

September 5, 1979
1:30 p.m.

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall

The meeting resumed at 1:30 p.m. with the following Commissioners present: Vance Freeman, Harold Rutherford, Archie Weinstein and Gerald H. Rust, Jr. Otto t'Hooft was absent and had consented to this meeting. Chairman Freeman called the meeting to order. Ruby Winther was Recording Secretary for the afternoon meeting.

The following items were carried over from the morning meeting:

13. HOUSING AND COMMUNITY DEVELOPMENT

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

Jim Johnson discussed this item and explained that information had been given to the Commissioners. Weinstein stated that he objected to the land banking by the County. He added that his vote would be no; however, he was not against the Housing Authority getting a grant for low-cost housing. Johnson stated that Lane County would purchase, control and hold for low income families. Freeman explained that they would help each other build houses. Johnson stated that the intent is to hold onto the land until the last possible moment. Weinstein asked him to check the records. He contended that it would be sold for less money if it were necessary. Freeman explained that would be another program. In response to Weinstein's previous criticism, Rust stated that Weinstein was guilty of gross misrepresentation. He explained there were no Hoedads or ex-Hoedads and that FHA requires that it be nonprofit. Self-help is for low-income families. This would increase the tax base. Rust added this did not compete with local builders and that all material was contracted out. Weinstein stated that five of Rust's associates were on the committee and there would be a conflict of interest. Rutherford stated that he would like to be a part of encouraging people to be homeowners; that they were interested in what was going on in government. He wondered what level of income was being used as a standard. He added that, if the figure of \$15,000 were used, that 50 percent of the people would be eligible for loans. There would be more people available than there would be money. Johnson talked about the self-help program and that 1,100 hours of work would be needed. He said that a preference could be expressed and that it would be difficult to make a requirement. Rutherford stated that he would be in favor, but recommended that a preference be shown under Section 8, Income Level. He added he was in favor of getting on with this and added that Board members were not paid. Rutherford felt it would be a worthwhile project, and a good idea. Rust moved approval of the request for assistance for Homestead, Inc., and that HCD further investigate the possibility of purchase. Freeman seconded the motion. Rutherford, Freeman and Rust voted aye; Weinstein abstained. The motion carried.

19. PUBLIC WORKS

- b. ORDER 79-9-5-13 Discontinuing Proceedings in Proposed Relocation of Murdock Road, County Road No. 258

Freeman moved that this matter be referred back to the Road Committee and see what their feelings were. There was no second to this motion. Weinstein stated that he had prepared two memos on which he planned to make a motion. Freeman explained there are other things which have to be considered, and that there were points that were not completed. Rust suggested that the Road Viewers' report be accepted, that was to terminate, then refer the matter along with recommendations to the Road Committee for their consideration. Rutherford felt that the findings of the Road Viewers should be upheld and then ask if there was an alternative. Weinstein moved that the report be accepted for further consideration, that the report be received and then it be sent to the Road Committee. Freeman asked if there was anyone wishing to speak. Rust noted that a public hearing had not been set, that the proceedings need to be terminated and later be free to do whatever was necessary. Rust moved that the petition of Mazama Timber Products, Inc., to relocate Murdock Road, County Road No. 258, be denied, and that proceedings instituted be terminated and further that this matter be referred to the Road Advisory Committee. Weinstein objected to the word "deny." Rutherford seconded the motion and added that he believed it needed to be denied. Weinstein stated that he would vote based on the denial of the petition. He felt the report should be accepted for further consideration. Bill Van Vactor, Assistant County Counsel, stated that a negative report had been received from the Road Viewers. He advised that the matter be denied and terminated. Weinstein stated that he would vote "no" on the denial. He said the original road was too steep and that the Viewers did not suggest an alternate route. Larry Thorp, attorney, 664 North "A" Street, Springfield, stated that since the action merely terminated the proceedings, that the following alternatives be considered: a new petition could be initiated or existing right-of-way could be vacated and the dedication of new right-of-way be accepted. Freeman suggested getting the Road Committee to come in with ideas and then come back with a new petition. Rust stated that a public hearing would be needed when the decision was made to take further action. He felt it was important the people in his district would be able to speak to this issue. Thorp said that he expected a public hearing and wondered if it would be a hearing by the Board. Rust instructed Thorp that he should submit any relevant material and that anyone else who had an interest should submit testimony. Thorp stated that he had hoped to sit down with the Committee and reach some consensus. Rust added that other parties should be notified. Rutherford, Freeman and Rust voted aye; Weinstein voted no on the denial. The motion carried.

23. COMMISSIONERS' ANNOUNCEMENTS AND BUSINESS

- a. Rust announced there would be a public hearing September 12, on the problem of solid waste for the next five to ten years. There would also be a discussion on how to finance it. Rust also directed Legal

Counsel to give a summary analysis of Allis Chalmers' contract and to indicate basically what the County's financial commitment in the contract was likely to be.

- b. Rust announced that he had reviewed the letter to the Spencer Creek residents and added that it appeared to be a little misleading. He said a copy would be furnished to the Commissioners before the end of the meeting. The letter was being held for revision.

24. PUBLIC WORKS

- a. PUBLIC HEARING AND RESOLUTION AND FINAL ORDER 79-9-5-14/Establishing a Portion of Glenwood Boulevard as a County Road, File No. 3638

AND

FINAL ORDER 79-9-5-15/Establishing Glenwood Boulevard as a County Road, File No. 3638

Bob Ezell presented this item and showed the area on a map. He explained that the proceedings of the construction of Glenwood Boulevard were never completed. He added there had been a Resolution and Public Hearing but never a final order. He said the proceeding today, then, would be to complete the record and to make it a County road. Ezell added that this would be the public hearing. Freeman asked if there were any more questions of the staff. No one spoke for or against, so Freeman closed the public hearing. Rust added that he would like to speak in favor, and that it would cut out a lot of the traffic. Rust moved approval of FINAL ORDER 79-9-5-14 and FINAL ORDER 79-9-5-15. Rutherford seconded the motion. The motion carried, and all the Commissioners voted aye.

- b. PUBLIC HEARING AND ORDER 79-9-5-16/Legally Establishing a Portion of Welch Creek Road, County Road No. 464, and W. W. Jackson Road, County Road No. 723 now Commonly Known as Fox Hollow Road, File No. 3383

Bob Ezell presented this item and showed the area on the map. He added that this item should be cleared up on the records. Freeman opened the public hearing. No one spoke for or against, so the public hearing was closed. Rutherford moved approval of ORDER 79-9-5-16. Rust seconded the motion. All the Commissioners voted aye and the motion carried.

- c. PUBLIC HEARING, RESOLUTION AND FINAL ORDER 79-9-5-17/Establishing Rogers Lane as a County Road

Bob Ezell presented this item and showed the area on the map. He added that survey and legal descriptions were provided. The road was 2,800 feet long and there was a 50-foot right-of-way. Rust noted that this was a neutral-type project, and he wished to commend the Public Works and the Community Relations Departments for their efforts. Freeman opened the public hearing. No one spoke for or against, so the public hearing was closed. Rust moved approval of FINAL ORDER 79-9-5-17. Rutherford seconded the motion. All the Commissioners voted aye and the motion carried.

d. SECOND READING, PUBLIC HEARING AND ACTION/Ordinance No. 117-79 Naming and Renaming Certain Private Roads "Keller Lane" and "Log Creek Road"

Bob Ezell presented this item and showed the area on a map. He added that everyone had been notified, and there had been no negative responses. Freeman opened the public hearing and asked if there was anyone who wished to speak. Terry Bartik, 3395 Marcola Road, spoke in favor of renaming Log Creek Road. Freeman closed the public hearing and noted that one person spoke in favor of the renaming. Rutherford moved the approval of Ordinance No. 117-79. Rust seconded the motion. The Secretary polled the Board and all the Commissioners voted aye. The motion carried.

25. ENVIRONMENTAL MANAGEMENT

a. SECOND READING, PUBLIC HEARING AND ACTION/Ordinance No. 750 Rezoning Certain Lands in the Siuslaw-Lake Creek Subarea (Amending Siuslaw-Lake Creek Subarea Zoning to Include Siuslaw National Forest Lands)

Phil Bredesen, Planner, presented this item and showed the area on the map. He stated this was to zone only the lands in the Siuslaw. Freeman opened the public hearing and asked if anyone wished to speak in favor. Freeman noted that the public hearing was held and no one spoke for or against. The public hearing was closed. Rutherford moved approval of Ordinance No. 750. Freeman seconded the motion and the Secretary polled the Board. Rutherford, Freeman and Rust voted aye; Weinstein voted no. Weinstein noted that the federal government said the County can't zone federal timberlands. Rust felt that this would be an opportunity to do something for the federal government. Rutherford stated that he voted as a concession. The motion carried.

b. SECOND READING, PUBLIC HEARING AND ACTION/Ordinance No. 753 Rezoning Certain Land in Section 25, Township 18 South, Range 3 West, W.M., from Agriculture, Grazing and Timber Raising (AGT) District to Agriculture, Grazing and Timber Raising-5 (AGT-5) District Applicant: Ronald D. Burke, ZC 79-184

Location: 34525 Mathews Road, Southside, Midway Between Goshen and the Coast Fork of the Willamette River, South of Highway 58

Vern Delk, Planner, presented this item and he pointed out the area on the map. He explained this area was zoned AGT and the soil classification would require 20 acres and some five-acre parcels. Delk added there was not an adequate supply of water in that area. He said the Boundary Commission had authorized an extension. He added that the Planning Commission did not recommend approval. Freeman opened the public hearing. Ronald Burke, 2145 Greenview Street, stated that he had instituted this proceeding and would like to sell off a portion and keep the remaining 10 acres. He added there was a rezoning problem and the original hearing was held July 17. The Planning Commission denied it. Burke added that the well had been checked and no arsenic was found. He also added that there was no water problem. There was some discussion concerning the water and wells. Rutherford noted that, according to the regulations, Mr. Burke would have to prove a number of things. The proposal was not in conformance with the land use plan. He would also have to show that

there was a public need and that the need was best served in this area. Burke stated that he was in the real estate business and had seen the little availability of places to buy. He felt there would be a need for the area to have five-acre tracts and that this would be a logical area to have smaller than 20-acre parcels. Rutherford asked him why he said that, and Burke responded that a lot of people wanted to live in the country on just five acres. Many people were not in a position to buy 20 acres. He added this would be easily accessible to the city, and he felt that less than 20 acres should be available to purchase. Burke stated that the Extension Agent had no objection. He felt that the land could be used where there were no agricultural capabilities and where it would be close to town. Rutherford asked about the 19 acres of land and Burke answered that it looked like small trees on that piece of land. Rust wondered about the other two 60-acre parcels, and Burke responded that area was low and quite swampy. He added that he could not see any development there. Rust asked what there was on the land now, and Burke responded that there were some cattle. Weinstein asked if there were homes south of there, and Deik responded that it just showed the acreage, two to three acres. Weinstein still wondered if there were homes, and Deik said there were houses throughout the area there. Weinstein asked if the area were developed with homes, and Deik responded it was 80 percent to 90 percent developed. Weinstein noted that, if developed, it would become a residential node. Freeman asked if there were anyone else to speak in favor. An unidentified woman from Marcola stated that she was renting the property and that she watered her garden. There was no problem with the water at the house. Lois Shields, 2835 Marcola Road, stated that she was in favor of this request for five-acre parcels. She added that she was in the real estate business and there was definitely a need. Virginia Newman, 34543 Deerwood Drive, stated that Mr. Rutherford had asked about litigation. She explained she had obtained that this morning and she presented it to the Commissioners. She said the wells had arsenic and no water. She said two new people would have to drill wells. Mr. Murphy had a good well, but had arsenic, and that he would have to haul his water. She added that the Boundary Commission was afraid of what might happen. There was some discussion of waterlines in the area. Burke added that he would like to state that he had no desire to come back and go into three-acre tracts. Freeman closed the public hearing. Rutherford moved that the public hearing be kept open and that this matter be postponed until 1:30 p.m., September 19, so that Goal 3 might be addressed. Freeman seconded the motion. Rutherford, Weinstein and Freeman voted aye; Rust voted no. Rust added that he was not in favor of this; that there were some water problems in this area. He added that this was not the best interest to fulfill this need, and that even the present occupant indicates there are cattle. Rust added that he voted against taking agricultural exception. The motion carried.

- c. Appeal of Administrative Conditional Approval of a Site Review
Applicant: S. N. Jongeward, SR 79-298
Appellant: J. Harry Whitson, Chairman, Santa Clara Advisory
 Organization
Location: River Road

Rutherford stated that he had been asked by Harry Whitson to postpone this matter. Rust said he would like for the people to be apprised of the situation. He felt that a precedent was being set. He felt that it should be postponed, and let the community organization be prepared to come and speak. Rutherford noted that because they have not had an opportunity to come prepared was hardly justification to postpone this action. Rust felt that the hearing could be held, that it could be continued and left open. Then the community organization could get better educated and could testify later. Neil Jongeward, 2863 Lydrick Way, Eugene, responded to Freeman's question and stated that Whitson was making an appeal as an individual, and that Mr. Whitson was Chairman of the Advisory Committee. Freeman noted that he may be the Chairman, but wondered if he were acting for himself. Rust moved to postpone this matter until 1:30 p.m., September 19, and that the staff contact the community organization to see if they had formally contacted Mr. Whitson to get the stand of the committee on the appeal. Freeman seconded the motion. Rutherford, Weinstein and Freeman voted no; Rust voted aye. The motion died.

Jongeward requested the hearing be held because one person was here from Seattle to testify and there were a number of neighbors present. The staff report indicated there was only one issue of concern, traffic. He stated what Mr. Whitson suggested was not germane to this issue. Rutherford noted that he would vote against this. He felt that a member of the Advisory Committee should be present since Whitson's letter was on the letterhead of the Santa Clara Community Organization. James Struder, 187 Spring Lane, Eugene, asked what the provisions were for drainage. He explained that he was speaking for several people, and that there were already drainage problems. The motion to postpone died.

Joe Hudzikiewicz, Planner, presented the staff review. He said the implication was for a site review for a 7-11 store at the corner of River Road and River Loop #2. The proposed development would be in the Neighborhood Commercial District. He said the old buildings were still there and would be removed. It was owned by Southland Corporation, tax lot 2000, in a C-2 zone. He added that the staff approved the site plan, subject to four conditions: (1) dedication of additional right-of-way along River Road and River Loop #2 to provide 50 feet and 30 feet from centerline, respectively; (2) a drainage plan for the project shall be submitted to and approved by Lane County Public Works; (3) facilities for access approaches shall be obtained from Public Works; (4) no portion of any sign shall extend over right-of-way. Hudzikiewicz added that a copy of criteria for site review evaluations had been submitted. He stated that Mr. Whitson's position was that River Road and River Loop #2 couldn't handle the traffic. Public Works did not have any objection to this. There was discussion about drainage and driveways. Freeman asked the location of the driveway, and Hudzikiewicz responded that one was on River Road and one was on River Loop #2. Freeman opened the public hearing and asked for the applicant to speak. Neil Jongeward, 2863 Lydrick Way, Eugene, stated he would like to address the traffic problem. It related to a survey of stores, and determined traffic pattern distribution and method of entry. He gave statistics of cars, bicycles and so forth for an 18-hour period, and the total vehicle count was 425;

pedestrians, 81; and bicycles, 16. There would be about 600 entries per day. The majority of traffic would be between 7:00 a.m. and 9:00 a.m., and between the hours of 3:00 p.m. to 7:00 p.m. It was found that the people trade in most cases on their way to and from some place. The above report was submitted in 1977. Jongeward added that 8,290 square feet of property would be dedicated to Lane County and 242 feet of curb cut, which was well away from the intersection. He added that landscaping was low profile and about 60 percent would come east of River Road. He concluded that this development would result in little if any traffic impact.

Rutherford asked about Mr. Ellingsen's report and about the increase in traffic. Rutherford also wondered about the drainage plan, which Mr. Ellingsen claimed was inadequate. Jongeward responded that Public Works had submitted a new plan, and that everything had been done to comply with it. Freeman asked if there was anyone else in favor. Jeff Brock, 151 Blackfoot Street, Eugene, said the old fire station was a fire hazard. He said the proposed store facility had off-street parking and would set back 110 feet. He added that River Road would be widened to three lanes, with a turning lane in the center, and he felt this would be an improvement to the entire neighborhood. Mary Culver, 3030 River Road, Eugene, stated that she had no objections and that she lived across from there. Freeman called for testimony in opposition. James Struder, 187 Swain Lane, Eugene, said he was not in favor of the store, but did not adamantly oppose it. He just wondered about the drainage. He assumed that it would drain in the flood channel in the back as part of the Spring Creek drainage system. He stated there was already a problem, and that any additional water would compound it. He said that he had called George Price and asked about the provision, and Mr. Price responded that he did not know but he would look into it, but he has not yet heard from Mr. Price. Later, he stated that he had talked to a Commissioner and many other officials. He said that the water would stand until after July 1 of next year. He said that no one claimed jurisdiction and the flood channel didn't exist any more. He added that the easement showed on his deed and felt that it should be taken off. Freeman asked if there were any storm basins and Hudzikiewicz responded that the site plan indicated a new sewer, but he would have to assume that it would be an open ditch on River Loop #2. Rutherford wondered if there was any provision for drainage at the present time, and Mr. Struder said that to the best of his knowledge, that there was none. Rutherford wondered about his statement about the water being compounded. Mr. Struder said the water flowed east, and it would have to cross the ditch. Freeman felt that the new road would undoubtedly have storm sewer lines.

Hudzikiewicz reported that he had talked to Public Works in regard to drainage problems. He added that perhaps Mr. Struder was concerned about the runoff on the north-south ditch and added that this could be checked out. Freeman asked if there were anyone else in opposition. Harry Whitson showed the area on the map and pointed out a big open ditch and showed the area of concern, and that it had been filled in. Whitson stated that he represented Santa Clara Advisory Committee. They were not opposed nor did they recommend it. He said the Southland Corporation was concerned about what would be placed in the

balance of the acreage which was now zoned AGT. He said their concern was not in opposition to the 7-11 store, but they would like to have this matter postponed so that more information could be obtained from the applicant. He added that then they would be in a position to recommend it. He added that it was recommended that this matter be appealed and to learn more about the proposal. He requested more time. Rust noted that this was not a rezoning matter, and he didn't believe there would be anything that would handle the concerns. Rust asked if his community organization had formally considered this application, and Whitson answered that they had not heard anything about it and therefore were asking for a postponement. Rust then asked if he were representing the community organization, and Whitson answered there had been no formal action. Rust noted that he had been written down as Chairman and that this must have been an error.

Jongeward stated the Southland Corporation indicated two dry wells would take care of on-site surface water. It headed in an easterly direction. The application for permits was made the latter part of July. The appellant had been aware that something was going on. At no time was any effort made to discuss this matter. He said he did not know the plans for the balance of the property. He said it might be some shopping center development or offices. In response to Rutherford's question about the drainage problem, Jongeward noted that the applicant would be concerned about it too.

Rust moved to sustain the staff conditional approval of the Site Review 79-198. Freeman seconded the motion. All of the Commissioners voted aye and the motion carried. Rust moved to direct the Public Works staff, within 90 days, to give a preliminary report on drainage problems in the area, and at Rutherford's suggestion up to Spring Creek Drive. Freeman seconded the motion. All the Commissioners voted aye, and the motion carried. Rutherford stated he would vote in favor, but that it was not that he was not concerned about Santa Clara Community Organization. He felt the traffic problems would be handled by Public Works.

d. Appeal of Land Development Review Committee's Denial of a Major Partition

Applicant/Appellant: Terry Sibbald, M 364-79
Location: Off Parsons Creek Road, Near Marcola

Joe Hudzikiewicz, Planner, reviewed the appeal. He explained that one-half mile south of the area scattered housing could be found. This particular request was denied. He added there was no electricity or any other development-related facilities in the area and that it should not be subdivided. The denial was based on noncompliance with the recommendations of the subarea plan. Freeman noted that the ground was steep, and there was timber 24 inches in diameter. He added that the road was not good. Rutherford wondered how far the property would be from Marcola, and it was indicated it would be about five miles. Hudzikiewicz discussed Table 2, that showed primary use category and secondary land use categories. A plan amendment was needed for conformity.

Freeman opened the public hearing. Terry Sibbald, applicant, stated that since the first meeting, he had discussed this with Willamette Industries. (Sibbald submitted a letter.) He stated that the majority of the property was owned by Willamette Industries and that it would conform to the comprehensive plan. He added that the reason for the subdivision was due to an inheritance. Rutherford noted that what he was saying would not make any difference; the situation existed whether he obtained this or not. Hudzikiewicz explained that this area was currently unzoned. The issue was compliance with the comprehensive plan. He added that the property could be sold to abutting property owners, and that it need not be approved by the County. If that were the intent, no partition would be needed. Rutherford stated that he would like to go ahead with this. When Weinstein asked if he and his brother had inherited this property, and if he wanted to sell his part and his brother do something else, Freeman closed the public hearing. Rutherford moved that the application be denied, and that Mr. Sibbald be instructed how to accomplish what he wanted. Rust seconded the motion. All of the Commissioners voted aye and the motion carried.

26. EMERGENCY BUSINESS

- a. Rust reported that the Spencer Creek item would be on the September 12 agenda.

27. EXECUTIVE SESSION as per ORS 192.660

- a. Litigation; b. Personnel Matters; c. Negotiations

Freeman moved that the meeting be adjourned and that the Commissioners go into Executive Session, 9:00 a.m., Friday, September 7. Rust seconded the motion. All of the Commissioners voted aye and the motion carried.

Ruby Winter (ld)
Recording/Secretary to the Board