

MINUTES & NOTICE OF BOARD ACTION

BOOK 149 PAGE 1362

APPROVED 12-11-91



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.

November 6, 1991
1:30 p.m.

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

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

10. **SECOND READING AND PUBLIC HEARING/Ordinance 15-91/In the Matter of Establishing Reapportioned District Boundaries for Election of County Commissioners**

Roberts read the ordinance into the record. Roberts opened the Public Hearing. There being no one present who wished to testify, Roberts closed the Public Hearing. **MOTION:** Approval of Ordinance 15-91. Rust **MOVED**, Dumdi **SECONDED**. **VOTE:** Cornacchia, Dumdi, Roberts and Rust **AYE**. Frazier out of the room for this vote.

7. **PUBLIC WORKS**

d. **DISCUSSION/Board Policy Direction on LCDC Proposed Administrative Rule on Planning for Urban Reserve Areas.**

Roy Burns, Land Management Manager, presented this item to the Board. He stated that he has been in contact with the Association of Oregon Counties (AOC) and that he intended to present this to the AOC Land Use Committee on Tuesday, November 12 to attempt to get their position on the urban reserve. He stated that the staff position was that the Land Conservation and Development Commission (LCDC) should amend Goal 14 and develop a body of administrative rules that would deal with a rural community and an urban reserve. Burns displayed maps showing a one-mile, two-mile and a five-mile radius around the Urban Growth Boundaries. Burns commented that staff would recommend that the Board oppose the administrative rule as constructed, ask for a postponement and then attempt to consolidate a planning position in cooperation with the other counties.

Cornacchia remarked that he did not support the Comments on the Draft Urban Reserve Administrative Rule as written, but would support a position on a Goal 14 rule change. Burns stated that his position is that all elements should be dealt with as a package and that Urban Growth Boundaries should be designed based on capability of facility service and on directions and patterns in which communities are likely to grow over a cycle longer than 20 years. Burns stated that he would enter into the record his opposition to the administrative rule since it would cost more money, be more time consuming and involve special purpose districts at a higher level of decision making. Roberts suggested that the Board state its support for the application of policies followed by Lane County and try to resolve this issue in a manner that does not put new burdens on the County.

Burns stated that there were two options in the administrative rules. The concerns on Option A were that the two-mile limits were not appropriate; the boundaries should be more logical with consideration of topographic features, resource lands, transportation access, service district boundaries and patterns of development. Burns commented that there should be no more regulation without accompanying funding and he commented that he did not want special districts included. Cornacchia stressed that Lane County has a good system that is taking care of the problem and did not need interference from the state. MOTION: To strike the first two paragraphs in the draft and have staff develop an introduction based on the discussion today including a very strong paragraph on the funding limitations of the state. Cornacchia SECONDED for discussion. Burns commented that he would attempt to gather the consensus of the other planning directors. VOTE: 5-0.

7. PUBLIC WORKS

- c. REPORT BACK/Scoping Work Program for the McKenzie Basin Watershed Management Plan.

Jacqlyn Mikalonis, Senior Administrative Analyst, presented this item to the Board and commented that the cost of the scoping project would be split between the County and EWEB. Cornacchia suggested that a comprehensive analysis of the cost to each of the players be included to enable the Board to make a more informed decision. The Board discussed whether to hold a public hearing as part of the process and Dumdi suggested that one be held after an initial draft has been prepared. Jim Johnson, County Administrator, mentioned that EWEB has an extensive citizen involvement process as part of their relicensing and may have some ideas about getting input into this plan. He commented that the Planning Commission was another avenue for gathering information. Johnson stated that this was not budgeted and could be paid for out of the Land Management budget or from the Appropriated Reserve. The Board concurred that this should come from the Appropriated Reserve. Mikalonis will prepare an order for the Chair's signature. MOTION: To adopt the scoping program as

presented by staff with the money to come from the Appropriated Reserve. Rust MOVED, Dumdi SECONDED. VOTE: 5-0.

7. PUBLIC WORKS

b. REPORT BACK/Franklin Transfer Station Project.

Mike Turner, Solid Waste Manager, presented this item to the Board. Dumdi stated that the regional plan needed to be addressed in the long run; however, no site has been selected. She commented that there was a site in Alvadore which could possibly be used for a transfer station on an interim basis. Rust suggested that the County work with the other general government partners on regional planning and include discussion of how the water discharged from the current landfills was being treated. Cornacchia responded that he was concerned about doing long-range planning at City of Eugene standards and prices; he said the time frame was an extended process as well. Frazier and Dumdi stated that they were concerned about the timelines, also. Roberts summarized that the Board supports some short-term relief at the Franklin transfer site and some long-term planning with the other jurisdictions. He directed Turner to return with more specific alternatives based on direction from the Board.

This meeting recessed at 2:55 p.m. to reconvene at 3:05 p.m.

12. PUBLIC HEARINGS

- a. PUBLIC HEARING AND ORDER/91-11-6-10/In the Matter of an Appeal by Ted Berg of a Decision by the Public Works Director to Uphold Facility Permit Conditions for Construction of 3rd Street from "B" Street to "C" Street in the Second Amended Plat of Fern Ridge (Alvadore) (Appellant: Ted Berg).

Roberts asked if the Board members had ex parte contacts. Dumdi responded that she had had contact with Ted Berg last year and with Mrs. Cate on an unrelated matter. John Goodson, Director of Public Works, reported that this was an appeal of facility permit conditions involving construction which occurred on 3rd Street in Alvadore. He stated that Lane Code establishes some minimum requirements for public roads and provides authority for establishing road construction requirements. Berg appealed the requirements of the facility permit asking to revise the conditions of the permit; Goodson denied the appeal. Goodson stated that the appeal before the Board requests a reduction in standards and staff did not believe that it was in the public interest to waive the standards. He recommended that the appeal be denied.

Ted Berg, Alvadore, commented that he would have liked to have had the opportunity to present information to the Board ahead of time. He stated that the staff packet that the Board received was highly selective and that some of his letters to staff were not included.

He commented that there seemed to be no consistent policy with regard to the County permits and cited examples. He suggested that a 12' B Street coming off of a 12' 4th Street and used by four families until last year was not a decision in the public interest. He asked the County to decide that public use justifies spending money on the local access road to rectify inconsistencies.

Jerry Parker, 91217 B Street, Alvadore, testified that he had gotten different answers from different members of the road staff to questions that he asked about B Street and commented that consistency was needed in the department.

Luis Samano, 27366 4th Street, Alvadore, explained the situation on his road and stated that something should be done from Main Street all the way down 4th Street.

John Berg, P. O. Box 249, Junction City, stated that he had put in enough fill to construct a 20-foot roadway, but did not construct the roadway. In 1989, the permittee utilized this fill to construct a 12' roadway.

Leona Cate, 91211 Starlight Lane, commented that she had pursued putting in B Street due to the health hazard due to dust from the easement. She stated that it cost her \$5,000 to build a road which she does not use to alleviate the dust problem.

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

Dumdi stated that these were public access roads not County roads and that they would have to be brought up to County road standards before they could be accepted into the County road system. She commented that it was important to follow the policy which has been set by the County.


Roberts commented that he felt that the conditions which have been imposed by the County are reasonable and that he was prepared to support the recommendation of the department and deny the appeal. Cornacchia stated that he would need more facts to waive the standards in this case. Rust stated that he agreed that the County should not assume the burden of the local access roads. He said that absent a health or safety issue, a thought could be entertained of waiving or modifying the standards in this case. Frazier commented that she would agree that the County should abide by the standards, but suggested that the needs of the residents need to be factored in as well. **MOTION:** To adopt the order upholding the Public Works Director's decision and to deny the appeal of the facility permit conditions. Dumdi MOVED, Roberts SECONDED. **VOTE:** 4-1, Rust dissenting.

10. EMERGENCY BUSINESS

SUBDIVISION PLAT for Victorian Place II

MOTION: Approval. Roberts MOVED, Rust SECONDED. VOTE: 5-0.

There being no further business, this meeting adjourned at 4:30 p.m.



Judy Haldeman
Recording Secretary