

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.

April 15, 1992
1:30 p.m.

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

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

13. COMMISSIONERS' ANNOUNCEMENTS

To be held later in the meeting.

14. PUBLIC HEARINGS

- a. SECOND READING AND PUBLIC HEARING/Ordinance No. PA 1017/In the Matter of Amending the Rural Comprehensive Plan Designation Applying to Tax Lots 100 and 800, Map 17-03-11; Tax Lots 100 and 200, Map 17-03-12; Tax Lot 300, Map 17-03-13; and Tax Lot 100, Map 17-03-14, from Forest to Agriculture, and Rezoning from F1/RCP (Nonimpacted Forest) to E40/RCP (Exclusive Farm Use), Adopting a Severability Clause and Findings in Support of this Action

Dumdi read the ordinance into the record. Harvey Hogle, Associate Planner, presented this item to the Board. He stated that staff recommended approval of this ordinance. Dumdi opened the Public Hearing.

Stephen Jaqua, 67200 Fry Rear Road, Bend, commented that the purpose of this zone change was to allow a family member to live on the north side of the ranch in order to keep it in the family.

There being no one else present to testify, Dumdi closed the Public Hearing. MOTION: Approval of the ordinance. Cornacchia MOVED, Roberts SECONDED. VOTE: Cornacchia, Dumdi, Frazier, Roberts and Rust AYE.

- b. THIRD READING AND PUBLIC HEARING/Ordinance No. PA 951/In the Matter of Amending the Rural Comprehensive Plan from Forest to Natural Resource and Rezone from Impacted Forest Land (F-2/RCP) to Quarry and Mining Operations (QM/RCP) on Property Identified as Map 21-03-02/Tax Lots 600 and a Portion of 606; (File PA 3399-87; Overholser/Mathews)

Dumdi read the ordinance into the record. Kent Howe, Associate Planner, presented this item to the Board. He stated that this property is inventoried as a Goal 5 resource site, though it is being protected as a Goal 4 site because it is a compatible designation for a Goal 5 resource. This application meets the criteria for a minor amendment because the amendment is limited to the plan diagram and does not involve an exception because the property is not inventoried as a Goal 4 resource. Staff has determined that the application meets the requirements of the Rural Comprehensive Plan for a plan amendment zone change and recommends that the Board amend the plan designation from forest land to natural resource land and rezone the property from impacted forest land to quarry mining operations.

Cornacchia commented that the Board had received a letter from Geologic Environmental Mineral Resource Consulting Inc. and asked if staff had had an opportunity to review this letter. Howe stated that staff had not reviewed this letter.

Dumdi opened the Public Hearing.

Mike Evans, 1071 Harlow Road, testified that he was representing the owners of the property. He stated that this site was on the 1B list and the owners had gone through the process to identify the resource availability and its location, analyze that information and go through the Goal 5 process to request the designation for aggregate use. The Planning Commission approved this request after two hearings, provided the following separate conditions were met; seismic test, blasting program and well-monitoring.

Bill Kloos, 767 Willamette Street, Suite 203, testified that he was representing Sid Gonzales and others. Kloos provided a list of documents to staff along with maps showing all BLM quarry sites in the south Lane County area, a large scale tax map and three small rural addressing maps showing exact locations of dwellings etc. He encouraged the Board to "just say no" to this rezoning and ask the applicant to seek a special use permit from the Hearings Official under the provisions of the F2 zone. He presented his legal summaries to the Board: 1) a Goal 4 exception needs to be taken to redesignate any of this forest land except the 1.5 - 2 acres which is already exposed quarry; 2) there is a plan amendment standard which requires a showing of "need" for making this change at this time; the applicant has not made a case for need for this rock; 3) the Goal 5 analysis needs to follow the procedures in the Goal 5 rule. He stated that the quality of the aggregate is not adequately described and the quality is not described relative to other sources in the

jurisdiction. There are varied conflicting uses such as interference with ground water quality and quantity, potential surface water impacts, noise and dust from the quarry operation, interference with residences or existing businesses and traffic on the narrow roads.

Charles Pendleton, 78101 Pitcher Lane, Cottage Grove, commented that the closest point to the blasting would be a home for elderly people. He stated that Quaglia Road and Pitcher Lane both have drainage from the area of the proposed quarry. He listed numerous animals which live in this area and commented that the quarry operation would disrupt these animals and this quiet community. He stated that the quarry would be devastating to his way of life and the value of his property and his neighbor's property just for the greed of one or two individuals.

Robert Strickland, 77910 Quaglia Road, Cottage Grove, commented that he has 9.5 acres just below the quarry site. He stated that the road was so narrow that a car and school bus could not pass and commented that this was a very quiet area.

Sandra Baker, 77778 Quaglia Road, Cottage Grove, commented that she had lived in this beautiful area for 25 years and she did not want to view a quarry operation from her bedroom window.

Otto Buss, 78086 Mosby Creek Road, Cottage Grove, stated that one of his objections to the proposed quarry was the effect that it would have on property values in the area.

Marvin Fowler, 78096 Mosby Creek Road, Cottage Grove, commented that he had a well on his property which furnished water for four or five houses. He is concerned about the water situation if blasting starts in the quarry area. He commented on the noise level and the dust which is created by a quarry operation.

Dick Harris, 78112 Mosby Creek Road, Cottage Grove, commented that there is a lot of traffic in the area due to the private school located up the hill and he is concerned about the increase in traffic.

Brad Palmer, 77591 Pitcher Lane, Cottage Grove, commented that he was about one-quarter mile up the hill from the proposed quarry. He stated that he is opposed to the development of the quarry for three reasons: 1) he is worried that the blasting could cause his well to dry up; 2) increased traffic on Pitcher Lane could make it unusable to him; and 3) continuous noise from the quarry would be a constant source of irritation to residents. He commented that it was unjust for the County to deprive the residents of peace and quiet simply for the convenience of the applicant. He discussed the letter from Gunnar Schlieder which stated that blasting could change the aquifer and affect his well.

Ralph Christensen commented that he had reviewed the letter from Schlieder. He stated that they both agreed that there could be no structural damage caused from blasting at this site. There could be some change to the wells below the quarry by removing the water before it reaches the well or by changing the plumbing of the rock itself. He stated that the quarry operation would have no profound effect upon the arsenic levels in anyone's well. He stated that there was a very low concern in his mind that the quarry operation could seriously change the aquifer.

Evans stated that the closest residence is 1,500 feet from the quarry site. He stated that a special use permit was for a short-term and would expire upon periodic review and that rezoning was a permanent solution. He stated that he believed that there is a need for aggregate in the area and that there was adequate analysis to justify the redesignation. He would reject the exception argument made by Kloos, as Goal 4 recognizes aggregate sites as a forest use and it was taken out of the forest category when it was recognized as a 1B site.

There being no one else present who wished to testify, Dumdi closed the Public Hearing. Rust asked if it was necessary to identify the conflicting uses around the site; Stephen Vorhes, Assistant County Counsel, stated that part of the Goal 5 process involves identifying the conflicting uses and resolving them to protect the Goal 5 use and exclude the conflicting uses, to allow both uses or to protect the conflicting uses at the expense of the Goal 5 issues. Cornacchia suggested that staff come back to the Board in a week with an analysis for the Board of the two sides of the issue. Frazier agreed. Dumdi stated that the record would be left open for one week with a report from staff on April 29, 1992.

This meeting recessed at 3:10 p.m. to reconvene at 3:25 p.m.

12. COLE PLAT
City of Eugene
17-04-14

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

ORDER and RESOLUTION 92-4-15-13/In the Matter of Requesting Assistance from the State of Oregon in Financing a Wood Pellet Manufacturing Plant for the Booth-Kelly Lumber Company

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

15. OTHER BUSINESS

- a. FOURTH READING/Ordinance No. PA 1013/In the Matter of Amending the Eugene-Springfield Metropolitan Area General Plan to Adopt the Gateway Refinement Plan, Adopt Related Amendments to the Metro Area

General Plan Diagram, Adopt Related Rezonings of Properties Within the Springfield Urban Growth Boundary, Adopt Related Amendments to TransPlan, Adopt Related Amendments to the Public Facilities Plan; and Adopting a Savings and Severability Clause

Dumdi read the ordinance into the record. Jacqulyn Mikalonis, Senior Administrative Analyst, commented that the Fifth Reading needs to be rescheduled if possible. She stated that there were some concerns about road design in the Gateway Refinement Plan. Cornacchia commented that the concerns are community-wide, not just local. He suggested, based on a recommendation from Lee Beyer, that Lane County and Springfield work together on the design authority for the roads. MOTION: Approval of Fourth Reading with the changes and set the Fifth Reading for May 6, 1992. Roberts MOVED, Rust SECONDED. VOTE: 5-0.

11. HUMAN RESOURCES

- a. ORDER 92-4-15-12/In the Matter of Appointing Three (3) Members to the Human Rights and Affirmative Action Advisory Committee.

MOTION: Approval of the appointments of Lynn Burditt, Stephanie Cardinal and Carey Drayton as recommended by the Human Rights and Affirmative Action Advisory Committee. Roberts MOVED, Cornacchia SECONDED. VOTE: 5-0.

10. COUNTY COUNSEL

- a. ORDER 92-4-15-11/In the Matter of the Possible Reconsideration of Board Order No. 92-4-1-3 Concerning the Interpretation of "Dwelling" and "Single Family Dwelling."

Bill Van Vactor, County Counsel, commented that this item was placed on the Agenda on the assumption that there would be a request to consider a response to information which was expected with regard to some legislative history (see material on file). The response was never filed and the Board need not take any action at this time. Cornacchia commented that he appreciated the response from Van Vactor for the Board. Roberts agreed and stated that he was disappointed that there had been no follow through from the appellant. Dumdi commented that she appreciated the time that Van Vactor and Roy Burns had put into the entire Clear Lake Watershed issue.

13. COMMISSIONERS' ANNOUNCEMENTS

Frazier announced that the tapestry which is hanging behind the podium was done by Vellora Hassett of Westfir to hang at the international environmental conference and in the American Embassy in Brazil.

Rust announced that there would be a meeting of the Resource Recycling Advisory Committee and the Parks Advisory Committee tonight and he will try to attend both meetings.

Frazier announced that there would be a meeting at 7:30 p.m. on Thursday at South Eugene High School to present the two percent equal tax which does away with income tax, property tax and all fees. She will attend this meeting.

Cornacchia announced that he will be attending the Vegetation Management Advisory Committee meeting tonight.

Dumdi announced that Youth Services had officially received notification of a grant from Community Research Associates in Boulder, Colorado, for the youth campus concept. There will be a luncheon April 28 with Orlando Martinez of Colorado to discuss the youth campus.

Dumdi announce that she had received a letter of appreciation from the Camp Creek Cemetery Association thanking the County for the work performed by the Forest Work Camp crew with a special thanks to Captain Bob Perdue.

Dumdi announced that there was a mural near the Department of Assessment and Taxation depicting Neuschwaustein, the castle built by Bavaria's King Ludwig II in Germany. This mural was donated to the County by Ruth Nelson.

There being no further business, this meeting adjourned at 3:52 p.m.



Judy Haldeman
Recording Secretary