

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.

May 7, 1991 9:00 a.m.	WORK SESSION BOARD OF COUNTY COMMISSIONERS	Commissioners' Conference Room
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Chair Jack Roberts presided with Steve Cornacchia, Ellie Dumdi, Marie Frazier and Jerry Rust present. Judy Haldeman, Recording Secretary.

1. ADJUSTMENTS TO THE AGENDA

None.

2. PUBLIC COMMENTS

Harold Chapman, 51 Chapman Drive, summarized the events of the past years with regard to the River Road/Santa Clara sewer issue. He distributed written information to the Board (see material on file). He commented that the City Code has authority only within the city limits with regard to sanitary sewers. He asked what liability the County may have in this and whether it would put a cloud on the title to the properties.

Anthony Nichols, 770 Ruby Avenue, chair of the Community Organization for the River Road area, commented on the notice sent to residents by the City of Eugene to connect to the sanitary sewer. He asked the Board to look into this attempt to implement city policy in a County area.

Chapman added that it was understood by residents that the County Hearings Official, with support for paperwork from the City of Eugene, would be the one who would determine that residents would hook up to the sewer. He stated that the City of Eugene was ignoring the due process and the exception process. He asked by what authority the City of Eugene could use City Code in a County area. Stephen Vorhes, Assistant County Counsel, will report to the Board on this issue later in the day.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held at 1:30 p.m.

4. EXECUTIVE SESSION as per ORS 192.660

To be held later in the meeting.

5. COMMITTEE REPORTS

Legislative Standing Committeea. ORDER 91-5-7-1/In the Matter of Taking a Position on Legislative Bills Introduced During the 1991 Legislative Session

Cornacchia commented that SB0799 and HB3044 carry the recommendation of the Legislative Committee; HB2136 does not. He stated that the Board had taken a position that it would not support any specialty taxes. He urged that the Board remain consistent and not support this tax for parks. MOTION: To oppose HB2136. Cornacchia MOVED, Frazier SECONDED. Roberts commented that he was concerned about opposing this bill and suggested that the Board watch this bill. Rust commented that he would support a neutral position. Cornacchia stated that he would amend his motion to take a neutral position at a priority 3 with the understanding that staff will make no effort on this bill whatsoever. The second concurred. VOTE: 5-0. MOTION: To approve the Committee recommendation on SB0799 and HB3044 and to take a neutral position on HB2136. Cornacchia MOVED, Rust SECONDED. VOTE: 5-0.

6. COUNTY ADMINISTRATION

a. Announcements

None.

b. THIRD READING, DELIBERATION AND ACTION/Ordinance No. 6-91/In the Matter of Amending LC 8.005 and Enacting an Ordinance Granting to TCI Cablevision of Oregon, Inc., a Renewal of Its Non-Exclusive Franchise for the Operation of a Cable Communications System and Repealing Ordinance Nos. 23-78, 4-82 and 6-85

MOTION: Approval of Ordinance 6-91. Cornacchia MOVED, Dumdi SECONDED. Rust commented that he was going to cast a negative vote on this ordinance because he felt it was not a high enough priority for the Metropolitan Policy Commission and he felt that some of the issues that were raised in the Public Hearing were germane and could have been responded to in more detail. Roberts commented that there was federal preemption of regulation of rates and programming and he did not understand what else could have been done. Dumdi commented that she had had some of the same concerns as Rust when she heard the issues raised, but she understood that the issues would be worked on over the next three years. Cornacchia commented that the reality is that federal law controls this and legally, the County can do nothing. He commented that there is a political option which could

put pressure on TCI to make adjustments, but not for only six people. Rust commented that this is a monopoly of a service and he thought that the federal act was a mistake. He stated that he had hoped that the Board would take advantage of its political power to have another discussion and make sure that nothing has been overlooked. Cornacchia commented that he is pleased with the response of TCI to complaints and to the community. VOTE: Cornacchia, Dumdi, Frazier and Roberts AYE, Rust NAY.

7. PUBLIC WORKS

a. DISCUSSION/Urban Transition Policies and Issues

Roy Burns, Land Management Manager, presented this item to the Board. He stated that Urban Transition has historically amounted to the transfer of certain selected services from the County to the individual cities, in this case, Eugene and Springfield. He stated that the County had entered into two separate transition agreements with two separate models in the building and planning area. He asked for discussion on seven issues presented in the memorandum and discussion of three options (see material on file).

Cornacchia asked Burns if he would advocate for Urban Transition if he had an opportunity to do it all again. Burns commented that he would structure it differently and have the decision making done based on a commission that represented the metropolitan area and he would not have three different codes to deal with. The concept of a single metropolitan delivery system in the planning and building arena is valid. Cornacchia commented that he would like to have the County manage the Urban Growth Boundary at urban standards to better represent the County citizens.

Rust commented that housing, economy and industrial zoning are all metropolitan issues and a matter for all three agencies to be involved in. He stated that it was important that people are not being fundamentally treated unfairly with respect to building and housing permits and that it would be a step backwards to have the County deal with everything outside of the city limits.

Dumdi commented that what happens within the city limits is the jurisdiction of the cities and she felt strongly that the County should be stronger representatives of those who have no other representation.

Cornacchia commented that the reality is one of dollars and that government can not do everything for everybody in the near future. He commented that if the opportunity was given to reassess what the County does, he is ready to downsize the County service delivery system.

Roberts stated that County involvement in metro planning has not been to his satisfaction and that this does not seem to be the time for the County to increase its role in the Urban Growth Boundary and that the Urban Transition concept has merit. Roberts commented that it is important that the use of resources be reviewed.

Burns commented that any type of model could be set up for a single planning commission; the one he had recommended was a planning commission that would make the decisions in the Metropolitan Plan. The cities would be free to retain their own planning commissions to do neighborhood-level planning. The Board discussed the issue of having one planning commission versus the current system. Cornacchia commented that any decisions made by a planning commission have to be consistent with the Metro Plan. He stated that he hoped that it could be seen that this was a metro community with the same interests from one city limit to the other; he hoped that the barriers of the freeway and attitudes could be overcome and the jurisdictions could agree to service the community with one system. Frazier commented that she liked the idea of a single planning commission and she would be interested in learning how to get to that point and how it could be successfully accomplished. She stated that it would save money and also improve the process. Roberts commented that the Board could discuss this idea with the Lane County Planning Commission at some point.

Cornacchia commented that the other major component of this discussion was consolidation of the building departments for the entire area. Burns commented that one building division makes sense for Lane County. He also stated that if the County is going to transfer services in the future, there should be some discussion about how this should be packaged and what should be transferred. Cornacchia stated that he would like to know the impact to the Lane County system and its residents prior to any more Urban Transition agreements.

This meeting recessed at 11:10 a.m. to reconvene at 11:20 a.m.

b. DISCUSSION/Hearings Official Contract

Jacqlyn Mikalonis, Senior Administrative Analyst, presented this item to the Board and stated that the department had had one response from a local law firm with a bid of \$75 per hour. She stated that the County is charged \$40 per hour currently by Lane Council of Governments. Cornacchia commented that he had heard that there was an interpretations book in the Land Management Department and that he would like to have a copy of this available for the Board. The Board concurred that it would like a copy of this book. MOTION: Approval of the staff recommendation to continue the Hearings Official contract with L-COG. Rust MOVED, Dumdi SECONDED. VOTE: 5-0.

- c. ORDER 91-5-7-2/In the Matter of Appointing One Member to the Parks Advisory Committee

MOTION: Approval of the appointment of Susanne Twight-Alexander to the Parks Advisory Committee. Cornacchia MOVED, Dumdi SECONDED.
VOTE: 5-0.

- d. THIRD READING, DELIBERATION AND ACTION/Ordinance No. PA 998/In the Matter of Amending the Eugene-Springfield Metropolitan Area General Plan to Redesignate Property Identified as Map 17-02-31/Tax Lots 300 and 700, from Heavy Industrial Land Use to a Combination of Medium Density Residential, Light-Medium Industrial and Commercial Land Uses, and Rezone the Tract from Light-Medium Industrial and Heavy Industrial Districts to Medium Density Residential, Light-Medium Industrial and General Commercial Districts, and Adopting a Savings and Severability Clause

Roberts read the ordinance into the record. Cornacchia recommended that the Board not approve Ordinance PA 998. He stated that the type of facility being considered is irrelevant to this discussion because this was a compatibility issue and impact on services must be considered. He stated that he did not believe that there were arguments in the record to show that these impacts have been adequately addressed. He stated he did not think that it was appropriate to locate family housing next to railroad tracks and heavy industrial development. He stated that he supports the existing heavy industrial use in the area and surrounding it with residential property could adversely affect the chemical plant. He stated that this may be the right idea, but it was in the wrong place.

Rust stated that this property has been zoned industrial for years and it seems to be a poor site for industrial development. He stated that he must weigh the industrial zoning against homelessness, low-income housing and stimulating the economy. He commented that he is willing to utilize this acreage and create 200 jobs in response to housing needs for the homeless and elderly.

Dumdi commented that she could agree with the idea for this housing, but that this is the wrong location for it. She stated that this housing development was incompatible with the existing industrial use. She commented that the climate for industrial growth is changing and she would not want to remove the opportunity in this area. She stated that a barbed wire fence is not conducive to a good residential environment.

Roberts commented that this was a difficult issue for him to make a decision on as there were many competing concerns. He stated that it has never been County policy to throw land use planning out the window when low-income housing is involved. He commented that he is not sure that this is the right idea because he is not sure that 650

units of low-income housing should be placed on any parcel of land. He commented that all three planning commissions had determined that the criteria had not been met and recommended that this not be granted.

Cornacchia asked for a recommendation from Copely. Copely commented that he shared the concerns of the Board that this was a difficult decision, but the staff position is that this application does not adequately address some key issues such as impact, traffic problems and neighboring land uses. He stated that this is not the best site for this project and that there would be land use problems if this development does not occur. Cornacchia commented that he would amend one of his statements and agree with Roberts that this amount of low-income housing on one site would negatively impact schools.

MOTION: To tentatively reject Ordinance PA 998 and direct staff to begin preliminary work on findings leading to either a tabling or a final ordinance depending on the outcome of MPC. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-1, Rust dissenting.

- e. THIRD READING, DELIBERATION AND ACTION/Ordinance PA 999/In the Matter of Amending the Eugene-Springfield Metropolitan Area General Plan to Enlarge the Urban Growth Boundary of the City of Springfield by Adding Tax Lots 401, 402, 403 and 405 of Map 17-02-28, Apply New Land Use Designations and New Springfield Zoning Districts to the Property, and Amend the Text of the Plan, and Adopting a Savings and Severability Clause

Roberts read the ordinance into the record. Michael Copely, Associate Planner, stated that he had some information that he would like to give to the Board. Cornacchia suggested that this item be carried over to the afternoon in the interest of time.

This meeting recessed at 12:05 p.m. to reconvene at 1:30 p.m.

3. COMMISSIONERS' ANNOUNCEMENTS

Dumdi announced that she had a tentative agenda for the Western Interstate Regional Conference.

Rust announced that he had received maps and material from the U. S. Fish and Wildlife Department on the critical habitat of the spotted owl. He suggested that the Board schedule a Work Session to review the maps and suggested that there be some computer work done to overlay wilderness areas, etc., on these maps. Dumdi commented that it was imperative that the County be involved and that the County be looking for other sources of revenue.

Cornacchia announced that the O&C Counties Board of Directors had been approached to be involved in an analysis relative to critical habitat and in the possibility of an appeal or litigation.

7. PUBLIC WORKS

- e. THIRD READING, DELIBERATION AND ACTION/Ordinance PA 999/In the Matter of Amending the Eugene-Springfield Metropolitan Area General Plan to Enlarge the Urban Growth Boundary of the City of Springfield by Adding Tax Lots 401, 402, 403 and 405 of Map 17-02-28, Apply New Land Use Designations and New Springfield Zoning Districts to the Property, and Amend the Text of the Plan, and Adopting a Savings and Severability Clause

This item continued from earlier in the meeting.

Copely distributed information from the City of Springfield and stated that Springfield had requested that the staff report be incorporated in the motion as additional findings if the Board chooses to adopt this ordinance. Cornacchia asked if the proposed set of findings were adequate in the event the Board were to approve this ordinance. Bill Van Vactor, County Counsel, commented that these findings cover the bases, but there was no guarantee. Stephen Vorhes, Assistant County Counsel, stated that this information would touch all of the bases in terms of the criteria of approval.

Rust commented that the issue is whether to amend the Urban Growth Boundary to accommodate industrial expansion. He stated that there was much to commend the applicant in the mitigation plan that was set forward, but he did not think that the burden has been met to show the need to amend the boundary in order to increase this business. He stated that there was only 15 minutes to one hour of testing needed per week and the applicant had gotten a lower price outside of the Urban Growth Boundary.

Dumdi commented that she felt that this was an ideal site for the business and an opportunity to improve the situation. She stated that this seems to create a better area for the wildlife and is a model for future projects.

Cornacchia commented that development and protection can occur and he rejected the notion that the two are mutually exclusive. There is a need to replace timber jobs and the potential impacts have been discussed ahead of time in this case. He stated that this sends a positive message and that the criteria have been met.

Roberts commented that he will support this and stated that the recommendation from the Planning Commission is to grant the application. MOTION: To tentatively approve this ordinance with the addition of findings from the City of Springfield staff regarding the U. S. Fish and Wildlife Department position. Dumdi MOVED, Cornacchia SECONDED. VOTE: Cornacchia, Dumdi, Frazier and Roberts AYE. Rust NAY.

8. CONSENT CALENDAR

- A. Approval of Minutes: April 3, 1991, Regular Meeting
Following HACSA
- B. Assessment and Taxation
- 1) ORDER 91-5-7-3/In the Matter of a Refund to Northwest Natural Gas Company
- C. Public Safety
- 1) ORDER 91-5-7-4/In the Matter of Authorizing Intergovernmental Law Enforcement Agreement with Willamette National Forest Service
 - 2) ORDER 91-5-7-5/In the Matter of Approving Various Liquor License Renewals for Various Individuals
 - 3) ORDER 91-5-7-6/In the Matter of Establishing Court Arraignment Facilities at the Lane County Jail
- D. Public Works
- 1) ORDER 91-5-7-8/In the Matter of Amending a Contract Agreement with OBEC to Provide Construction Inspection on Government Road and Jasper-Lowell Road

MOTION: Approval of the Consent Calendar. Frazier MOVED, Cornacchia SECONDED. VOTE: 5-0.

9. FINANCE & MANAGEMENT SERVICES

- a. DISCUSSION/In the Matter of Office Space Consolidation, Division of Chief Deputy County Clerk

Jef Faw, Director of Finance and Management Services, presented this item to the Board. Cornacchia commented that given the fact that the Solid Waste Fund does not have \$160,000 to spend on remodeling, he would like to know why this is being considered and where the money will come from. Mike Turner, Solid Waste Manager, commented that the newest five-year plan has a proposed move included plus \$120,000 for SB0066. He stated that in his opinion the best long-term solution to the problems in the Solid Waste Division is to consolidate the facilities at the Central Receiving Station.

Rust commented that it seems that this discussion hinges on the proposed reduction of 2 FTE in Deeds and Records and that if there was to be a discussion of space, the space needs of the entire County should be included. Roberts commented that it sounded like the County was expanding. Jim Johnson, County Administrator, commented

that this was an opportunity for incremental, continuous improvement, but a large change does not make sense at this point. Cornacchia commented that the need to raise garbage fees may occur in the future with this proposal and he is not interested in raising fees.

Annette Pomeroy, Chief Deputy County Clerk, commented that front office functions are similar between Elections and Deeds and Records; the office peaks are at different points during the year and there would be increased efficiency and accuracy if the offices were consolidated. Frazier commented that she had heard that it did not work to have the office functions split between two buildings. Roberts suggested that the Performance Auditor finish his audit of Elections prior to making changes in the Division. Cornacchia commented that there were other cuts that he would make before these and suggested that cuts be found elsewhere.

10. YOUTH SERVICES

- a. DISCUSSION/Progress Report Regarding the Research and Development Program at the Department of Youth Services

Steve Carmichael, Director of Juvenile, presented this item to the Board. Cornacchia asked if this position could pay for itself as it was stated last year to the Budget Committee. Carmichael commented that this position was to be half research and half fund development and that it was not currently paying for itself. Linda Wagner, Program Research Coordinator presented the results of her research on recidivism using the Balanced Approach and stated that there had been some mild improvement. Carmichael commented that a quality control system is being established. Cornacchia asked how many of the kids that enrolled in CATCH actually graduated and how many kids who had been through Skipworth were now in the adult system. Wagner commented that she did not have that information at this time. Roberts commented that he is pleased with the research that is being done to track how the programs are working. Rust asked where the Department was with grant applications and Carmichael stated that he would report to the Budget Committee on Thursday.

This meeting recessed at 3:30 p.m. to reconvene at 3:40 p.m.

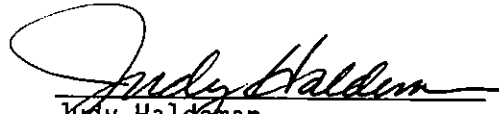
Stephen Vorhes, Assistant County Counsel, briefed the Board on the status of sewer hookups in River Road/Santa Clara. He stated that Eugene Code Chapter 6 had not been pulled into Urban Transition and was not part of the Metro Plan Amendment. Roberts commented that the City of Eugene has the ability to put in the sewers and assess for them, but does not have the ability to compel hookups except according to Lane Code. Cornacchia commented that the Board had compelled hookups and the Board determined that there was a health hazard with septic tanks being used in these soils. He stated that the Board should vote to compel hookups, if necessary. Dumdi stated that universal hookups were the intention and

Roberts commented that he is committed to take the necessary steps to compel hookups.

11. EMERGENCY BUSINESS

None.

There being no further business, this meeting adjourned at 4:10 p.m. for Executive Session.


Judy Haldeman
Recording Secretary