

MINUTES & NOTICE OF BOARD ACTION

BOOK 153 PAGE 1865

APPROVED *September 28, 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 25, 1993
1:30 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.

1. ADJUSTMENTS TO THE AGENDA

It was noted that additional Orders as a result of the morning Executive Session would be considered at the end of the agenda.

2. PUBLIC COMMENTS

Mike Farthing, 975 Oak Street, Attorney, indicated that he was present on behalf of Ruth Millard regarding Item W.7.c, and asked that the Board elect to hear her appeal in a vested rights matter.

3. PUBLIC HEARINGS

- a. PUBLIC HEARING AND ORDER 93-8-25-1/In the Matter of Authorizing Conveyance of Baker Beach Park to the Siuslaw National Forest.

Cornacchia opened the Public Hearing. There being no one present who wished to testify, Cornacchia closed the Public Hearing. MOTION: Approval of the Order. Roberts MOVED, Dumdi SECONDED. VOTE: 5-0.

- b. SECOND READING AND PUBLIC HEARING/Ordinance No. 5-93/In the Matter of Amending Lane Code 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 the Ordinance into the record and opened the Public Hearing.

Earl McElhany, 2600 North 31st, Springfield, commented that he owns two parcels totalling 26 acres (9 and 17 acres respectively). He asked that the Board give consideration to allowing the amendments to be made.

There being no one else present who wished to testify, Cornacchia closed the Public Hearing. MOTION: Approval of the Ordinance. Roberts MOVED, Dumdi SECONDED. The Secretary polled the Board. VOTE: 5 Ayes.

4. COMMISSIONERS' ANNOUNCEMENTS

Dumdi commented that she had joined the wagon train in Cecil, Oregon, last week, where she and Cleve had provided a lamb barbecue. She also stated that she would be out of town Thursday and Friday at ORDC. Dumdi asked for a proxy for Thursday's SWPIC meeting, with Cornacchia and Rust stating that one of them would attend pending a check of schedules.

Frazier indicated that St. Vincent dePaul had the opportunity to apply for an award of excellence and was asking for a letter of support. The Board concurred and Frazier will prepare the letter for signature.

Rust noted that two events from last week, the County Fair and the Grateful Dead concert, had both been successful.

Cornacchia stated that, as part of the Economic Transition program, a state Community Economic Response Team (CERT), consisting of five elected officials appointed by the Governor, was working with OEDD to rank projects and forward recommendations to the regional CERT. He indicated that the State expects each county to have its project list to the CERT by September 1. Cornacchia also noted that it appears the federal programs are loan programs, not grant programs. Dumdi was asked to coordinate with John Lively, Peter Thurston, LEC and LCOG regarding the State's expectations and the latest date for presentation.

5. EXECUTIVE SESSION as per ORS 192.660

Held in the morning portion of the meeting.

6. COMMITTEE REPORTS

a. ECONOMIC DEVELOPMENT STANDING COMMITTEE

- 1) REPORT AND ORDER 93-8-25-2/In the Matter of Authorizing the Solicitation of Proposals From Marketing Study for Metropolitan Area Convention Facilities.

Rust introduced this item, noting that the need for the study arose from the master planning being done at the Fairgrounds. In response to a question from Cornacchia, Rust stated that the study is to look at the metro area and analyze the need for

facilities. Linda Weston, Executive Director of Eugene-Springfield Convention and Visitors Bureau, added that there is a need to look at the market potential for the entire area. Roberts commented that there is a need for a broader view, to inventory the overall availability and needs, and then look at the Fairgrounds again.

Frazier indicated that she is supportive of the study, but asked what kind of RFP process would be used to get the numerous questions answered. Weston stated that the County would manage the RFP process, with input from the industry. Cornacchia asked for the scope of the analysis. Weston replied that they would be looking at everything, but the bulk of the infrastructure is in the metro area. Roberts added that the I-5 Corridor was the general area, with Florence being separate.

With regard to process, Roberts asked that the Acting County Administrator garner County staff expertise regarding the RFP and suggested that Peter Thurston could be used for the project with dollars from the room tax account. Weston indicated the ESCVB's willingness to help manage the process, with support from the County regarding the RFP. Cornacchia asked Rust to monitor the situation and work with the ESCVB. The Acting County Administrator was delegated to work through a method of coordination for the RFP process and report back to the Board with an Order at a later date.

7. PUBLIC WORKS

- a. REPORT BACK AND ORDER 93-8-4-10/In the Matter of Certification of Assessments for Improvements to Hayden Bridge Road from North 5th Street to North 19th Street.

Don Maddox, Public Works Real Property Superintendent, reviewed the packet material for the Board. With regard to Public Works contact with the Chase family, Maddox indicated that he had spoken with Mrs. Chase on August 11 and that her position was unchanged. Noting that he questions the policy, Cornacchia indicated that he would be taking a stand against abutting properties on collectors being assessed when the community benefit appears to outweigh the property owner's benefit. Rust noted that when and if the Chase family subdivides, they will reap the benefit at that time. Noting that the Chase family had not argued or shown up to protest the assessment, Roberts suggested scheduling a time to discuss this general issue related to collector roads. MOTION: Approval of the Order. Rust MOVED, Dumdi SECONDED. VOTE: 4-1, Cornacchia dissenting. Responding to the Acting County Administrator, Cornacchia stated that a work session on the issue need not be scheduled at this time.

- b. ORDER 93-8-25-3/In the Matter of Approving an Intergovernmental Agreement with the City of Florence Regarding Delegation of Planning

and Building Regulation Functions in Conjunction with a Contract Zoning Request (Applicant: City of Florence on Behalf of Property Owner Jake Mann).

Al Couper, Associate Planner, presented this item to the Board.
MOTION: Approval of the Order, with modifications to the Intergovernmental Agreement, removing the words "street and alley vacations" and changing "Item #1" to "Item #2" in the perpetuity clause, as expressed by Couper. Dumdi MOVED, Roberts SECONDED.
VOTE: 5-0.

- c. ORDER 93-8-25-4/In the Matter of a Determination of Whether or Not to Consider the Appeal of a Hearings Official Decision Affirming the Director's Decision Denying the Millard Request (PA 0518-93) for Confirmation of a Vested Right to Locate a Dwelling Within an Impacted Forest Lands (F-2) Zone on Tax Lot 600, Assessor's Map 16-04-14. (Appellant/Applicant: Millard)

Tom Lanfear, Associate Planner, reviewed this matter for the Board. Rust noted that Attorney Farthing believes the matter is a policy issue and that staff believes it is a matter of state statute interpretation. Responding to Dumdi, Lanfear indicated that the property had not changed hands since 1979 and that the mobile home had been removed in 1983. Cornacchia indicated that he disagrees with staff and that he found the Hearings Official's treatment of the matter confusing in that the ruling indicates that the matter should not be dealt with under nonconforming use law, but almost the entire analysis is done under nonconforming use law. Cornacchia indicated he finds that this is a policy issue as in this case the desired use has not ceased, even though extenuating circumstances forced the removal of the mobile home. Dumdi concurred, noting that the improvements have been maintained on the property with the intent to use it again. MOTION: Based on a need for policy guidance, approval of an Order to hear the appeal. Rust MOVED, Frazier SECONDED. Roberts noted that he is not sure the Board has the authority and will vote against the Motion. VOTE: 4-1, Roberts dissenting. Stephen Vorhes, Assistant County Counsel, asked the applicant's representative if there was a waiver of the 120 day period for the purpose of hearing the appeal. Farthing indicated there would be a waiver. Cornacchia indicated it would be heard in approximately four to five weeks through the normal agenda process.

8. CONSENT CALENDAR

- A. Approval of Minutes: May 24, 1993, Joint Meeting BCC/CCAC, 3:00 p.m.
 June 7, 1993, Joint Meeting BCC/CCAC, 12:00 noon
 August 4, 1993, Regular Meeting, Following HACSA
 August 4, 1993, Regular Meeting, 1:30 p.m.

B. County Counsel

- 1) ORDER 93-8-25-5/In the Matter of Formation of the Fern Ridge Library District.

C. Health and Human Services

- 1) ORDER 93-8-25-6/In the Matter of Transferring \$4,550 in Fund 24 from Operational Reserves to Operational Expenditures in the Gambling Addiction Treatment Program.

D. Human Resources and Management Services

- 1) ORDER 93-8-25-7/In the Matter of Authorizing Selling Surplus County-Owned Real Property to James Hemenway (Map/Tax Lot #22-03-08-00-01412, Adjacent to 73965 London Road, Cottage Grove).
- 2) ORDER 93-8-25-8/In the Matter of Authorizing Selling Surplus County-Owned Personal Property Consisting of a Mobile Home to Fred Cloutier (Map/Tax Lot #16-07-18-42-01101, Across from 19530 Highway 36, Blachly) and Authorizing the Property Management Officer to Execute Title Transfer Documents.
- 3) ORDER 93-8-25-9/In the Matter of Award of RFP CP 92/93-06 for Temporary Help Administration.
- 4) ORDER 93-8-25-10/In the Matter of Authorizing Selling Surplus County-Owned Real Property to: A & B) Susan Grabil, Map/Tax #19-03-14-33, Lots 01800 & 01900 (Adjacent to 744 Kings Row, Creswell); C) Alma Chapman - Map/Tax Lot #21-02-04-20-03800 (Adjacent to 77855 S. 6th Street, Cottage Grove).

E. JTPA

- 1) ORDER 93-8-25-11/In the Matter of Appointing a Member to Fill a Vacancy on the Southern Willamette Private Industry Council.

F. Public Works

- 1) ORDER 93-8-25-12/In the Matter of Awarding a Contract to Second Growth, Inc. for Wetland Mitigation - Clear Lake Road Near M.P. 6.0, Contract No. 93/94-05.
- 2) ORDER 93-8-25-13/In the Matter of Vacating a Portion of County Road Number 667 (Hayden Bridge Road), Without a Public Hearing, and Adopting Findings of Fact (17-03-23).
- 3) FINAL ORDER 93-8-25-14/In the Matter of the Establishment of Northwest Expressway as a County Road from Park Avenue to Chambers Connector, Being in Section 23 and 25 of Township 17 South, Range 4 West, W.M.

- 4) ORDER 93-8-25-15/In the Matter of Vacating a Portion of County Road Number 435 (Gate Creek Road North, aka Gold Hill to Vida Wagon Road), Without a Public Hearing, and Adopting Findings of Fact (16-25-26).
- 5) SUBDIVISION PLATS
 - a. Saint Patrick's
City of Eugene
17-03-21
 - b. Southpointe Subdivision, P.U.D.
City of Eugene
18-04-13
 - c. Peters II
City of Eugene
18-03-07
 - d. Summerfield Estates
City of Eugene
17-04-20

G. RIS

- 1) ORDER 93-8-25-16/In the Matter of Approving a User Agreement Between Lane County and Oregon Department of State Police for RIS and AIRS Services.
- 2) ORDER 93-8-25-17/In the Matter of Reclassifying a Position in the Regional Information System Department.

MOTION: Approval of the Consent Calendar. Roberts MOVED, Dumdi SECONDED.
VOTE: 5-0.

9. EMERGENCY BUSINESS

ORDER 93-8-25-18/In the Matter of Releasing Property from Claim of Lien.

MOTION: Approval of the Order. Roberts MOVED, Dumdi SECONDED. VOTE: 5-0.

ORDER 93-8-25-19/In the Matter of Settling Claims Against Pacificorp Credit, Inc.

MOTION: Approval of the Order. Roberts MOVED, Dumdi SECONDED. VOTE: 5-0.

10. OTHER BUSINESS

Bill Van Vactor, Acting County Administrator, expressed his appreciation to the County staff as a whole with regard to preparation for, and coordination of, the County Administrator recruitment.

Cornacchia noted that he was drafting a letter on behalf of the Board thanking all the staff who worked on the County's booth at the Fair. He also expressed appreciation to staff involved with yesterday's Public Works Road Tour, noting that he found it most useful, educational, productive and enjoyable.

There being no further business, this meeting adjourned at 2:59 p.m.



Sharon Giles
Sharon Giles
Recording Secretary