

# MINUTES & NOTICE OF BOARD ACTION

APPROVED 7.31.91

## 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.

July 9, 1991  
9:00 a.m.

REGULAR MEETING  
BOARD OF COUNTY COMMISSIONERS

Harris Hall  
Main Floor

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

1. ADJUSTMENTS TO THE AGENDA

None.

2. PUBLIC COMMENTS

Sy Ellingson, Mapleton, urged the Board to approve ORDER 91-7-9-1. He stated that the community of Mapleton has been revitalized, but the traffic problems need a workable solution.

Susan Daluddung, 225 5th Street, Springfield, asked the Board to consider supporting a grant proposal from the City of Springfield and Willamalane Parks and Recreation District to develop a conceptual master plan for the Springfield Millrace. This grant application is for architectural and planning support from the National Parks Service. The consensus of the Board was to sign a letter of support only with no revenue contributions.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held at 10:40 a.m.

4. COMMISSIONERS' BUSINESS

a. APPRECIATION PRESENTATION/Welcome Home Troops Committee

To be held at 10:00 a.m. time certain.

5. EXECUTIVE SESSION as per ORS 192.660

To be held later in the meeting.

6. COUNTY ADMINISTRATION

## a. Announcements

None.

b. ORDER 91-7-9-1/In the Matter of Using Road Funds for Mapleton Transportation Study Consultant Services

Peter Thurston, Community and Economic Development Coordinator, presented this item to the Board and stated that the Economic Development Committee had recommended approval. Roberts commented that Dumdi had sent her support for this study. Cornacchia commented that he supported this order, but stated that the Access Oregon program has become an Access Portland program as far as the State Department of Transportation is concerned. MOTION: Approval of the order. Cornacchia MOVED, Rust SECONDED. VOTE: 4-0.

7. PUBLIC WORKSa. DISCUSSION AND ORDER 91-7-9-2/In the Matter of Authorizing Implementation of the Parks Division's Four-Year Financial Plan

Bob Keefer, Parks Manager, presented this item to the Board. He commented that the Parks Department has been considered an optional service for the County and that consistent funding is needed if the service is to be retained. Roberts and Cornacchia expressed concern about funding operations for Parks from capital funds to balance the budget. Cornacchia commented that if he supports increased moorage fees, he would not want to see the increase in moorage fees used to balance the operational budget next year.

Rust commented that a \$.01 increase in the car rental tax will make Lane County even with Multnomah County. He stated that he could see a relationship between tourism and parks and he had encouraged Parks to unhook from the General Fund. He stated that this was a big parks system and it needed attention and money.

Cornacchia commented that part of the parks system had been reclaimed since he had been on the Board of Commissioners. He suggested that the County could increase the admission charge at Winberry. He commented that he would like to see an income analysis of exempting local users of rental cars. He stated that he was interested in identifying and selling, trading, donating or developing unused park property. MOTION: To adopt this plan in concept. Cornacchia MOVED, Rust SECONDED. VOTE: 4-0.

- b. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. 10-91/In the Matter of Amending Chapter 4 of Lane Code to Increase the Lane County Car Rental Tax (LC 4.210), Adopting a Severability Clause and Setting an Effective Date of October 1, 1991

Roberts read the ordinance into the record. MOTION: Approval of the First Reading and setting Second Reading and Public Hearing July 31, 1991, at 1:30 p.m. in Harris Hall. Cornacchia MOVED, Rust SECONDED.  
VOTE: 4-0.

#### 4. COMMISSIONERS' BUSINESS

- a. APPRECIATION PRESENTATION/Welcome Home Troops Committee

Cornacchia acknowledged the help from groups and individuals for the successful parade to welcome home the troops. He stated that there were no problems or injuries and that 25,000 people had been involved in watching the parade and the entertainment.

Cornacchia thanked Sheriff Bob McManus, Captain Ben Sunderland, Captain Eric Langford and Sergeant Dell Hackett for their great attitudes throughout the planning and the parade. He thanked John Paulson, President of the Active 20-30 Club for the remarkable job that he did in coordinating the fireworks with the parade functions. Dave Spriggs, Clerical Supervisor, provided the protocol expertise and was responsible for the precision and skill on the floor of Autzen Stadium. Cornacchia thanked Bonnie Vanness, events chairperson; Marci Farthing, concessions coordinator; Elyse Myers, parade chairperson; Sandy Reed, ceremony chairperson; and Sue Paiement, coordinator; for the wonderful jobs that they did in making this event a success.

This meeting recessed at 10:28 a.m. to reconvene at 10:40 a.m.

#### 3. COMMISSIONERS' ANNOUNCEMENTS

Rust announced that he, Cornacchia, Roberts and Jim Johnson, County Administrator, were guests at the Taft Seminar two weeks ago at the invitation of Jim Klonoski. Dumdi and Frazier were unable to attend, due to previous engagements.

#### 7. PUBLIC WORKS

- c. DISCUSSION AND ORDER 91-7-9-3/In the Matter of Amending Chapter 60 of Lane Manual to Revise Fees for Planning Services (LM 60.850 and 60.851)

Jacqlyn Mikalonis, Senior Administrative Analyst, presented this item to the Board. Roberts commented that he would like to consider the fee increases by themselves and not in conjunction with the Plans Examiner position. He commented that the fee increases should occur on a yearly basis to avoid having large increases less frequently.

MOTION: Approval. Cornacchia MOVED, Rust SECONDED. Frazier commented that she was not in favor of another increase in these fees since they had been increased by 50 percent in 1990. She asked that the department look at cost control and improving the process and commented that there would be a revolt if the County tried to get full cost recovery on the fees.

Rust commented that the revolt will occur with respect to property taxes; these services have been subsidized heavily with property taxes or other General Fund revenue. He stated that he viewed this as a very modest proposal and he will support it.

Cornacchia commented that this increase buys "time"; asking the staff to do more with less brings complaints from constituents that their permits are taking weeks instead of days to complete. He commented that there would be a bigger impact on people to increase the time frame than to increase the fees.

Roberts commented that the planning and building functions have been subsidized by the general taxpayers and that this was not entirely inappropriate since some of these planning requirements are imposed for the good of society at large. Many people say that a person who wants to do something new on his or her property should pay the full cost. The County needs to understand this attitude and make sure that, though there is not full cost recovery, these fees bear some relationship to the cost.

Frazier commented that she did not agree with the other Board members, but that she would look forward to the challenge next year, hopefully with different results. VOTE: 3-1, Frazier dissenting.

- d. DISCUSSION AND ORDER/91-7-9-4/In the Matter of Amending Chapter 60 of Lane Manual to Revise Building Program Fees and Building Valuation Data (LM 60.855)

MOTION: Approval with the incorporation of the comments from the previous order by reference. Cornacchia MOVED, Roberts SECONDED. VOTE: 3-1, Frazier dissenting.

- e. REPORT BACK/Land Use Enforcement and Compliance Issues in Land Management

Ted Richter, Compliance Officer, presented this item to the Board. He stated that there had been an increase in the number of referrals that the office has received and it is nearing the saturation point. Rules are not self-enforcing and there are a handful of people who will not voluntarily comply. He stated that the officer has an inability to solve a situation when the deed is already done. He commented that it would be helpful to have a provision to issue a "stop work order", to be able to serve citations by certified mail,

to use volunteers in certain duties and to have a closer working relationship with Assessment and Taxation.

Cornacchia commented that he was supportive of the suggestions made by Richter regarding volunteers, stop work orders and certified mail. He would like some assurance that dialogue will improve between departments. Rust commented that he liked the current approach to seek voluntary compliance, but would support certified mail and stop work orders with a possible higher fine for defiant attitudes. The Board discussed the use of volunteers as they apply to collective bargaining and workers comp issues.

Roberts commented that he had some concerns with the use of volunteers in this area, but that he would support stop work orders and the use of certified mail. He would support increased fines for abusive situations. Mary Ann Jackson, Office Assistant, suggested that volunteers could be used for record keeping and computer tracking in the office and Richter commented that there are times when he would like to have someone with him in the car.

Sharon Giles, Administrative Assistant to Dumdi, stated that at least 25 percent of the constituent calls to Dumdi's office are related to compliance issues. She suggested that there be more enforcement in the nuisance area; the County could actually do the cleanup when the property owner does not comply and then bill the property owner for the service with a lien against the property, if necessary, to recover costs. She stated that people are very upset that there are no teeth in this ordinance.

Johnson stated that he will look at volunteerism, stop work orders, certified mail, cooperation with Assessment and Taxation, fine, liens and cleanup. Giles suggested that compliance in the Urban Growth Boundary should be turned over to the cities as part of Urban Transition. Cornacchia agreed. Roy Burns, Land Management Manager, commented that there are increased compliance demands statewide and he suggested that this was due to enhanced economic activities.

These next two items taken out of order.

#### 8. CONSENT CALENDAR

- A. Approval of Minutes: June 25, 1991, Work Session, 9:00 a.m.
- B. Finance and Management Services
  - 1) ORDER 91-7-9-5/In the Matter of Readopting Lane Manual 4.020 Relating to Investment Policies

- 2) ORDER 91-7-9-6/In the Matter of Authorizing the County Administrator to Execute a Lease Agreement with Lane County Extension Service as Lessee, for Space Located in the Lane County Extension Building, Eugene, Oregon
- 3) ORDER 91-7-9-7/In the Matter of Award of Bid CP 90/91-15 for Requirements Purchase of Refuse Collection Services

C. County Counsel

- 1) ORDER 91-7-9-8/In the Matter of Remanding to the Hearings Official the Application for Verification of Nonconforming Use Status for Equine/Bovine Eventing, Horse Boarding and Horse Training (PA 1596-90) (Stephen Vorhes)

D. Public Safety

- 1) ORDER 91-7-9-9/In the Matter of Authorizing Boating Safety/Law Enforcement Intergovernmental Agreement with Oregon State Marine Board

E. Public Works

- 1) ORDER 91-7-9-10/In the Matter of Reducing the Load Rating on S. W. Brown-Lake Creek Bridge, M. P. 0.18 (Bridge #16-7W-9C)
- 2) RESOLUTION AND ORDER 91-7-9-11/In the Matter of Setting a Public Hearing on the Proposed Conveyance of Park Property for a County Road, Located Within Jasper Park (Public Hearing: August 21, 1991, 1:30 p.m., in Harris Hall Main Floor)
- 3) ORDER 91-7-9-12/In the Matter of Entering into a Five-Year Lease Agreement with the Bureau of Land Management for Surplus Shop and Office Space at Delta for an Annual Rent Payment of \$17,400 and Delegating the County Administrator Authority to Execute the Lease

F. RIS

- 1) ORDER 91-7-9-13/In the Matter of Approving an Intergovernmental Agreement to Provide Computing Systems Resources and Application Software Services

MOTION: Approval of the Consent Calendar. Cornacchia MOVED, Rust  
SECONDED. VOTE: 4-0.

9. COUNTY COUNSEL

- a. ORDER 91-7-9-14/In the Matter of Filing a Financial Statement for the Siuslaw Parks and Recreation District and Requesting Dissolution by the Boundary Commission
- a. MOTION: Approval. Rust MOVED, Frazier SECONDED. VOTE: 4-0.

This meeting recessed at 12:00 p.m. to reconvene at 1:30 p.m.

7. PUBLIC WORKS

- f. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. 11-91/In the Matter of Amending Chapter 16 of Lane Code to Revise the Nonimpacted Forest Lands (F-1, RCP), Impacted Forest Lands (F-2, RCP) and Park and Recreation (PR-RCP) Zones to Make Certain Permitted Uses Subject to Director Approval, Revise the Siting Standards for New Structures and Add Notice Requirements for Dwelling or Land Division Appeals; Remove the Agriculture/Forest (AF, RCP) Zone; and Make Housekeeping Changes; and Adopting a Severability Clause

Roberts read the ordinance into the record. Jim Mann, Planning Supervisor, distributed a change to this ordinance. This change is an attempt to address Land Conservation and Development Commission (LCDC) concerns to get acknowledgement in Goal 4 and to address some issues raised by 1000 Friends of Oregon. He stated that he had initially proposed to delete standards that the County had adopted and substitute some general standards. The changes would retain the specific siting standards in the County Code and delete the general siting standards. The purpose of the specific siting standards was to make the language and restrictions clear to persons applying for a permit. 1000 Friends was concerned that these specific siting standards may not address the general siting standards in the Rule. Bill Van Vactor, County Counsel, stated that this was the last set of ordinances prior to reacknowledgement of the County. 1000 Friends could appeal this if the County decided to stay with the original language. This could take about a year to resolve.

Cornacchia responded that the County had spent a lot of money on the Developed and Committed Exception Areas because of objections by 1000 Friends and that only one half of one percent needed changes. He stated that leaving the language general allows someone to sue based upon the fact that it is subjective as to whether or not what is done on a particular application meets that general language. The more specificity, the better, in regulations to let people know what is expected of them.

Roberts suggested that the ordinance be adopted with both sets of the language. MOTION: Approval of the First Reading and setting the Second Reading and Public Hearing for Ordinance 11-91 and 11-91A as set forth today for July 31, 1991, at 1:30 p.m. in Harris Hall. Rust MOVED, Frazier SECONDED. Rust commented that he owns F-2 land and that he may have a potential conflict of interest. VOTE: 4-0.

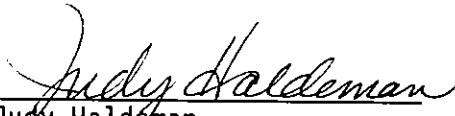
- g. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. 1003/In the Matter of Amending the Lane County Rural Comprehensive Plan to Comply with Statewide Planning Goal 4 and OAR 660, Division 6 by Amending Goal 2/Policy 26., Goal 4 Policies 8., 9., 10. and 16; Goal 11 Policy 6.c; Adopting Certain Housekeeping Measures and Adopting a Severability Clause

Roberts read the ordinance into the record. MOTION: Approval of the First Reading and setting Second Reading and Public Hearing July 31, 1991, at 1:30 p.m. in Harris Hall. Cornacchia MOVED, Rust SECONDED. VOTE: 4-0. Frazier commented that there should be local control and that the Counties should be telling the state how the County lands will be managed; there should not be statewide goals.

- h. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. 1004/In the Matter of Amending the Eugene-Springfield Metropolitan Area General Plan to Comply with Statewide Planning Goal 4 and OAR 660, Division 6 by Amending Environmental Resources Element Policy 41. g., h., i. and n; Adopting Certain Housekeeping Measures; and Adopting a Severability Clause (Second Reading and Public Hearing: July 31, 1991, 1:30 p.m., in Harris Hall Main Floor)

Roberts read the ordinance into the record. MOTION: Approval of the First Reading and setting Second Reading and Public Hearing July 31, 1991, at 1:30 p.m. in Harris Hall. Cornacchia MOVED, Roberts SECONDED. VOTE: 4-0.

There being no further business, this meeting adjourned at 1:53 p.m. for Executive Session.

  
 Judy Haldeman  
 Recording Secretary