

MINUTES & NOTICE OF BOARD ACTION

BOOK 146 PAGE 0706

APPROVED 1-8-91

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.

November 21, 1990
1:30 p.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.

12. COMMISSIONERS' ANNOUNCEMENTS

Rust announced that a seven-year-old boy named Craig Shergold has an inoperable brain tumor and would like to get into the "Guinness Book of World Records" for receiving the most cards. This effort is being organized by Looking Glass Youth and Family Services. Rust asked that the cards be mailed to Looking Glass.

13. PUBLIC HEARINGS

- a. FOURTH READING AND DELIBERATION/Ordinance No. 14-90A/In the Matter of Amending Chapter 9 of Lane Code to Repeal Ordinance 4-90 ("Tree Cutting") (LC 9.900 - 9.960), as Amended by Ordinance 8-90, Enact a "Tree Conservation and Protection" Ordinance (LC 9.900 - 9.940), Establish Fees and Declare an Emergency

AND

- b. FOURTH READING AND DELIBERATION/Ordinance No. 14-90B/In the Matter of Amending Ordinance No. 4-90 as Previously Amended by Ordinance No. 8-90, to Remove the Sunset Clause and Declare an Emergency

AND

- c. FOURTH READING AND DELIBERATION/Ordinance No. 14-90C/In the Matter of Amending Ordinance 4-90, as Previously Amended by Ordinance 8-90, to Extend the Sunset Date of December 1, 1990 to April 1, 1991 and Declare an Emergency

AND

- d. SECOND READING AND PUBLIC HEARING/Ordinance No. 14-90D/In the Matter of Amending Chapter 9 of Lane Code to Repeal Ordinance 4-90 ("Tree Cutting) (LC 9.900 - 9.960), as Amended by Ordinance 8-90, Enact a "Tree Conservation and Protection Ordinance" (LC 9.900 - 9.940), Establish Fees, Declare an Emergency and Set a Sunset Date of November 30, 1991

These items taken together.

Rogers read these ordinances into the record. Michael Copely, Associate Planner, explained that there were two sets of choices built into Ordinances 14-90A and 14-90D that the Board will need to deal with if it takes action on either of those versions.

Rogers opened the Public Hearing on the above ordinances.

Mike Sobol, 3962 Spring Boulevard, testified in favor of Ordinance 14-90A and urged the Board to amend 9.935 to ban burning of slash and to further regulate the burning of debris for health and safety considerations.

Kelly McIver, 2620 East 43rd Avenue, agreed with the statements made by Sobol as an issue of safety and stated that tougher standards were needed. He testified in favor of appeal option A and fee option A.

Dennis Casady, P. O. Box 5028, testified in support of 14-90B and stated that the new proposed ordinance is not fair for property owners in the Urban Growth Boundary. He stated that home builders do not want this new ordinance.

Talbot Bielefeldt, 1732 East 43rd Avenue, testified in support of 14-90A and expressed his opposition to the sunset date though he would like mandatory review.

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

Roberts commented that it was not the intention of the Board to prohibit tree cutting for purposes of erecting a home. Roberts commented that he would support option C with regard to appeals, as he had some concerns about the City Hearings Official deciding these appeals and he would like the final appeal to go to the elected officials until the City of Eugene adopts its ordinance.

Rust commented that his goal is to get an ordinance on the books and none of the options make this ordinance fatally flawed though he would prefer option A.

Dumdi commented that she would support option C if the ordinance is approved.

Cornacchia favored Ordinance 14-90D and stated that the sunset clause is necessary to insure that there is a reevaluation. He stated that Policy 14 of the Metro Plan is clear that commercial tree harvest is a secondary use within the UGB; those outside the UGB on forested land cannot construct a house, but those within the UGB can - housing is a primary use. He stated that currently land owners within the UGB have development rights and commercial timber rights and that he would advocate for those who wish to be removed from the UGB and harvest timber unless they are an island. Cornacchia would support option A regarding appeals.

Rogers commented that he would support option C with regard to appeals though he will vote against the entire ordinance.

Rust commented that he was troubled by the size of the fee for the permit proposed by this ordinance and commented that there is currently no fee structure at the city. He suggested a nominal fee of \$70 for all permits for a one-year period. Roberts agreed that a flat fee of \$70 could be agreeable and Dumdi and Cornacchia concurred. Rogers commented that he would support option C. Cornacchia commented that he was willing to go ahead with this ordinance with a subsequent discussion on slash burning.

MOTION: To adopt Ordinance 14-90D with the selection of Option A for section 9.925(5) and \$70 as a permit fee in section 9.930(1)(b). Cornacchia MOVED, Rust SECONDED. MOTION: To amend motion to adopt Ordinance 14-90D with the selection of Option C for section 9.925(5). Roberts MOVED, Rogers SECONDED. VOTE on motion to amend: 3-2, Rust and Cornacchia dissenting. Rust thanked the Board and the citizens of South Eugene for their participation in this process and commented that this was not just an issue for South Eugene as this issue came up in East Springfield, Cottage Grove and in Oakridge. Rogers commented that this ordinance was just another nick into private property rights. VOTE on ordinance as amended: Roberts and Rust AYE, Cornacchia, Dumdi and Rogers NAY. Motion fails.

MOTION: To adopt Ordinance 14-90A with Option C for appeals and modified Option A ending after \$70 for fees. Roberts MOVED, Rust SECONDED. VOTE: Roberts and Rust AYE, Cornacchia, Dumdi and Rogers NAY. Motion fails.

MOTION: To reconsider vote on original motion on Ordinance 14-90D. Cornacchia MOVED, Rust SECONDED. VOTE: 3-2, Dumdi and Rogers dissenting. Roberts commented that the Board is really voting on whether the appeals should come to this Board or whether the appeals will end with the Eugene Hearing Official. MOTION: To adopt Ordinance 14-90D with Option A for appeals and a \$70 flat fee. Rust MOVED, Cornacchia SECONDED. Rust urged the Board to vote for the

integrity of the ordinance. Dumdi commented that this is a city issue and stated that this ordinance goes against her philosophy of private property rights. MOTION: To amend this motion to delete Option A and add Option C regarding appeals. Rogers MOVED, Roberts SECONDED. VOTE: 3-2, Cornacchia and Rust dissenting. VOTE on motion as amended to adopt Ordinance 14-90D with Option C for appeals and a \$70 flat fee. Roberts, Rogers and Rust AYE, Cornacchia and Dumdi NAY. Motion passes 3-2.


MOTION: To take Ordinances 14-90A, 14-90B and 14-90C out of consideration. Roberts MOVED, Rust SECONDED. VOTE: 5-0.

Rust agreed with Cornacchia that sometime after the first of the year a discussion should be held with all of the relevant agencies regarding slash burning. Cornacchia commented that he was interested in hearing from Lane Regional Air Pollution Authority (LRAPA), the Department of Forestry and the fire districts to get some questions answered regarding controls and public faith. He stated that there was no room for slash burning within the UGB and he commented that he was bothered by the apparent fact that material was being pushed to the other side of the street for burning. He stated that he was not certain that agencies can assure safety to property and health and would like to hear from these agencies in this regard. Dumdi commented that there was an agreement arrived at regarding slash burning during a meeting with LRAPA though she did not have the details. Rogers asked Dumdi to follow up and work with the parties involved and when it was appropriate to bring this to a Work Session of the Board. Rust commented that there was a large area in the South Hills with no structural fire protection whatsoever and the Board could help determine how fire service could be delivered to those people. Roy Burns, Land Management Manager, commented that if the Board instructs the County Administrator to enter into an intergovernmental agreement with the City of Eugene to administer this ordinance a review period could be considered on or before September of 1991. Based upon the adoption of the appeals process, some clarity will be needed as to how this appeal will function as this is not a land use ordinance and does not fit within the process established for decision making and may require a Lane Manual provision for this provision.

14. OTHER BUSINESS

None.

There being no further business, this meeting adjourned at 2:48 p.m.


 Judy Haldeman
 Recording Secretary