much it would cost.

Ralph Emmerick, Irving Road, stated he was never contacted by the County. He believed the matter could proceed by aggressively contacting the four or five remaining landowners. He wanted a smooth graded and graveled road, not one full of potholes. Rust pointed out that in most developed areas the residents were required to bring their roads up to standard. Emmerick replied that the residents' tax dollars should go toward maintaining roads for public use. Rust pointed out that one-fifth of the tax dollars came from citizens who lived in urban areas. Freeman stated the citizens bought the property and the road was not provided. He felt the Board should hire road viewers and ask the Road Advisory Committee to look at a 30-foot and 50-foot right-of-way and a 12-foot road with turnouts. In addition, a public hearing should be held. Rust suggested the Board charge everyone and pay them back. Freeman felt the cost of the road should be included in the cost of acquiring property. He favored option 3 which was to continue the resolution proceedings by appointing road viewers to assess the damages. Rutherford suggested going to Road Committee first as he felt the action taken in September of 1978 was incongruous. He moved to refer to the Road Review Advisory Committee for further action. Freeman seconded the motion. Rust asked to see a report coordinated with Public Works, Planning and County Counsel on road standards. All voted aye and the motion carried. Weinstein asked for a time limit for a complete report within 30 or 90 days. Freeman indicated he would help Price clarify what the Advisory Committee should review. Rust stated the Board was looking at both right-of-way acquisitions and/or use of public funds and was asking for a Countywide prioritization of needs with legal consideration. Weinstein moved to make a concentrated effort to get the four other property owners to dedicate their property. Freeman clarified that the Advisory Committee should review a 30-foot and 50-foot right-of-

way, a 12-foot road and the utilities questioned. He indicated the County would notify the citizens of a public hearing.

This meeting adjourned at approximately 12:30 p.m.

J. Terry Anderson
Recording Secretary to the Board