

# MINUTES & NOTICE OF BOARD ACTION

BOOK 151 PAGE 1411 APPROVED 10-28-92

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## LANE COUNTY BOARD OF COMMISSIONERS

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*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.

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September 23, 1992  
Following HACSA

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. Sharon Giles, Recording Secretary.

1. ADJUSTMENTS TO THE AGENDA

Jim Johnson, County Administrator, identified two items of Emergency Business.

2. PUBLIC COMMENTS

Dorothy Paun-Zirpel, 880 Park Terrace, read a letter signed by 61 persons, requesting that a drop post permit be accepted for a section of Sunnyside Drive which is currently closed to vehicle traffic. Property owners in the immediate area are requesting that vehicular traffic be prohibited because of concern for the safety of neighborhood children who play on the road which is only about eight feet wide, with ponds on either side. She said closure of the road to vehicular traffic while remaining open to pedestrian and bicycle traffic is in agreement with Goal 12 which encourages alternatives to vehicular traffic. She submitted the letter into the record.

Tom Messina, 1124 Sunnyside Drive, commented that Option 4, under Item C, denying the facility permit and directing the staff to remove the existing barricades should be denied. He said the road was unsafe due to the newly developed hole, the sunken ground at the culvert and other defects and would be dangerous if vehicle traffic is allowed to use it again. He noted that pedestrians, bicyclists and children use this section of Sunnyside Drive and closing it off to vehicles would not inconvenience anyone as there was sufficient access available from elsewhere.

Dumdi asked Messina if Hart Drive and Cherry Drive or Cherry Street are both improved through streets which make access to the properties possible. Messina relied in the affirmative.

Iris Messina, 1124 Sunnyside Drive, read a letter on behalf of Ken Hamilton, 985 Sunnyside Drive, supporting the permanent closure of the section of Sunnyside Drive referred to by the previous speakers. She submitted this letter into the record.

Becky Smith, 1015 Sunnyside Drive, read a letter from her husband Leon Smith, also supporting the closure of the portion of Sunnyside referred to above, to vehicle traffic.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held later in the meeting.

4. COMMISSIONERS' BUSINESS

a. REPORT/Trip to Germany - Lane County Sister County.

Bill Rogers, former County Commissioner, presented this report to the Board. He observed that the German economy appears to be very healthy with a lot of construction going on, yet they have an unemployment rate that is higher than ours. This is partly due to the reunification of the two Germans. He passed out some maps of the Saarland which is a state, approximately 50 miles by 50 miles, which is half the size of Lane County but the population is about the same as the State of Oregon. St. Wendel, our sister city which is in the Saarland, is very small. He met the new Landrat of St. Wendel, Franz Joseph Schumann, the President of the Friendship Group, and staff members responsible for the Friendship Group. They all sent greetings to the Board of Commissioners and Jim Johnson and invited them to visit St. Wendel.

In a meeting he had with Franz Joseph Schumann, the President of the Frindship Group and staff members, several things were discussed. They will probably send a small team of four to five people from their tourism industry to visit Lane County for the purpose of trying to set up some mutual tourism projects. They are very keen on this, especially a person-to-person relationship and promoting tourism. Rogers said that he had spoken to the Eugene-Springfield Convention and Visitors Bureau and his travel agent, about a local association of travel agents which exists. When the St. Wendel group arrives, a meeting will be arranged between the association and the group. The Sister County Task Force and the Board of Commissioners will be invited to attend as well. No definite time frame has as yet been developed for the visit. They would like to develop a program where people would come here and use Lane County as a hub for their travels around Oregon or the United States, with the idea that the County would try to do the same thing with St.

Wendel. They are extremely interested in home stays as this is the ideal way to get acquainted on a person-to-person basis. The Friendship Group is planning a visit in 1994 and a Women's Soccer Team from a small city in St. Wendel is also planning to visit in 1993 or 1994. The Cascade Chorus from Lane County will be visiting St. Wendel on a tour. There will also be individual visits which might involve the Sister County Task Force.

Rogers commented that the Lane County Sister County Task Force has been inactive for some time, but a meeting will be arranged within the next couple of months. He said that a visit from Lane County to St. Wendel is probably going to be organized some time in the future. He believes that this would be a very worthwhile experience.

Rust thanked Rogers for being the County ambassador and said he believed in people to people exchanges. He commented that there could be a benefit to the County in a relationship between the tourism industries of that area and the County. Rust said reciprocity is important and that the idea of a visit by a County delegation has merit.

- b. REPORT/Proposed Coburg Steam Power Plant.

Discussed later in the meeting.

5. EXECUTIVE SESSION as per ORS 192.660

None.

6. COUNTY ADMINISTRATION

- a. Announcements

None.

7. PUBLIC WORKS

- a. DISCUSSION AND ACTION/Consideration of Closure of a Section of Sunnyside Drive to Motor Vehicle Traffic.

Tom Stinchfield, Transportation Planning Engineer, presented this item to the Board and gave background information on this issue. He indicated that a Mr. Clifford Smith who was a proponent of keeping the road open, had sent a letter to that effect which had been forwarded to the Chair. Two options have been presented, either a vacation proceeding or a facility permit process, the latter being the recommended option. The road is presently closed temporarily until the matter is resolved.

Dumdi observed that some clarification was necessary in view of Mr. Smith's letter. He claims that because of the way deeds are written that Sunnyside Drive is a County road, but Dumdi understands that it is a public access road.

Cornacchia said it might be best to consult Assistant County Counsel Teresa Wilson on this issue. Mr. Smith claims that because he purchased property in a platted subdivision, that under certain case law and certain statutes, he has a right to full use of all the roads within the platted subdivision, as platted at the time he purchased his property. Cornacchia asked Wilson if by granting a facility permit which denies Smith the use of that road, the County would be opening itself to legal action. Wilson said she would be glad to research this matter, but from a general government viewpoint, in any situation involving private streets, they are platted and people obtain the right to use them subject to the laws which permit actions like vacation and with the recognition of the standards for when vacation of streets may occur and he is immediately affected. Wilson did not think that Mr. Smith's claim was significantly supported by case law, as to do that would allow one property owner in a subdivision to control all of the streets, and she would be surprised to find that the law has gone that route.

Stinchfield remarked that if the facility permit was approved by Board order it would be up to the applicants to provide the bollards and do any improvement to the gravel in the local access road portion of Sunnyside Drive. If the Board directs that the bollards be installed at County expense, it could be done but this stipulation would have to be included in the Board Order. He mentioned that the east end of Sunnyside Drive is a County road and closure signs are already in place. The bollards could be placed in the County right-of-way, without a Board Order addressing the local access road issue. However, the west end is all access road and any construction by the County at that end needs special action.

Rust enquired where there was a need for a public hearing to take the action recommended. Stinchfield replied that legal counsel agrees that a Board Order could be implemented without a public hearing. If vacation was the recommendation, then the County Surveyor would schedule a hearing on the issue.

Frazier asked if under the facility permit recommendation the public would still be able to have full use of the road, only of a different type. Stinchfield said that motor vehicles would be prohibited. He recommended describing the facility to be approved as a gravel pedestrian path. Frazier also enquired whether under the facility permit process, the road could be reinstated as a local access road at a later date? Stinchfield answered that a facility permit is revocable, but a vacation is not.

MOTION: Approval of staff recommendation, with direction to staff to prepare an order to come back to the Board. Rust MOVED, Roberts SECONDED. Roberts recommended that Legal Counsel review the order before presenting it to the Board on the Consent Calendar. VOTE: 5-0.

- b. DISCUSSION AND ORDER 92-9-23-1/In the Matter of Amending Chapter 60 of Lane Manual to Add Provision to Dumping Fees at Solid Waste Facilities for Support of Residential Recycling Drop-Off Depots. (LM 60.875)

Mike Turner, Waste Management Manager, introduced this item to the Board. MOTION: Approval. Roberts MOVED, Rust SECONDED. Cornacchia voiced his opposition to this order as he feels it is subsidizing private enterprise. Frazier enquired 1) if there was benefit to the County and whether the benefit and the cost would equal out? and 2) where does the revenue to support this proposal come from? Turner replied that this would be an additional cost to the Waste Management budget and there is no particular benefit to the County under this proposal. The benefit accrues to certain segments of the population who are near the center in the City of Eugene. Rust commented that this matter had already been discussed in much detail at an earlier date, and the order lapses in June 1993. VOTE: 3-2, Cornacchia and Frazier dissenting.

- c. ORDER 92-9-23-2/In the Matter of Appointing Three Members to the Lane County Planning Commission.

Jacqlyn Mikalonis, Senior Administrative Analyst, presented this item to the Board.

Mikalonis said there had been five applicants to the vacancies, and one of the applicants has asked to be reappointed for a second term. She reviewed Lane Manual requirements. She stated that if appointments are to be made today, staff recommends that Steven Moe be reappointed and the two applicants that meet the residency and professional requirements of the Planning Commission.

Frazier suggested that Robert Greuner who is also interested in reappointment, be reappointed, in view of his working knowledge of the problems facing the Commission, even though he had not submitted an application due to a misunderstanding as to the number of terms he has served.

Rust recommended appointing Marie Sherman and Roberts said that he had no problems in supporting any of the candidates recommended.

MOTION: To reappoint Steve Moe, Robert Gruener and appoint Marie Sherman to the Lane County Planning Commission. Rust MOVED, Roberts SECONDED. Frazier commented that she would not support this motion as her preferred appointment would be Tim Hubbett in place of

Sherman. Cornacchia recommended the reappointment of Moe and Greuner, but to reopen the third position to new applicants. VOTE: 2-3, Cornacchia, Frazier and Dumdi dissenting. MOTION: To approve reappointment of Steve Moe and Robert Gruener and reopen the third position to new applicants. Cornacchia MOVED, Frazier SECONDED. VOTE: 4-1, Rust dissenting. Mikalonis was directed to return with a new application from Robert Gruener and open up the application process for 30 days for the other vacant position.

## 8. CONSENT CALENDAR

Frazier requested that Item 8.E.3 be pulled for discussion.

A. Approval of Minutes: July 29, 1992, Regular Meeting,  
Following HACSA

B. Finance and Management Services

- 1) ORDER 92-9-23-3/In the Matter of Authorizing the Sale of County-Owned Surplus Real Property:
  - a. 16-25-29-40-04022 Near Junction of Goodpasture Road and Leashore Drive, Vida, Oregon, to Patricia P. Berkeley.
  - b. 17-15-18-00-01300 Adjacent to 41571 McKenzie Highway, Springfield, Oregon, to Lisa A. Gallo.
  - c. 17-04-30-00-01200 Adjacent to 28422 Royal Avenue, Eugene, Oregon, to Arthur D. Newby.

C. Health and Human Services

- 1) RESOLUTION AND ORDER 92-9-23-4/In the Matter of Awarding Subcontracts to Catholic Community Services in the Amount of \$48,000; and Delegating Authority to the County Administrator to Sign the Subcontracts.
- 2) RESOLUTION AND ORDER 92-9-23-5/In the Matter of Accepting an Amendment to the FY 91-92 Intergovernmental Agreement Between the State of Oregon Department of Human Resources and Lane County in the Amount of \$29,202; and to Delegate Authority to the County Administrator to Sign the Amendment.

D. Public Safety

- 1) ORDER 92-9-23-6/In the Matter of Approving an OLCC License (Change Ownership) for Thomas R. & Constance E. Hammond dba: Glenwood Market, Eugene.

E. Public Works

- 1) ORDER 92-9-23-7/In the Matter of Accepting a Deed of Land to be Used as a Public Road Easement and County Road in 19-04-04 (Fox Hollow Road).

- 2) ORDER 92-9-23-8/In the Matter of Imposing Restrictions on Through Truck Movements on South Game Farm Road
- 3) ORDER 92-9-23-9/In the Matter of Amending the FY 1992-1993 Through FY 1996-1997 Capital Improvement Program to Include an FY 1992-1993 Expenditure of Funds in the Amount of \$500,000 for the Re-Opening of Olive Street (Eugene), and Authorizing the County Administrator to Sign an Intergovernmental Agreement Transferring the Funding to the City of Eugene.
- 4) SUBDIVISION PLAT
  - a. GUITTEAU  
City of Eugene  
18-04-12

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

8. CONSENT CALENDAR

E. Public Works

- 3) ORDER 92-9-23-9/In the Matter of Amending the FY 1992-1993 Through FY 1996-1997 Capital Improvement Program to Include an FY 1992-1993 Expenditure of Funds in the Amount of \$500,000 for the Re-Opening of Olive Street (Eugene), and Authorizing the County Administrator to Sign an Intergovernmental Agreement Transferring the Funding to the City of Eugene.

MOTION: Approval. Roberts MOVED, Cornacchia SECONDED. VOTE: 3-2, Dumdi and Frazier dissenting.

This meeting recessed at 10:38 a.m., to reconvene at 10:50 a.m.

3. COMMISSIONERS' ANNOUNCEMENTS

Rust announced that tomorrow the Eugene-Springfield Convention and Visitors Bureau (ESCVB) will be taking a position on Measure 9 and he requested the opinion of the Board on the attachments presented before casting his vote on behalf of Lane County on that Board.

Dumdi stated that she would be in Albany all day Friday for the District AOC meeting together with Commissioner Cornacchia. She reminded the Board that on Monday at 6:45 p.m., they have their annual tour of the Cottage Grove jail and at 7:00 p.m., their joint meeting with the Cottage Grove City Council.

9. EMERGENCY BUSINESS

Held over for the 1:30 p.m. meeting.

Dumdi announced that Larry Alwander, Lane County Director, Oregon Citizens Alliance (OCA) had asked to address the Board on Ballot Measure 9.

Alwander thanked the Board, and especially Commissioner Cornacchia for this opportunity to address the issue of Ballot Measure 9. He gave an explanation of the background for this measure and the position of the No Special Rights Committee.

Roberts queried the statement "AIDS has received a politically protected status" and asked if Measure 9 were passed would it change the way governments fund or research or deal with AIDS? Alwander said he was not able to answer this question, but it could. Roberts said his understanding was that the OCA believes that if current civil rights laws were extended to include sexual orientation, that would grant special rights to homosexuals. Alwander replied yes. Roberts asked if Alwander believed that current laws granted special rights to black Americans. Alwander said he believed that those laws were promulgated to right historical injustices and abuses documented in law and they were justified at the time they were enacted.

Rust commented on a newspaper which was distributed on Alwander's behalf. He asked if marches of the kind portrayed in the paper would be prohibited under Measure 9. Alwander replied that it was conceivable that those types of marches would not be allowed.

Cornacchia commented that the presentation today had been done in a professional manner. He agreed that protected class status for sexual orientation is inappropriate in this country and if Ballot Measure 9 were to be enacted with only paragraph 1, Section 41, subparagraphs 1 and 4, he would support it. However Ballot Measure 9 goes too far. He was prepared to approve Rust voting for Attachment 2 at the meeting of the ESCVB.

Rust expressed his opinion that Measure 9 was bad for business, the tourism economy, and the convention industry as well as being unethical and unfair. He believes that this proposal is un-American and he will cast a vote against Measure 9 at the ESCVB meeting tomorrow.

Robert expressed his support for Attachment 2. He commented that in May two similar ballot measures were voted on in Corvallis and Springfield, Corvallis voted it down and nothing else has been heard about it there. In Springfield it was passed and since then there has been nothing but controversy. He believes that this is what the future holds if this measure is passed. Robert expressed his support for Rust's vote for Attachment 2 at the ESCVB meeting.

Frazier concurred with Cornacchia's statements. She does not believe that homosexuals are being denied any civil rights by this measure, nor will they be discriminated against, so she will not be supporting this vote.

**MOTION:** That the Board endorse Attachment 2 and instruct the delegate to the ESCVB meeting to cast that affirmative vote tomorrow. Rust MOVED,

Roberts SECONDED. VOTE: 3-1, Frazier dissenting. Cornacchia absent for the vote.

4. COMMISSIONERS' BUSINESS

b. REPORT/Proposed Coburg Steam Power Plant.

David Stewart-Smith, Administrator, Facilities Regulation Division of Oregon Department of Energy presented this item to the Board. He introduced Bob Robinson, Facilities Analyst, Oregon Department of Energy and Bob Marcus, of Coburg Power Inc., which is the applicant for the power plant. He gave a brief overview of the state's Energy Facilities Siting Council and its duties. He stated that he was here to discuss the role of the Siting Council and what the role of the Board of County Commissioners should be in this instance. The Council makes almost all the siting and regulatory decisions for energy facilities in the state, taking all permit responsibilities and regulatory authority applicable to state and local agencies, and using their standards making one omnibus decision for siting energy facilities. He said that Oregon law requires that the Council name as a special advisory committee the County Commission of the area within which the plant is proposed to be built. Stewart-Smith requested the consent of the Board to an order which will be presented to the Council at their meeting on October 2, establishing the Lane County Commission as the special advisory committee for the Coburg Power Project. He distributed some handouts to the Board.

Frazier asked if the facility would be public or private. Marcus answered that the current intention is a private/public hybrid, with Coburg Power the owner, and Emerald People's Utility District a potential partner. The energy will probably be sold to BPA.

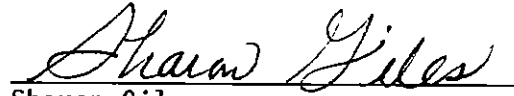
Rust said he understood the Board's role would be in the political, social and economic areas as well as land use. Stewart-Smith replied that regarding land use, the state's one-stop siting process essentially takes the place of local land use decisions.

Roberts commented that the Board should make sure that their involvement does not compromise Lane County with their possible determination of land use issues. He agrees with the Board involvement in this project but would like to hear County Counsel's opinion after his review of the matter.

Stewart-Smith advised that a public meeting will be held after notice is issued that the Notice of Intent has been filed and they hope to hold this in November if that was convenient for the Board. Marcus said that this would not be a formal public hearing, but more of a workshop which would be informational, and they would like the Board to preside.

Dumdi said that Tuesday evening, November 10 would be a potential date for the Board and it was tentatively agreed to set the meeting for this date.

There being no further business, this meeting adjourned at 11:49 p.m.

  
Sharon Giles  
Recording Secretary