

MINUTES & NOTICE OF BOARD ACTION

BOOK 144 PAGE 1211

APPROVED 5-16-90

LANE COUNTY BOARD OF COMMISSIONERS

This document, upon approval in a public meeting by the Board of County Commissioners, serves as official minutes of such meetings as required under the Open Meetings Law, ORS 192.650.

Pursuant to notice made by mailing agendas to news media, a selected list of jurisdictions and individuals in Lane County, a meeting of the Board of County Commissioners was held.

Questions should be directed to The Board Office Specialist 3, ext. 4203.

April 25, 1990
Following HACSA

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

Chair Bill Rogers presided with Steve Cornacchia, Ellie Dumdi, Jack Roberts and Jerry Rust present. Judy Haldeman, Recording Secretary.

1. ADJUSTMENTS TO THE AGENDA

None.

2. PUBLIC COMMENT

Bill Blair, 350 Pearl Street, suggested that the Board put a zoo or an amusement park on the Alton Baker Park property, rather than the proposed golf course.

Bob Kelley, 36757 Camp Creek Road, commented that he was one of the owners of a cable company and asked what will be accomplished with the proposed Regional Cable Commission. He commented that this commission would raise cable rates by \$1 and that there will be no benefit to the user.

Earl Kelley, 24232 Ferguson Road, asked why the County was interfering with private enterprise.

Barney Owens, 93790 Horton, commented that the proposed commission will only raise his rates.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held at 10:40 a.m.

4. COMMISSIONERS' BUSINESS

- a. ORDER 90-4-25-1/In the Matter of Approving Lane County Participation in the Regional Cable Commission; Delegating Authority to the County Administrator to Sign the Intergovernmental Agreement Creating the

Commission; and Ordering Development of an Ordinance Requiring Cable Television Franchise Agreements

To be held later in the afternoon.

5. RESOLUTIONS

- a. ORDER 90-4-25-2/In the Matter of Proclaiming April 22-28, 1990, to be National Volunteer Week in Lane County, Oregon
- b. RESOLUTION 90-4-25-3/In the Matter of Proclaiming April 25, 1990 to be National Secretaries Day in Lane County

To be held later in the afternoon.

6. Public Hearing

SECOND READING AND PUBLIC HEARING/Ordinance No. 4-90/In the Matter of Amending the Lane Code, Chapter 9, Environment and Health to Add a Provision Requiring Permits for Tree Cutting on Property Located Between the City Limits of Eugene and the Metro Growth Area General Plan Urban Growth Boundary, and Declaring an Emergency

This item taken at 9:30 a.m. time certain.

Rogers read the ordinance into the record. Rogers distributed letters from Lloyd Billingsly and Leslie Polansky to the Board as well as materials from Cecil Saxon. Bill Van Vactor, County Counsel, commented that this ordinance had been drafted at the request of the Board to adopt the City of Eugene's tree cutting ordinance between the city limits and the Urban Growth Boundary. The words "the cutting request is consistent with the Metropolitan Area General Plan" have been added to the ordinance and there are options listed which base the cutting on one acre rather than 20,000 square feet, on whether the County will use the city's tree appeal board or the County Hearings Official in the event of an appeal and who will carry the burden of proof. Roy Burns, Land Management Manager, commented that the Lane County Planning Commission had recommended against adoption by a vote of 3-1. Rogers reported that the State Forester had said no to a proposal on the Forest Practices Act.

This meeting recessed at 9:55 a.m. to reconvene at 10:03 a.m.

Rogers opened the Public Hearing.

Shawn Boles, 105 North Adams, commented that the City Council appreciated the rapidity with which the Board of Commissioners had brought this ordinance forth. He urged the Board to adopt the ordinance as presented.

Barry Davis, 1775 East 43rd, commented that there is a clear and present danger with the unregulated tree harvest within the Urban Growth Boundary. He commented that the Forest Practices Act is not the tool to implement

the goals and policies which are mandated by the Metro Plan. He encouraged the Board to adopt this ordinance today.

Lawrence Bahn, 4525 Spring Boulevard, stated that he valued the environment in which he lived and that six acres had been cut since the Board last heard about the clear cutting. He stated that city noises and wind have increased on his property since the trees were cut.

Freda Krumholz, 1794 Sweetbriar, commented that she had chosen to live in the south hills area for the trees and stated that she hopes the Board will eliminate the loopholes that now exist for cutting trees.

Dennis Casady, P. O. Box 5028, commented that he owns 10 acres of land in the south hills and that the tree cutting ordinance was meant for city lots and not County acreages. He suggested that property owners be allowed to cut five trees per year for each 20,000 square feet of property.

Mike McCrady, P. O. Box 20, Springfield, asked the Board to consider the property owners.

Derril Simpson, Veneta, commented that he was happy to have rules adopted that are consistent with the land, but that he was opposed to this ordinance. He suggested that an independent forester decide what should be cut and commented that deciduous trees should be planted where the conifers were cut.

James Breeden, 366 East 40th, commented that the present ordinance seeks to retain trees with no regard to the type of tree and that fir and pine are not compatible with residential living as they shed constantly and are too dense to allow adequate sunlight to the occupants. He suggested that it would be a better solution to require replanting with other trees. He stated that the rights of the land owners should have priority as they have money tied up in the property.

Richard Van Damme, 26841 Doble Drive, stated that he was a contract logger and a taxpayer. He commented that the issue is the right of the people and that they should not be stopped from making a living. He stated that this was an aesthetic issue and that those concerned should buy the land, if they want to control it.

Karen Johnson, 32591 Fox Hollow Road, asked that the Board not leave her in limbo with no recourse to stop this clear cutting.

Clay Haas, 91467 Stallings Lane, Coburg, commented that he has been cutting trees in the south hills for homesites and that the hardwoods had been left on the sites along with some good pines.

Cecil Saxon, 85769 2nd Street, commented that analysis needs to be done about where the city ends and the County begins and that there is no representation in the Urban Growth Boundary (UGB). He asked the Board to protect his interests in the UGB.

Ila Venator, 445 West 29th, commented that she has 22 acres that she has optioned for development. She stated that the trees on the property are shallow rooted and could blow over in a storm. She asked that the regulations give the property owner the right to decide what to cut and commented that new trees will grow fast.

There being no one else present to testify, Rogers closed the Public Hearing.

Roberts commented that this is a sensitive issue and that the County and city must work together for clear definition of the regulations. He suggested that the ordinance be adopted today and be in effect for 90 days to allow time for the County and city to clarify the regulation in the UGB. Rust commented that according to the Metro Plan, timber harvest should have a low priority and that land owners who wish to practice industrial forestry should not be in the UGB. He encouraged the Board to adopt this ordinance with the sunset clause. Cornacchia commented that he would place a condition on the ordinance which would direct appeals to the Board of Commissioners. Dumdi commented that common sense has been lacking on this issue and she would prefer to hold off on the ordinance. Rogers commented that the action of the City of Eugene regarding the restraining order without contacting the County was startling as the city is not equipped to deal with timber harvesting. He stated that he would not support the ordinance, but suggested that the sunset clause would force the city to do something.


MOTION: Adoption of Ordinance 4-90 with appeals directed to the Hearings Official, a 20,000 square foot or larger parcel, a 90-day sunset clause and the appellant will carry the burden of proof in an appeal. Rust MOVED, Roberts SECONDED. MOTION: To amend the previous motion to include the language from Options A, B, C, E and F of the memorandum. Cornacchia MOVED, Rogers SECONDED. Roberts commented that he would prefer that the Board retain the right to hear the appeal, but leave the rest of the options to be worked through in the 90-day period. VOTE on the amendment: 0-5, motion fails. VOTE on the main motion: Cornacchia, Roberts and Rust AYE; Dumdi and Rogers NAY.

3. COMMISSIONERS' ANNOUNCEMENTS

None.

Items 7 through 13 to be held later in the afternoon.

This meeting adjourned at 11:52 a.m.


 Judy Haldeman
 Recording Secretary