

# MINUTES & NOTICE OF BOARD ACTION

BOOK 150 PAGE 1030

APPROVED 6-9-92

## 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 29, 1992  
1:30 p.m.

REGULAR MEETING  
BOARD OF COUNTY COMMISSIONERS

Harris Hall  
Main Floor

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

1. ADJUSTMENTS TO THE AGENDA

Item 8. d., Ordinance PA 951, will be held today rather than yesterday.

2. PUBLIC COMMENTS

None.

3. COMMISSIONERS' ANNOUNCEMENTS

Dumdi distributed a letter she had written to the U. S. Army Corps of Engineers regarding a 404 fill permit for Phil Marvin for wetlands mitigation for a commercial venture.

4. EXECUTIVE SESSION as per ORS 192.660

To be held at 3:15 p.m.

5. PUBLIC HEARINGS

- a. SECOND READING AND PUBLIC HEARING/Ordinance No. PA 1016/In the matter of Renaming County Road Number 1279 (Government Road) to Shoreview Drive.

Bob Ezell, County Surveyor, presented this item to the Board. Dumdi opened the Public Hearing.

Werner Oetmann, 76809 Vaughn Creek Road, Dorena, testified that there was no need to stripe Government Road if there was going to be construction on it this summer.

There being no one else present who wished to testify, Dumdi closed the Public Hearing. MOTION: Approval of Ordinance No. PA 1016. Roberts MOVED, Frazier SECONDED. Rust suggested that there be a memorandum sent to Public Works regarding lack of coordination; the Board concurred. VOTE: Dumdi, Frazier, Roberts and Rust AYE.

## 8. PUBLIC WORKS

- d. FOURTH READING AND DELIBERATION/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).

This item continued from April 28, 1992, meeting.

Kent Howe, Associate Planner, presented this item to the Board. He stated that staff had met with Harry Youngquist, County Public Health Engineer, and with Gene McGinnis, State Water Master, on April 21 to review the technical reports from Fetrow Engineering and compared them with concerns raised by Dr. Schlieder of Geologic Environmental Mineral Resource Consulting. McGinnis and Youngquist agreed that the concerns of Schlieder were related to a misunderstanding of the purpose of the test conducted by Ralph Christianson of Fetrow Engineering. The tests were not done to determine the effect of the quarry on the aquifer or an aquifer production test, which is not required by the Rural Comprehensive Plan. Howe stated that an exception is not required because the uses authorized in the Quarry Mining Zone are authorized in the new Goal 4 rule. Need is established in this context pursuant to the Goal 5 process, not a supply/demand market analysis required by the reasoned exceptions process.

Howe stated that this 20-acre property is located approximately two miles southeast of Cottage Grove off Mosby Creek Road on Quaglia County Road. The quarry is an established site and has been used in the past for aggregate extraction; it holds a current exemption permit with the Oregon Department of Geology and Mineral Industries. The Rural Comprehensive Plan inventoried this site in 1984 as a Goal 5 resource, listed it as a 1-B site to be protected until the more detailed quantity/quality information could be provided through the Goal 5 process. This application meets the criteria for the minor amendment because an exception is not involved and seems to meet the policy and Code provisions of the Rural Comprehensive Plan. The Planning Commission voted unanimously to recommend approval based on a seismic test, a blasting program and a well monitoring program which have been done. The test results were that the blasting did

not impact the wells, no arsenic increase would result from the seismic shock of blasting and the seismic and well testing conducted showed that blasting would not have an impact on the existing well production. Staff finds 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 Resources and rezone the property from Impacted Forest Land to Quarry Mining.

Rust asked if the showing of public need is not some economic or social proof as much as the fact that it is on the qualifying list already. Stephen Vorhes, Assistant County Counsel, stated that he agreed with staff's indication of the analysis as far as the need issue is concerned. It was raised primarily in the context of a reasons exception and the theory that an exception to Goal 4 was necessary. Rust stated that the language from the Code stated "necessary to fulfill an identified public need" and asked what that meant. Vorhes stated that initially the Board had some discretion to make that call in terms of what is identified as public need and what public need means. Howe commented that the need refers to the result that was intended through the result of the amendment which is directed by a Goal 5 policy and therefore, the policy is directing the County for those 1-B sites that are in Appendix F. Rust commented that the issue of need has been mooted by the fact that there is already an inventory and he wondered what kind of discretion there is in this case. Vorhes commented that the County may have a bank of evidence that makes it very difficult to say that the quantity/quality is not of any significance; which is what he thought it would take to back away from the 1-B designation.

MOTION: Approval of the ordinance with findings prepared, including the supplemental findings that are submitted with this packet. Roberts MOVED, Rust SECONDED. Frazier stated that she would not be supporting this ordinance. She commented that part of the stated purpose of 16.400 under Plan Amendments deals with promoting public health, safety, convenience and general welfare. She stated that she had reviewed the site and the road width on Quaglia Lane is 16 feet to 12 feet wide; a standard truck would take up all of the 12 foot width. There is a substandard bridge there, in her opinion, that is a County bridge and there is a school bus that travels this road. The issue of safety is paramount and she cannot support this as presented. In response to a question from Dumdi, Mike Evans stated that there could be a maximum of 60 truck trips per day in the summer, though the average would be one to two trucks per week. He stated that Weyerhaeuser has log trucks on this road. The County has the ability to limit truck traffic on this road seasonally or by weight limits. Frazier stated that there was a compatibility issue with adjoining properties which would require gates or a cattle guard for the livestock. Roberts commented that he was willing to get more information on this issue. Vorhes stated that it would be

appropriate to continue this in order to receive more information.  
The consensus was to postpone this for one week.

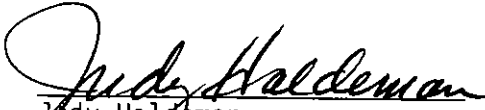
3. COMMISSIONERS' ANNOUNCEMENTS

Dumdi announced that she had received a request for suggestions to the Governor for the appointment of a member to the Boundary Commission by May 15.

6. EMERGENCY BUSINESS

None.

There being no further business, this meeting adjourned at 2:17 p.m.

  
Judy Haldeman  
Recording Secretary