

# MINUTES & NOTICE OF BOARD ACTION

BOOK 153 PAGE 1944

APPROVED September 15, 1993



## 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.

August 11, 1993  
2:30 p.m.

REGULAR MEETING  
BOARD OF COUNTY COMMISSIONERS

Harris Hall  
Main Floor

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

Items 8.a., 8.b., 8.c., 9 and 10 were carried over from the morning meeting.

### 8. PUBLIC WORKS

- a. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. 5-93/In the Matter of Amending Lane Code Chapter 10 to Adopt Amendments to the Springfield Development Code Concerning Partition Standards for the Urbanizable Lands Within the Springfield Urban Growth Boundary (LC 10.600-15); Adopting a Savings and Severability Clause; and Declaring an Emergency.

Cornacchia read this Ordinance into the record. MOTION: Approval of the First Reading and Setting Second Reading and Public Hearing, August 25, 1993, at 1:30 p.m. in Harris Hall. Frazier MOVED, Dumdi SECONDED. VOTE: 5-0.

- b. ORDER 93-8-11-2/In the Matter of a Determination of Whether or Not to Consider the Appeal of a Hearings Official Denial of PA 1722-93 for a Rezoning of 2.7 Acres from RA/U/BD/NRC to RA/U/BD/NRC/MH for Map No. 18-12-15.2.2, Tax Lot 5800 (Applicants/Appellants: Cooper/Koning).

Al Couper, Associate Planner, reviewed this item for the Board. Responding to questions from Rust, Couper stated that under Oregon law, it is legally permissible to attach conditions to a zone change action; but, he indicated that it is administratively difficult to track and risky. Stating the need to give Land Management time to work on a Code change, Dumdi expressed her desire not to hear the

appeal. MOTION: Not to hear appeal. Dumdi MOVED, Roberts SECONDED. VOTE: 4-1, Rust dissenting. Rust, noting that there were possible solutions, stated he was ready to hear the appeal as he felt it had county-wide significance.

- c. ORDER 93-8-11-3/In the Matter of Appointing Three Members to the Resource Recovery Advisory Committee.

MOTION: Approval of the Order appointing Jimi Duke, John Hire and Karyn Kaplan to the Resource Recovery Advisory Committee. Roberts MOVED, Frazier SECONDED. VOTE: 5-0.

9. CONSENT CALENDAR

- A. Approval of Minutes: July 28, 1993, Regular Meeting, 9:00 a.m.

B. County Administration

- 1) ORDER 93-8-11-4/In the Matter of Transferring \$42,027 in Community Corrections Act Grant Funds from General Expense, Materials and Services, to the Department of Health and Human Services to Establish a Full-Time Mental Health Specialist Position and to Implement a Sex Offender Pre-Treatment Program.

C. Health and Human Services

- 1) ORDER 93-8-11-5/In the Matter of Delegating Authority to the Acting County Administrator to Sign Subcontracts With Agencies Listed in Exhibit A.
- 2) ORDER 93-8-11-6/In the Matter of Appointing Two Members of the Medical Staff With Regular Privileges for the Lane County Psychiatric Hospital as Listed in Exhibit A and Delegating Authority to the Acting County Administrator to Execute a Contract Herewith.

D. Human Resources and Management Services

- 1) ORDER 93-8-11-7/In the Matter of Approving an "Option to Purchase/Sale Agreement" for the Sale of the Westfir Mill Site Properties to Ivan Thompson and Authorizing the County Administrator to Execute Said Agreement.
- 2) ORDER 93-8-11-8/In the Matter of Authorizing Selling a Portion of Surplus County-Owned Real Property, Utility Easement and Drainage Easement to the State of Oregon for Right-of-Way Purposes (Map/Tax Lot #18-06-01-00-00400, Territorial Road Near McCutheon Avenue, Veneta).

- 3) ORDER 93-8-11-9/In the Matter of Authorizing Selling Surplus County-Owned Real Property to Ray D. Ivins and Fred O. Walden Property Management (Map/Tax Lot #16-04-08-31-00500, Adjacent to 93114 Highway 99S, Junction City).

E. Public Works

- 1) ORDER 93-8-11-10/In the Matter of Awarding a Contract to H2O Contractors, Inc. for Pavement Marker Installation - Various Road Locations, Contract No. 93/94-04.
- 2) ORDER 93-8-11-11/In the Matter of Awarding Contracts for Professional Services in Environmental Consultation.
- 3) FINAL ORDER 93-8-11-12/In the Matter of Establishing an Extension of County Road Number 290 (Parvin Road) as a County Road (19-01-21).
- 4) RESOLUTION AND ORDER 93-8-11-13/In the Matter of Acquiring Fee or Other Interests in Portions of Certain Real Properties for Future Construction of an Irving Road Overpass of the Northwest Expressway and Southern Pacific Railway Tracks.
- 5) ORDER 93-8-11-14/In the Matter of Accepting Deeds of Land to be Used as a Public Road Easement for Summerville Road (18-04-29, 30).
- 6) ORDER 93-8-11-15/In the Matter of Approving a Public Works Geographical Information System Project and Authorizing the County Administrator to Transfer Monies from Roads' and Corners' Operational Reserves to Fund the Project.
- 7) ORDER 93-8-11-16/In the Matter of Accepting Boating Facility Grants from the Oregon State Marine Board for Improvements at Winberry and Orchard Point Parks and Delegating Authority to the Acting County Administrator to Sign the Cooperative Agreements.

MOTION: Approval of the Consent Calendar. Frazier MOVED, Dumdi SECONDED.

VOTE: 5-0.

10. EMERGENCY BUSINESS

None.

11. COMMISSIONERS' ANNOUNCEMENTS

Cornacchia observed that Jim Saul, local land use planner, had passed away this morning and expressed condolences to his family and friends. He commented on Saul's commitment to his community, his attention to detail, and stated that he was renowned for his commitment to his family.

Cornacchia suggested that the County, or the Commissioners as a group, send an expression of condolence.

Dumdi also noted that Alan Wheeler, a former county commissioner, had passed away a few days ago at the age of 92.

Roberts, noting that the County had hired Saul to work for them in the past, suggested that his passing be acknowledged by the County as a whole.

## 12. OTHER BUSINESS

- a. THIRD READING, SETTING FOURTH READING AND PUBLIC HEARING/Ordinance No. PA 1039/In the Matter of Amending the Rural Comprehensive Plan Diagram from "Agricultural Lands" to "Natural Resources" and Amending the Zoning Map from "Exclusive Farm Use" (EFU) to "Quarry Mining" (QM) for Map No. 17-01-20, Tax Lot 201 (Applicant: Henton).

Cornacchia read this Ordinance into the Record. He explained the history of this issue and stated that today's Board discussion would be about the items that have recently come into the record, which had been left open since the last Public Hearing, and to determine what is legitimate and what procedural options are available. Commenting on Cornacchia's referral to Attachments 3 and 4 of the Agenda Cover Memorandum, Al Couper, Associate Planner, stated that these items have not been subjected to final analysis pending the future Public Hearing. Cornacchia suggested to Couper that the staff analysis be prepared in time for Evans and Kloos, and any other interested parties, to address it at the September 15 Public Hearing. Cornacchia noted, for the audience, that the September 15 Public Hearing would be limited to this current exercise and not all issues on the original application.

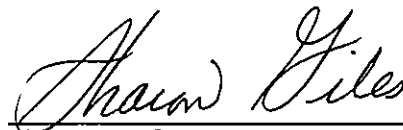
Couper explained that a site visit offer to the Board had been expressed in one of the applicant's responses. Cornacchia indicated that he, Dumdi and Frazier had done individual site reviews and Rust indicated he was very familiar with the site area. Couper offered that a previous visit for the Planning Commission had been done while machinery was operating and trucks were run up and down the road, to assess the noise impacts. All Board members concurred that they would be interested in a site visit under those simulated circumstances. Cornacchia asked Couper to work with Arlene Marshall to schedule that visit and to advise Mr. Kloos. Cornacchia stated there was no definite commitment as yet until it could be determined that all five Board members were available on a day when the simulation could be done.

In response to Rust's request for clarification regarding the meaning of Item 7 of Applicant's Modified Conditions, Mike Evans, agent for the applicant, stated that the intent is not to limit Jake brakes, but to encourage deceleration at a constant 20 mph so the noise level

would be lower. Responding to Roberts' question regarding enforcement, Evans stated that the applicant would install signage and instruct his employees. Responding to questions from Cornacchia, Evans stated that the seedlings would be placed on 10 foot centers and that the applicant was not relying on the trees to provide the entire noise buffer. He indicated that Condition #6 was intended to deal with the noise of the crusher and other quarry operations at the site. Evans stated that the noise generated from truck traffic would be dealt with with the hours and days of operation.

Couper asked the Board for any points needing special analysis. He indicated he would provide a graphic for the Public Hearing illustrating the two proposals point by point. Cornacchia requested that Couper provide, in material for the September 15 Public Hearing, his recommendation regarding removal of particular geological formations (reference Agenda Cover Memo: Attachment 3, Item 6). In response to concerns from Dumdi, Cornacchia also requested that Public Works provide facts regarding standards for minor and major collectors, with reference to the route out of the quarry. Couper noted that he would also need further information on that issue from the Applicant regarding trip distribution. Dumdi also requested clarification for the need for quarry traffic on Millican Road. In response to a question from Cornacchia, Steve Vorhes, Assistant County Counsel, recommended that the Board make it clear they will receive correspondence into the record up to the date of Public Hearing, unless further action is taken to keep the record open beyond that date. Dumdi noted, for the public, that she routinely does not return phone calls related to quasi-judicial issues such as this due to problems regarding ex parte contacts, etc. Roberts noted, that for purposes of his decision-making, both parties may want to address issues of time of operation: specifically, whether an 8:00 a.m. start throughout the year, with a 5:00 p.m. close, except for 7:00 p.m. in the summer, and whether both parties could live with that. He also requested, particularly from the applicant, comments regarding changing the access road to mitigate the noise. Anne Davies, attorney representing the opponents, received clarification that the Public Hearing on September 15 would only be addressing the conditions, so an evening hearing would not be necessary to allow for neighbors' participation.

There being no further business, this meeting adjourned at 3:18 p.m. to go into Executive Session at 3:30 p.m.



Sharon Giles  
Recording Secretary