

MINUTES & NOTICE OF BOARD ACTION

BOOK 146 PAGE 1145

APPROVED

1-18-91



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.

December 5, 1990
9:00 a.m.

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. PUBLIC HEARING AND ORDER 90-12-5-1/In the Matter of Approving the Transfer of Vacant Duplex Lot on Marcum Lane in the Bethel Area of Eugene (Tax Lot No. 17-04-28-10-2738) to the Housing Authority and Community Services Agency (HACSA)

Jim McCoy, Community Development Coordinator, presented this item to the Board and stated that the Housing Policy Board had voted unanimously to support this transfer. Roberts commented that this is a good opportunity to supplement other programs and leverage public assets.

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

MOTION: Approval. Roberts MOVED, Dumdi SECONDED. VOTE: 5-0.

This meeting recessed at 9:05 a.m. to reconvene at 9:08 a.m. following HACSA.

1. ADJUSTMENTS TO THE AGENDA

Rogers announced that there will be an interview at 4:30 p.m. with Sandra Bristow for the Fair Board position.

2. PUBLIC COMMENT

Fuzzy Gates, 06565 Canary Road, Westlake, Soil and Water Conservation Chairman for the Florence District, encouraged the Board to accept the plan made by the Heceta Water District.

Muriel Hilliard, P. O. Box 903, Florence, West Lane Planning Commission and CRMP member, asked the Board to seriously consider the proposal made by the Heceta Water District and to allow no further development.

Bill Finley, 06011 Collard Lake Way, Florence, commented that Heceta Water District had made an offer to purchase the undeveloped lots and that this proposal was supported by all but Dale Riddle's clients and the County. He stated that the Heceta Water District is acting in good faith and suggested that work get started.

Robert N. Bodine, 04554 Blanco Street, Florence, commented that now he knows where the "red light district" is.

3. RECOGNITION - LANE COUNTY RETIREES

To be held at 10:30 a.m.

4. COMMISSIONERS' ANNOUNCEMENTS

To be held at 10:40 a.m.

5. EXECUTIVE SESSION as per ORS 192.660

None.

6. COUNTY ADMINISTRATION

a. Announcements

None.

7. PUBLIC WORKS

a. DISCUSSION/Board Policy Direction Regarding Watershed Management Planning Obligation for Lane County as a Result of Environmental Quality Commission Administrative Rules Being Proposed

This item taken out of order for 9:10 a.m. time certain.

Dick Nichols and Lydia Taylor from the Department of Environmental Quality (DEQ) presented this item to the Board. Dumdi commented that the Board had received the rules from the DEQ as presented last week and stated that there were some concerns about the changes made in the previous regulations. She commented that the County felt there should be a four-way partnership between the DEQ, the community, Heceta Water District and the County. Nichols stated that in 1983 the Environmental Quality Commission (EQC) adopted rules to protect Clear Lake after a petition was filed by Lane County to address protection of this unfiltered drinking water supply. These rules did not lay out responsibilities and roles for developing a lake watershed management plan, though it was assumed that a plan would be

developed to determine what land use would be allowed consistent with the lake loading limits. He commented that there were changes made to the original plan, as the lake is phosphorus limited rather than nitrogen limited. The changes were an attempt to separate land use issues from water quality issues. Sewer requirements anticipate land use decisions that need to be made by the County; therefore, the sewer requirement has been deleted.

Dumdi asked if Collard Lake would continue to degrade with the existing residences and Nichols commented that the lake should not be impaired significantly. Rust asked if a phased buy-out with the use of alum in the septic tanks would get the job done and Nichols commented that he thought so, though storm runoff was also an issue. Rust asked what the agency responsibilities would be if this rule was adopted. Nichols stated that the County needs to establish a watershed management plan showing phosphorus levels with differing alternatives and reducing the loading in Collard Lake to 60 pounds.

Cornacchia asked if the DEQ would force sewer hookups if the County's phosphorus loading allocation plan calls for sewers and the landowners object. Taylor commented that if it can be demonstrated that it is absolutely necessary for the DEQ to force sewers in the area to protect the environment, the DEQ will recommend that to the EQC. She stated that the question is one of applying a uniform policy to lakes of this nature in Oregon and whether or not the sewerage must be required to allow full land use development. If the sewers are not necessary to protect water quality, the DEQ would not be likely to recommend to the Commission that that expense be required of residents. If it has been demonstrated that it is necessary, the answer is yes; though the focus of the DEQ is the water quality, not the ability to fully develop the land.

Dumdi asked if the County could expect assistance from the DEQ with the technical aspects of the watershed management plan and Taylor commented that DEQ staff would continue to work with the County and provide a professional evaluation of the plan. Taylor commented that it is not appropriate for the DEQ to write the plan and that the moratorium would remain in place until the plan is completed. Rogers commented that the County had lifted its moratorium and that it was the state's responsibility to take care of these water problems though the state has shifted the burden to the County. Taylor commented that the state was invited to participate by Lane County and from the state's point of view this watershed was particularly important as a drinking supply and the moratorium was a satisfactory solution to the state. Nichols stated that it was the role of DEQ to establish the limits and that it was a local responsibility to meet these limits.

Dumdi commented that the CRMP process is moving toward a partnership with the DEQ on the water quality side, the County on the land use side and the Heceta Water District on the administration side. Bill

Van Vactor, County Counsel, asked if the DEQ rule had been reviewed with the Assistant Attorney General regarding potential legal issues and Nichols commented that it had not been reviewed relative to the moratorium. Van Vactor recommended that DEQ do so. Van Vactor commented that the CRMP process is getting close to agreeing on a preferred alternative and he suggested that it was logical to let the CRMP complete its task and have the EQC adopt an administrative rule consistent with that preferred alternative. Taylor stated that she was concerned about further delays and stated that there was no guarantee that the alternative could be supported by the DEQ. Van Vactor asked what the rationale was for removing the requirement for sewers and Nichols responded that he was not sure that this incentive was really necessary. Taylor commented that sewers are not required in the policy since the existing buildout will not exceed the standards for lakes.

Rust commented that he was in support of the rule and suggested that the hearing on December 14 be held and the record continued to allow input from the CRMP process. Taylor stated that this would be a rule adoption which was a final action by the Commission and not a public hearing. Taylor suggested that the County send a representative to the hearing on December 14 requesting that this be pulled from the Agenda and that the DEQ would support this request.

Roy Burns, Land Management Manager, commented that a watershed management plan could be developed which would include a variety of options, but the best approach would be to go forward with an accepted alternative that reflected the community consensus. Rust commented that the role of the DEQ is to set the standards and these new standards are a good place to start. He stated that the cost of writing the plan was going to give the County pause, but he agreed that it was the County's responsibility. He stated that the vast number of citizens did not want a sewer system, but did want to participate in a buy-out and try the alum system. Cornacchia commented that he objected to the community-based decision process being overridden by the DEQ and their lack of support for sewers. Roberts commented that he would like the Board to encourage the EQC to put the hammer - sewers - back on the table. (This discussion will continue next Tuesday.)

3. RECOGNITION - LANE COUNTY RETIREES

To be held at 10:30 a.m.

George Keepers, Public Works employee for 24 years and Ron Smith, Public Works employee for 35 years were present to be recognized by the Board. Kitty Scott, Cal Beatty, Darrell Brown, George Campbell, John Ferry, Evelyn Hawkins, James Johnson, Howard Plowman, Frankie Royer, Bobby Silvas and Carol Jorgenson also retired from the County in 1990.

This meeting recessed at 10:44 a.m. to reconvene at 11:10 a.m. following a reception for the retirees.

4. COMMISSIONERS' ANNOUNCEMENTS

Dumdi suggested that the Board receive duplexed copies of Agenda items in an effort to save paper. There was no Board consensus.

6. COUNTY ADMINISTRATION

a. Announcements

None.

- b. ORDER 90-12-5-2/In the Matter of Amending and Adopting the Classification and Compensation Plan as Recommended in the Performance Auditor's Report to Management Regarding the Fair Board Operations and Setting an Effective Implementation Date of January 1, 1991 for the Proposed Changes

MOTION: Approval. Cornacchia MOVED, Dumdi SECONDED. VOTE: 5-0.

- c. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. 17-90/In the Matter of Amending Chapter 2 of Lane Code to Revise Provisions with Regard to the Department of County Administration (LC 2.105 - 2.115) (Second Reading and Public Hearing December 19, 1990, at 1:30 p.m., in Harris Hall Main Floor)

Rogers read the ordinance into the record.

MOTION: Approval of the First Reading and setting Second Reading and Public Hearing for December 19, 1990, at 1:30 p.m. in Harris Hall. Cornacchia MOVED, Dumdi SECONDED. VOTE: 5-0.

7. PUBLIC WORKS

- a. DISCUSSION/Board Policy Direction Regarding Watershed Management Planning Obligation for Lane County as a Result of Environmental Quality Commission Administrative Rules Being Proposed

This item held earlier in the meeting.

- b. ORDER 90-12-5-3/In the Matter of Appointing One Member to the Lane County Planning Commission

Dumdi recommended Jo Taylor to the Lane County Planning Commission.

MOTION: To appoint Jo Taylor to the Lane County Planning Commission. Dumdi MOVED, Roberts SECONDED. VOTE: 5-0.

8. CONSENT CALENDAR

Cornacchia asked to have items 8. E. 2. and 8. E. 3. pulled from the Consent Calendar. Dumdi pointed out two misspelled names in the Minutes and asked that they be corrected.

A. Approval of Minutes: October 30, 1990, Regular Meeting
Following HACSA

B. Health and Human Services

- 1) ORDER 90-12-5-5/In the Matter of Accepting Amendment #31 to the 1989-91 Intergovernmental Agreement #20-001 with the Mental Health and Developmental Disabilities Services Division; Appropriating an Additional \$30,000 in Revenues and Expenses and Delegating Authority to the County Administrator to Sign the Agreement

C. JTPA

- 1) ORDER 90-12-5-6/In the Matter of Appropriating an Additional \$186,934 in Revenues and Expenditures, and Establishing One Full-Time and One Half-Time Employment Specialist I Positions

D. Public Safety

- 1) ORDER 90-12-5-7/In the Matter of Amending Chapter 60 of the Lane Manual to Revise Provisions with Regards to Disposition of Property (LM 60.405)

E. Public Works

- 1) ORDER 90-12-5-8/In the Matter of Entering into Agreements for Maxwell Road Between River Road and Prairie Road with Eugene Water and Electric Board to Design and Install Street Lighting and with River Road Water District for Ownership and Maintenance Responsibilities for Street Lighting
- 2) RESOLUTION AND ORDER 90-12-5-9/In the Matter of Improving a Portion of West "D" Street from Aspen Street Through the "S" Curve and Entering into an Intergovernmental Agreement with the City of Springfield for Design and Construction of West "D" Street
- 3) ORDER 90-12-5-10/In the Matter of Awarding a Contract to Willamette Valley White GMC Trucks in the Amount of \$204,809 for the Purchase of Three (3) New, Solid Waste Transport Tractors, Two (2) Equipped with Electronic On-Board Scales, Contract FY 90/91 FS-10

- 4) ORDER 90-12-5-11/In the Matter of Awarding a Three-Year Maintenance Contract to Digital Equipment Corporation as Per Service Agreement #89031642D With a Non-Appropriation Clause, the Amount is Not to Exceed \$95,000 Annually for the First Two Years and Not to Exceed \$102,600 for the Third Year

MOTION: Approval of the balance of the Consent Calendar. Rust MOVED, Dumdi SECONDED. VOTE: 5-0.

8. CONSENT CALENDAR

E. Public Works

- 2) RESOLUTION AND ORDER 90-12-5-9/In the Matter of Improving a Portion of West "D" Street from Aspen Street Through the "S" Curve and Entering into an Intergovernmental Agreement with the City of Springfield for Design and Construction of West "D" Street

Cornacchia commented that there were some changes in the design on West "D" Street which would require extra money to complete the improvement. Dan Brown, City of Springfield, was present to explain these changes. Van Vactor commented on the use of Road Fund monies to construct parking bays and suggested that the County transfer the risk and the duty to defend to Springfield on this issue. Brown commented that Springfield is appreciative of the cooperation of the County in this effort and stated that the City of Springfield could pay for the parking bays, if necessary.

MOTION: To approve this order not to exceed \$585,000. Cornacchia MOVED, Dumdi SECONDED. VOTE: 5-0.

- 3) ORDER 90-12-5-10/In the Matter of Awarding a Contract to Willamette Valley WhiteGMC Trucks in the Amount of \$204,809 for the Purchase of Three (3) New, Solid Waste Transport Tractors, Two (2) Equipped with Electronic On-Board Scales, Contract FY 90/91 FS-10

Cornacchia recommended that this item be set over to get answers on: 1) delivery and penalty specifications for this particular contract that are not required for purchase from the state; 2) general and limited warranties; and 3) ancient specifications which do not take into account changes within the industry. Rogers commented that this item will be set over until this afternoon or next Tuesday.

Rogers and Rust excused at 11:50 a.m.

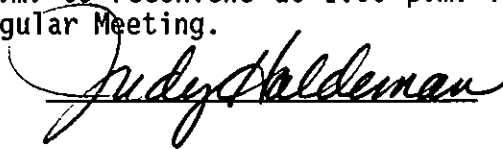
9. COUNTY COUNSEL

- a. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. 9-90 (Alternative 2)/In the Matter of Amending Chapter 9 of Lane Code to Add Provisions Providing a Restriction on Use of Solid Fuel Space Heating Devices (LC 9.120-9.160) and Incorporating Procedures and Penalties for Enforcement, Providing an Effective Date of January 1, 1991 for all Sections, Except LC 9.155, Which is to Take Effect on November 1, 1991 (LC 9.960(6) (Second Reading and Public Hearing, December 19, 1990, at 1:30 p.m., in Harris Hall Main Floor)

Cornacchia read ordinance into the record.

MOTION: Approval of First Reading and setting Second Reading and Public Hearing for December 19, 1990, at 1:30 p.m. in Harris Hall. Dumdi MOVED, Roberts SECONDED. VOTE: 3-0.

This meeting recessed at 11:52 a.m. to reconvene at 1:00 p.m. for Fair Board interview and at 1:30 p.m. for Regular Meeting.



Judy Haldeman
Recording Secretary