

MINUTES & BOOK 146 PAGE 0630 APPROVED 10-30-90
NOTICE OF BOARD ACTION
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.

October 10, 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.

11. COMMISSIONERS' ANNOUNCEMENTS

None.

12. PUBLIC HEARINGS

- a. SECOND READING AND PUBLIC HEARING/Ordinance No. 12-90/In the Matter of Amending Chapter 16 of Lane Code to Comply with Statewide Planning Goal 4 and OAR 660, Division 6 by Adding an Agriculture/Forest Zone (AF, RCP) (LC 16.005, 16.012 and 16.209); Adding "Forest Operation" and Revising "Farm Use" Definitions (LC 16.090); Including Special Notice Requirements (LC 16.100); Revising the Nonimpacted Forest Lands (F-1, RCP), Impacted Forest Lands (F-2, RCP), and Park and Recreation (PR, RCP) Zones (LC 16.210, 16.211 and 16.215); Adopting a Severability Clause and Declaring an Emergency
- b. SECOND READING AND PUBLIC HEARING/Ordinance No. PA 989/In the Matter of Amending the Lane County Rural Comprehensive Plan to Comply with Statewide Planning Goal 4 and OAR 660, Division 6 by Adding Policies for an Agriculture/Forest Zone (AF, RCP) (Goal 2/Policy 26., Goal 4/Policies 8. and 10., Goal 11/Policy 6.c.); Adding a Policy for the Park and Recreation Zone (PR, RCP) (Goal 3/Policy 16); Revising or Deleting Goal 4 Forest Lands Policies (1. and 4. - 12) and Adding New Policies (1., 5., 7., 9., 11. and 12); Adopting a Severability Clause; and Declaring an Emergency
- c. SECOND READING AND PUBLIC HEARING/Ordinance No. PA 990/In the Matter of Amending the Eugene-Springfield Metro Area General Plan, Environmental Resources Element, to Comply with Statewide Planning Goal 4 and OAR 660, Division 6 by Revising or Deleting Forest Land Policies 41.a., c. -1.; Adding Forest Land Policies 41.a., c., - 1.,

- q., and r.; Adopting a Severability Clause; And Declaring and Emergency
- d. SECOND READING AND PUBLIC HEARING/Ordinance No. 13-90/In the Matter of Amending Chapter 16 of Lane Code to Comply with the Land Conservation and Development Commission (LCDC) Amended Order 88-CONT-380 In-Order-To-Comply Directives #3, #4 and #5 Dated June 15, 1989, by Adding an Impacted Forest Lands/Rural Zone (F-2/R, RCP) (LC 16.005, 16.012 and 16.208); Adding "Forest Operation" and Revising "Farm Use" Definitions (LC 16.090); Including Special Notice Requirements (LC 16.100); Revising the Minimum Area Requirements of the Nonimpacted Forest Lands Zone (F-1, RCP) (LC 16.210); and Adopting a Severability Clause
- e. SECOND READING AND PUBLIC HEARING/Ordinance No. PA 991/In the Matter of Amending the Lane County Rural Comprehensive Plan to Comply with the Land Conservation and Development Commission In-Order-To-Comply Directives #3, #4 and #5 of the Acknowledgment and Continuance Order Dated June 15, 1989 by Revising Goal 2/Policy 26.; Revising Goal 4 Forest Lands Policies 7. and 12.; Revising Goal 11/Policy 6.b and Adding Policy 6.c.; and Adopting a Severability Clause

These items taken together.

Rogers read the above ordinances into the record. Roy Burns, Land Management Manager, introduced these ordinances to the Board. Jim Mann, Planning Supervisor, gave the Board an overview of the ordinances. He stated that there were two proposals before the Board. 1) Ordinances 13-90 and PA 991 would make the minimum changes in order to respond to the Land Conservation and Development Commission (LCDC) Goal 4 directives as a result of the 1000 Friends' challenge to the Rural Comprehensive Plan and the Supreme Court decision. There were three basic issues: to revise the forest dwelling standards, eliminate farm uses from the forest zone and a different parcel size or justification for the F-1 zone. 2) Ordinances 12-90, PA 989 and PA 990 are more extensive and are referred to as omnibus changes to comply with Goal 4 and the Administrative Rule for Periodic Review in February 1992. These would not only be sufficient to respond to LCDC directives, but to embrace all of the uses permitted by the new Administrative Rule for forest lands and Goal 4 (see material on file).

Rust stated that he owned F-2 property and may have a potential conflict of interest in these proceedings. He stated that his judgment on public policy would not be influenced. Rogers stated that he had distributed a letter from five land use professionals to the Board (see material on file). Bill Van Vactor, County Counsel, stated that the Board did have the option of staying with the existing lot size. Rogers asked what the Board would adopt today if it wished to retain the existing lot size and Mann stated that the Board could take the provision out of 13-90 and insert it into 12-90. Van Vactor stated that it would take some time to amend this ordinance. Cornacchia asked what the effect would be of this

action by the Board 1) when this ordinance goes to LCDC for comment; 2) what will be the response from 1000 Friends; and 3) what will happen to homeowners with a permit for under 80 acres. Van Vactor stated that the ordinance must be consistent with the Administrative Rule. The County will then request acknowledgement of the remaining Goal 4 elements. He stated that 1000 Friends is likely to oppose this and the County would proceed to issue division permits with a warning statement regarding acknowledgement. Rogers commented that the Board may continue this discussion until Thursday to allow for corrections to the ordinances.

Rogers opened the Public Hearing.

Florence Brown, P. O. Box 333, Junction City, commented that she is a homeless F-2 farmer due to indiscriminate zoning. She stated that she had paid cash for a farm which was rezoned to F-2 and that there is one tree on the 36 acres. She stated that she was unable to build a house on this property and that she cannot farm without a house. She stated that she has a constitutional right to live on her property and that her land is not forest land.

Edgar Brown, P. O. Box 333, Junction City, commented that he is an unemployed farmer. He asked why he would be allowed to grow christmas trees when he would not be allowed to farm the land. He stated that farming his land would not hurt the environment.

Lonnie Beverly, P. O. Box 1193, Cottage Grove, asked the Board to pass the hardship ordinance, as his father is ill and he needed a permit to move him to a mobile home on his property.

James Clemens, 945 West L Street, Springfield, commented that he has 25 acres on Marv Road which is not conducive to the production of timber. He asked the Board to provide a stationary hoop for him to jump through.

Dale Kamrath, P. O. Box 164, Veneta, commented that he was the Fire Chief in Fern Ridge and that he represents the Lane County Fire Defense Board in support of the fire portions of the ordinance.

Mike Evans, 1071 Harlow Road, Springfield, commented that he would support option #2 with one reservation; the minimum parcel size in F-2. He would like to have a more realistic parcel size; hopefully the existing one. Evans entered a letter from Ken Faulk into the record. Evans stated that 54 percent of the F-2 property was covered with grass, brush and hardwood and would require complete reforestation.

Paul Kemp, 77073 Westridge, Westfir, commented that he was representing Oakridge. He stated that land was needed more than ever in this community; Oakridge is surrounded by timber.

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

Rogers suggested that the Board adopt option 2 and then begin the process for a lesser parcel size. Van Vactor commented that he would temper that with his experience with LCDC and advised that it would be difficult to relax the standards. Cornacchia stated that neither of the options were real choices. He suggested that the County put the resources into retaining the existing parcel size and that he is willing to pay for this reasonable parcel size. Rogers commented that it appeared the majority of the Board was willing to adopt option 2 with the deletion of the minimum parcel size. This meeting will be continued until 2:00 p.m. on Thursday, October 11, 1990.

There being no further business, this meeting adjourned at 3:01 p.m.



Judy Haldeman
Recording Secretary