

MINUTES & NOTICE OF BOARD ACTION

BOOK 146 PAGE 1211

APPROVED 2-5-91

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.

January 8, 1991
Following HACSA

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Commissioners'
Conference Room

Chair Jack Roberts presided with Steve Cornacchia, Ellie Dumdi and Jerry Rust present. Marie Frazier excused. Judy Haldeman, Recording Secretary.

1. ADJUSTMENTS TO THE AGENDA

None.

2. PUBLIC COMMENT

Lee Davis, 85905 Barnwell Road, commented that there were two County-owned houses on Aspen and West D Street that are scheduled to be demolished. He commented that these are livable units and that it would be possible to move these houses to another site. Dumdi asked if Davis would be willing to move these houses. He stated that he is working with local organizations to get them moved, but that he could not move them himself. Jim Johnson, County Administrator, commented that the houses are scheduled for demolition by February 1, 1991, but that date could be extended until the end of March. Johnson commented that the two houses could be given to the Housing Authority under an intergovernmental agreement and then the Housing Authority could release a request for proposal. The Board consensus was to allow the County Administrator to pursue these options within the constraints of the General Fund.

Wendell Cook, 27075 Clear Lake Road, commented against the realignment of Clear Lake Road. He commented that no mention was made in the Public Works report about the severing of his property and the fact that access would be cut off to the mobile home park for maintenance. He stated that 88 people were opposed to the realignment and this was not addressed by the Public Works Department. He would like to have a hearing before the Board of Commissioners.

Blythe Cook, 27075 Clear Lake Road, commented against the proposed realignment of Clear Lake Road and stated that it was unnecessary and

expensive. This realignment would create three parallel roads within a quarter mile. She asked that the Board consider the environmental impact and the impact to the residents and asked that an in-depth study be done on this proposed realignment.

Nancy Cook, 27138 Orchard Road, Junction City, commented that she was opposed to the realignment of Clear Lake Road. She stated that a new road through this rural residential area would be contrary to the stated goals of the County and would remove 8-9 acres from private ownership. This realignment would put some homes 10 feet from the roadway. She stated that the road department has been semi-insensitive to the concerns of the residents and asked that the best and highest use of the land be considered.

Alan Cook, 27138 Orchard Road, Junction City, commented that he was opposed to the realignment of Clear Lake Road. He stated that a realignment will divide a small business and place 12 manufactured homes 10 feet or less from the road. He commented that the estimate of \$376,000 per mile for improvements to the existing road and \$170,000 per mile to create a new road doesn't make any sense. John Goodson, Director of Public Works, commented that there is automatically a public hearing if a certain number of residents are opposed to the new road.

Dumdi announced that Jim Parkins from Lane Community College will be an intern in her office for winter term on Tuesday and Thursday mornings.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held at 10:40 a.m.

4. EXECUTIVE SESSION as per ORS 192.660

None.

5. COUNTY ADMINISTRATION

a. Announcements

None.

6. CONSENT CALENDAR

- A) Approval of Minutes: November 19, 1990, Goal Setting,
8:30 a.m.
November 20, 1990, Work Session
8:30 a.m.
November 21, 1990, Regular Meeting
9:00 a.m.
November 21, 1990, Regular Meeting
1:30 p.m.
December 4, 1990, Work Session

8:30 a.m.
December 4, 1990, Joint Meeting
BCC/Budget Committee, 12:00 p.m.

- B) ORDER 91-1-8-1/In the Matter of Appointing a Judge Pro Tempore for the Oakridge Justice Court for the 1991 Calendar Year (CAO)
- C) ORDER 91-1-8-2/In the Matter of Appointing a Judge Pro Tempore for the Florence Justice Court for the 1991 Calendar Year (CAO)
- D) ORDER 91-1-8-3/In the Matter of Appointing a Judge Pro Tempore for the Central Lane Justice Court for the 1991 Calendar Year (CAO)
- E) ORDER 91-1-8-4/In the Matter of Reappointing Members to the Roads Advisory Committee (CAO)
- F) ORDER 91-1-8-5/In the Matter of Refund to Various Taxpayers (A&T)
- G) ORDER 91-1-8-6/In the Matter of Authorizing a Sheriff's Sale of Various Surplus County-Owned Real Property More Fully Described in the Attached Exhibit 'A'. (F&MS)

MOTION: Approval. Dumdi MOVED, Rust SECONDED. VOTE: 4-0.

7. PUBLIC WORKS

- a. STATUS REPORT AND DISCUSSION/Establishing County Roads Within Leased Corps of Engineer Parks

Goodson commented that the Corps of Engineers may issue an easement for the roads on their property, but it could require lengthy negotiations. He suggested that the Corps roads be treated as local access roads and establish the public purpose of these local access roads and then expend County Road Fund money on these local access roads. Rust asked for a chart for all of the County parks so that the Board could see the status of all of the parks. Roberts asked about the use of Road Fund money for these roads and Teresa Wilson, Assistant County Counsel, commented that, if there was an obligation to maintain, the use of Road Funds is appropriate; and on local access roads, there is not the statutory obligation to maintain, but statutory permission.

MOTION: Approval of staff recommendation. Rust MOVED, Roberts SECONDED. VOTE: 4-0.

- b. DISCUSSION/Review of Proposed Metro Plan Amendment MP 90-4 Within City of Eugene to Determine County Participation

Michael Copely, Associate Planner, presented this item to the Board. Cornacchia commented that he was very supportive of this item and that he appreciated it being brought to the Board for discussion of

future applications. Copely commented that the Planning Director assumed that the referral would come over from the City of Eugene or Springfield for the County to make a determination and then a memorandum would be sent to each Board member briefly explaining the action; the Board could then get the item on the Agenda if necessary. Johnson suggested that some form of document be drafted to reflect the Board's opinion and placed in the Board Policy Book for the record. Copely agreed. Roberts suggested that it go to the Policy and Procedures Committee. The Board concurred that this should proceed to the City of Eugene.

- c. ORDER 91-1-8-7/In the Matter of a Determination of Whether or Not to Consider the Appeal of a Hearings Official's December 18, 1990 Approval of PA 2207-89 to Allow Stables, Riding Academies and Commercial Riding in a RR-5 Zone (Appellants: Mary Ann Smith et al)

Jerry Kendall, Planner, presented this item to the Board and commented that staff recommended that the Board not hear this appeal. Roberts asked if there were any ex parte contacts and Dumdi commented that she had seen Mrs. Smith last summer, but they had not discussed this issue. Rust asked if the County would be interested in having the Planning Commission look at this from a legislative view point, set criteria, standards, etc., to create a formula to apply County-wide. Dave Williams, Assistant County Counsel, commented that clearly the Planning Commission could set policy about the rest of the County, but that this particular applicant was entitled to be considered under the law in effect at the time that the application was made. Rust commented that he would like to have the Planning Commission consider this on their calendar of future events. Cornacchia commented that he would hate to have this direction come from the Board in the absence of a discussion of the priorities of the staff of the Land Management Division.

Roberts asked for discussion on the issue of jackpot roping under commercial riding. He stated that if there is an issue of Countywide import, it is the definition of commercial riding as it applies in the County zoning ordinance. Cornacchia and Rust agreed with the Hearings Official that jackpot roping was commercial riding. Dumdi stated that she agreed that this was commercial riding, but was not sure that commercial riding belonged in an RR-5 zone.

MOTION: Not to hear the appeal. Rust MOVED, Cornacchia SECONDED. Cornacchia commented that this was a conditional use and that there are seven conditions which must be met. He suggested that the Board give the conditions a chance to work. Roberts commented that the commercial riding definition is troubling for him as he does not see that this is commercial riding. Rust commented that he regretted that the Board did not move to the legislative arena earlier in this process and that the staff time taken up with this procedure outweighs staff time and Planning Commission attention that would

have been eaten up by the legislative format. VOTE: 3-1, Roberts dissenting.

8. OTHER BUSINESS

None.

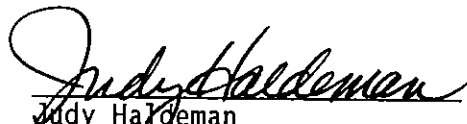
3. COMMISSIONERS' ANNOUNCEMENTS

Dumdi announced that the Lane Economic Committee would welcome comments during all phases of updating the Oregon Economic Plan prior to January 25, 1991.

Rust commented that there was an article in the Sunday Oregonian entitled "Remembering Orchards" by Barry Lopez, Lane County author. He will distribute copies for the Board.

Roberts distributed a mission statement by the Metro Area Leaders Task Force on Human Rights and Affirmative Action. Rust requested a copy of a signed version of the mission statement to send to the Grateful Dead and the Stanford Marching Band as they would be happy to know that this community is interested in fostering cultural and individual diversity. Dumdi was concerned that this was not shared with the rest of the Board prior to today.

There being no further business, this meeting adjourned at 10:32 a.m.


Judy Halteman
Recording Secretary