

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.

March 5, 1991
5:30 p.m.

PUBLIC HEARING
BOARD OF COUNTY COMMISSIONERS

Siuslaw High School
Florence

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

- 1. INTRODUCTION OF BOARD
- 2. INTRODUCTION OF STAFF
 - a. Judy Haldeman, BCC Secretary
 - b. Bill Van Vactor, County Counsel
 - c. Roy Burns, County Planning Director
- 3. PUBLIC HEARING/Seven Alternatives Developed by the Comprehensive Resource Management Planning Group
 - a. Description of Watershed - A Brief History

Roy Burns, County Planning Director, stated that a new Administrative Rule had been adopted by the Environmental Quality Commission (EQC) dealing with phosphorous loading within the Clear Lake watershed. The Board of Commissioners authorized a Coordinated Resource Management Process (CRMP) in 1989 and as a result of that process, seven alternatives were selected to address the phosphorous in the watershed.
 - b. Description of Seven Alternatives

Burns reviewed the seven alternatives which are under consideration for the Clear Lake watershed (see material on file).

c. Summary of Written Testimony

The summary of the comments to the County regarding the Clear Lake watershed is contained in a handout to the public (see material on file). Roberts stated that the record will be held open so that written testimony can be submitted on this issue. He stated that a responsiveness summary will be prepared to try to address points that are raised at this Public Hearing and to provide any further information from staff. He commented that he hoped that the Board would be able to discuss the Clear Lake watershed in a Work Session within 45 days.

d. Public Comments

Don Frisbie, 89136 Bridge Street, Springfield, testified that he owned four lots in Collard Lake Heights and one in Collard Lake Acres. He stated that a survey was needed of this area to determine the extent to which properties were in or out of the watershed. He commented that there were two kinds of property owners in the watershed; those with developed lots and those with undeveloped lots. The undeveloped lot owners were not represented in the CRMP meetings. He stated that this property should be zoned marginal lands and not F-2.

Jan Goldberg, Collard Lake Way, testified that she would support the Heceta Water District proposal as it is written though she would also support alternative 7. She commented that she was concerned about the property value that was established by the Commissioners and the statement regarding development rights, if any, in alternative 7. She stated that she was concerned that further development would destroy this fragile environment and she would be willing to have her property sewered, if necessary, to preserve the water quality. She asked the Board to take a brave stand on this issue.

Cooper Smith, 89211 Shore Crest Drive, Sutton Lake, testified that he would support alternative 5 as the alternative that would allow the least development. He stated that there was a house across the street from him that was dumping sewage right into the lake. He stated that the idea of adding alum to the septic tanks would require "alum police" to monitor these systems. Keeping the water clean is the issue for him.

Mike Keating, 06022 Collard Lake Way, testified that he was a member of the CRMP. He stated that the Heceta Water District proposal is well thought out and designed to improve and protect the water supply. Heceta has begun implementing appraisals, increased water meter fees and a search has begun for the most favorable sources of funding. He stated that none of the seven alternatives were Heceta proposals though their proposal was close to alternative 7 with no development rights on F-2. Heceta Water District would allow no new houses in the watershed and would purchase all undeveloped lots at

fair market value. He asked the Board to join Heceta Water District in providing a clean water supply.

Aaron Jones, 1880 McClean Boulevard, Eugene, testified that he was a member of the Clear Lake Community Organization and that the organization was in favor of alternative 1. He commented that the problem is created by Collard Lake not by Clear Lake, there is no pollution on Clear Lake today. He commented that alternative 1 is the least costly. He stated that Fish and Game is opposed to Clear Lake being closed to recreation and fishing. He stated that he had tried to arbitrate this for 10 years and had spent a lot of time and money trying to do something that would make everyone happy, though it seems to be impossible. He suggested that Heceta Water District live by their original commitments and go to ground water or well water and leave the emphasis on Clear Lake to development and recreation.

Bob Bodine, 05445 Blanco Street, commented that he could not discuss this subject in three minutes. He commented that a person had to be a land owner to be notified about this Public Hearing and asked why the water drinkers were not notified, as well.

Ron Gerber, P. O. Box 0, Florence, testified that he was the City Attorney for Dunes City and that Dunes City had discovered that Woahink Lake has lost much of its clarity primarily due to development on the lake. He commented that he would support the proposal from the Heceta Water District.

Norman Dain, 06651 Twin Fawn Drive, testified that he understood the predicament of friends who own undeveloped property in the watershed, but he feels that there should be no compromise and would support alternative 7.

Russell Beals, 05307 Knoll Way, testified that the County should be working hand in glove with the Heceta Water District to find federal, state or County money to preserve the watershed for generations to come. He recommended that there be a complete buyout as in alternative 6 because there can be no effective way of policing people who live within the watershed. He stated that the Board could go down in history as the Board who saved the watershed or it could go down in history as the Board who sold it down the river.

Leo Stapleton, 89839 Ben Bunch Road, Florence, testified that he was the chairman of the Water District for some years and had worked on this project. He stated that Heceta Water District did a study in 1965 which was duplicated by the County in 1979. The County ignored the Heceta Water study and went ahead and subdivided the property. He stated it would cost people in the Water District a lot more to buy these lots now. He would support the proposal offered by the Heceta Water District.

Eva Johnson, 89260 Daklin Road, testified that she would support the Heceta Water District proposal that no new residences be allowed in the watershed. She commented that the prime need is the need for water and other states and countries all over the world are spending billions of dollars to achieve what we have now. She commented that it would be a great disservice to everyone to diminish this water quality in any way. She stated that there is a hazard to the lake from the transfer of aquatic weeds that are carried by boat propellers from one infected lake to the other. There is a law against the transfer of noxious weeds, but there is no check on boats going from one lake to the other. She commented that as coastal lakes, Clear Lake and Collard Lake would come under the Land Conservation and Development Commissions' guideline 17 regarding water quality. She stated that the first priority for the use of land in the coastal shorelines is given to the projects which will maintain water quality in estuaries and coastal lakes. She stated that 14 of the 17 lakes in the Florence area have been degraded and the County should be concerned about this and not spread the degradation.

Bud Slonecker, 04719 Heceta Beach Road, testified that he did not want to see any more damage done to the watershed than has been done already. He stated that he and his family drink the water and he would like to see it protected. He would support alternative 7.

Curt Roth, 87748 Terrace View Drive, testified that he had been having trouble hearing the testimony and he would suggest that there be a microphone provided in the future. He stated that the feelings of the residents here are that the water system not be deteriorated to the point that water must be purchased out of a bottle. He concurred with the testimony of Mr. Beals.

Bill Finley, 06011 Collard Lake Way, testified that some people, including his County Commissioner, feel that a few more houses in the watershed are acceptable and that they will do no harm. He stated that he would say to these people that there is no acceptable level of pollution. One more house in the watershed will not improve the water or help maintain the water at its current level of purity. He stated that he would hope that Clear Lake would not have to go the way of the rest of the lakes before something was done about it. He stated that Lane County had some legal and moral responsibilities for Clear Lake, as Lane County had approved the residential subdivisions at Collard Lake. The watershed plan should have as its objective the goal of improving the quality of water in Collard Lake from a mesotrophic state to an oligatrophic state and Clear Lake should be maintained in its oligatrophic condition. (See letter on file.)

Muriel Hilliard, P. O. Box 903, member of the West Lane Planning Commission and CRMP member, testified that the alternatives presented by the County were not developed during the CRMP meetings and the CRMP never agreed on any alternative to be presented to the Board due

to the continual objections of Dale Riddle who represented the F-2 landowners around Clear Lake. She commented that Riddle was abetted by the West Lane County Commissioner. She stated that there can be no development rights on F-2 land when building is possible outside of the watershed. Heceta Water District has taken charge of a program to purchase lands within the watershed and to proceed with the protection of the watershed. She stated that Lane County needs to assist the Water District in obtaining legislation, financing and/or leasing of County lands adjacent to the Water Boards' facility and to proceed with a plan which will preclude any further development or construction within the watershed.

Gordon Howard, P. O. Box 775, Pleasant Hill, testified that he was a fourth generation owner of the land at the west end of Clear Lake. He stated that the single largest change which has occurred in his memory was when Heceta Water District applied for water rights to Clear Lake. He stated that his family was initially concerned with the visual impacts this would create, that it would interfere with his family's usage of the lake and that the level of the lake might be lowered. He was assured by the Water District that these fears were not warranted and his opposition was dropped. Heceta Water District signed an easement agreement which stated that it would not withdraw more than one million gallons per day and transport it across the easement. He stated that Heceta had assured his family that when it became necessary that Heceta would build a filtration plant and not interfere with landowners' uses on Clear Lake. He commented that several attempts have been made over the years to remove boats from Clear Lake and these attempts have been rejected by the State Marine Board. The level of Clear Lake has dropped dramatically since the water tower has been built by Heceta, the easement agreement has been repeatedly violated, grass planted by Heceta has continued to spread over the surrounding dunes and the dunes are continuing to shrink in size. He stated that Heceta now responds that the current board has different goals and ideas than the board that made these commitments. He stated that there were people who would have the public believe that they were going to be pumping dirty, polluted water into houses because of the uses for boating, fishing and swimming and that this was simply and factually not true. Clear Lake, even with the minor degradation attributed to the Collard Lake subdivisions, is still a pristine body of water. He stated that it was important to note that none of the studies performed on the Clear Lake watershed identifies any degradation attributable to human use on Clear Lake. He stated that the Howard family has been and will continue to be good custodians of the resource. He would support alternative 5.

Steve Olienyk, 88687 Chapman Drive, testified that he was representing himself and Heceta Water District. He asked the Board to support the alternative that the Heceta Water District has proposed. He entered approximately 300 form letters on the Clear Lake Watershed issue, some with personal comments, into the record.

He commented that the Heceta Water District had petitioned the State Water Resources for a change in the primary use designation on Clear Lake. He asked the Board to consider this petition and again asked for the Board's support of the Heceta proposal.

Al Lashway, 06020 Collard Lake Way, testified that he had worked for the San Francisco Water Department for 25 years and stated that the department protects this watershed with six full time keepers. There is no fishing or hunting in this watershed and no homes have been built in 50-60 years in this area. He suggested that the Clear Lake Watershed be treated the same way. Cornacchia asked Mr. Lashway if he would be willing to leave his residence on the lake and Mr. Lashway commented that he would be in favor of a total buyout and that that was the way to go.

Allen Tate, 06004 View Loop, asked why it was necessary to reinvent the wheel. He cited areas in New York and California where it had been necessary to buyout areas for watershed. He commented that our water supply is diminishing every day and stated that the most precious thing we have in Lane County is our water. He stated that he had a letter from Mr. William A. Mullin, Chief of the Groundwater Supply, Environmental Protection Agency, dated May 10, 1990, in which Mr. Mullin stated that he did not want any more development in this watershed and would like the water supply cleared up. He stated that it was a shame to put development within a watershed in this day and age.

Gene Urich ?, 05648 Linda Way ?, commented that this could be a ballot measure if there is no conclusion reached with the present process.

Steve Pittenger, 04908 Gloria Gayle Way, commented that he drinks the water and bathes in the water and it is astounding that this meeting had to take place at all. In this day and age when everyone is so concerned about the environment, how can the County second guess the Heceta Water District. He commented that politics is the buddy system in Washington and in Lane County. He stated that the people want clean water and it is amazing that he has to come down here to make sure that the County is going to do the right thing. He stated that there were more people watching than just Lane County citizens and the Board has it in its hands to do what is right. He commented that people who bought lots in this watershed made a bad decision and related this to a stock market purchase. He stated that he would hope that the Board will make the right decision.

There being no one else present who wished to testify, Roberts closed the Public Hearing.

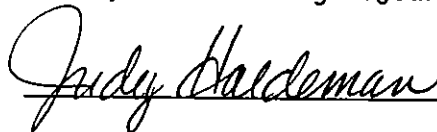
Cornacchia commented that he had not seen a comparison between a total buyout paid for by the water users and a water treatment facility paid for by the water users. Dumdi commented that a treatment facility would cost

in the vicinity of \$1.5 million. Dale Riddle, Attorney, commented that the study done in 1985 estimated \$1.5 million and he stated that it was probably double that price now; total buyout was estimated at \$16 million. Dumdi commented that the estimate of a total buyout was between \$8 and \$20 million. Cornacchia asked why the users would rather pay the higher cost of a buyout rather than a treatment facility. Members of the audience stated that the problem goes away with a buyout and there are no operational costs. Dumdi commented that the Heceta Water Board will meet next Monday at the County Courthouse with the Farmers Home Administration to discuss funding options for a buyout.

Rust stated that he would like to endorse the proposal by the Heceta Water District. He commented that this means the County working closely with the District, no additional dwellings in the watershed, alum treatment, phased but eventually total buyout at fair market value, no motorized craft on the lake and most of all he would endorse the idea of the County and Heceta going forward with total cooperation. He stated that because this is an enormous undertaking, the County and Heceta will have to work together to get the legislation that is necessary, to get the money and the financing arranged through the Environmental Protection Agency and other instruments of finance. He stated that Lane County would be the envy of the world to have preserved this clean water. He stated that "we have many lakes to recreate on over here; we have only one that is a sole source aquifer and it needs to be saved for the future".

Dumdi commented that Lane County will support draft legislation to allow a water district to also serve as a sanitary district. She presented a draft of this proposed legislation to Olienyk.

There being no further business, this meeting adjourned at 7:10 p.m.



Judy Haldeman
Recording Secretary