

# 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.

February 3, 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. COMMISSIONERS' ANNOUNCEMENTS

None.

2. PUBLIC HEARINGS

- a. SECOND READING AND PUBLIC HEARING/Ordinance No. PA 1028/In the Matter of Amending the Rural Comprehensive Plan Diagram from "Forest Lands" to "Marginal Lands" and Amending the Zoning Map from "Impacted Forest Lands" (F-2) to "Marginal Lands" (ML) for Map No. 22-03-20, Tax Lot 401. (Applicant: Sitts)

Cornacchia read this Ordinance into the record. Al Couper, Associate Planner, reviewed this item for the Board and noted that the application had drawn no adverse comment up to this time. He commended the applicants for their thoroughness in the application.

Cornacchia opened the Public Hearing.

Karin Sitts, 381 Fairgrounds Drive, Sacramento, CA, thanked the Board for reviewing her application and concurred with the staff's recommendations for approving her request.

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

- b. SECOND READING AND PUBLIC HEARING/Ordinance No. PA 1029/In the Matter of Amending the Rural Comprehensive Plan Diagram from "Residential

Lands" to "Industrial Lands" and Amending the Zoning Map from "Rural Residential" (RR-5) to "Light Industrial" (M-2) for Map 18-12-2.3, Tax Lot 2500. (Applicant: LaRocco) (Al Couper)

Cornacchia read this Ordinance into the record. Couper reviewed this item with the Board, noting that the West Lane Planning Commission had recommended approval. In response to questions from Rust, Couper stated that this is not a pre-existing use and it does qualify for a home occupation permit. In response to questions from Dumdi, Couper noted that a home occupation permit is a form of special use permit and that the applicant does not plan to live on the property. (Couper highlighted the property on a map on overhead projection.)

Cornacchia opened the Public Hearing.

John LaRocco, 90585 North Fork Road, Florence, commented that he had been told that the M-2 designation was the only one available for his purposes. He asked for limited use and stated that restrictions could become a part of his deed. He noted that there is limited property available for this type of use and that his business would put five or six people to work. In response to a question from Dumdi, LaRocco stated that he was aware he could build a duplex or single family dwelling, but wanted to put his investment into the business, not into a new house. He noted that he felt timing was critical as other businesses were coming in.

Cindy Stillman, 84529 Sarvos Berry, Florence, commented that she co-owns the property across from the LaRocco property. She stated that she was in favor of the application because of zoning in Florence, but expressed concerns about the potential for groundwater runoff onto their property and noise impacts. Cornacchia noted that if the application were approved, the site review process would take those concerns into consideration.

Bob Bodine, 04554 Blanco Street, Florence, stated that he was opposed to the application and expressed concern that one West Lane Planning Commissioner member votes in Eugene. He commented that if this property were designated M-2, it would make it easier for the adjacent 200 acre Wildish property to receive that designation.

There being no one else present who wished to testify, Cornacchia closed the Public Hearing.

In response to questions from Cornacchia, Couper stated that deed restrictions are not typically used in zoning and that restrictions of record are not available for zone change, but for site review. Stephen Vorhes, Assistant County Counsel, stated that restrictions could be made part of the record in the decision, but then they were subject to appeal. Dumdi noted that the land in question was adjacent to a sensitive watershed area and also that considerable

costs might be incurred if lawsuits ensued. Couper stated that he feels it is likely LCDC would appeal an approval on this application.

Cornacchia re-opened the Public Hearing. In response to questions from Dumdi, LaRocco stated that since there are not many parcels available, and those that are are extremely expensive, he was willing to take his chances with regard to lawsuits. He stated that he had bought the property from the Division of State Lands and thought the zone change was possible due to other close-by M-2 sites.

Cornacchia closed the Public Hearing. Noting that the Home Occupation alternative is available, Dumdi stated she would move to deny the application. MOTION: Deny application. Dumdi MOVED, Roberts SECONDED. Rust indicated that he thinks the state is focusing on this parcel and fears it is not defensible. He noted that a small, modest domicile could be built, and still employ five or six people. VOTE: 5-0.

- c. SECOND READING AND PUBLIC HEARING/Ordinance No. PA 1032/In the Matter of Amending the Transportation Element of the Rural Comprehensive Plan to Include a New Bridge Across the McKenzie River at Milepost 31.5 of the McKenzie Highway, Adopting a Severability Clause and Findings in Support of this Action (Taking Exceptions to Statewide Planning Goals 4 and 5).

Cornacchia read this Ordinance into the record. He noted that it had come to the Board's attention in the last few days that there were some mistakes in facts and changes in circumstances regarding the Tom Creek site that had been rejected earlier. Harvey Hogle, Associate Planner, stated that the County was both applicant and review agency in this matter. He reviewed the agenda material with the Board, distributing two additional maps to the Board. Hogle stated that he, Saul and Stinchfield concur that there is no good overland route for an alternate, although some could be used for emergency access. Tom Stinchfield, Transportation Planning Engineer, gave the historical background of the Goodpasture Bridge issue, concluding that in 1990, Bear Creek had been selected as the preferred alternative. With regard to the Tom Creek site, he noted that the estimated cost is \$1.2 million and that it is located downstream from the Whitewater B site at milepost 27.7 on the McKenzie Highway. He stated that a bridge would impact residential land on both sides of the river, including the total taking of one property on the north side. He indicated that an exhaustive analysis had not been done with regard to environmental review, wetlands, riparian, engineering at the intersection, etc. Jim Saul, Land Use Consultant, provided more historical background relating to statewide planning goals. He stated that there was a demonstrated need for the project based on the need for fire access, emergency vehicle access, forest management needs and the recognition of the Goodpasture Covered Bridge as a historic monument.

Cornacchia opened the Public Hearing.

Bill Rogers, P.O. Box A, Vida, commented that many alternatives had been explored with regard to this project. He suggested to the Board that they declare their ex parte contacts. He stated that a bridge design had been developed that poses no threat to boater safety. He indicated that there were probably only 20 legal building sites in the Goodpasture Road area; and that others would probably be barred by LCDC. He noted that Bear Creek is not perfect, but it is the best one to be reviewed, and he encouraged the Board to adopt and approve this ordinance.

Paul Williamson, 48084 Conley Road, Vida, stated that he has the only private property adjacent to the Bear Creek site. He noted that it was incorrect to state that the acquisition of right of way was completed, because it has not been done. He observed that the criteria doesn't seem to be the same for Lane County as it is for a private landowner. He noted the potential for the future decline in logging and stated that the urgency is not as acute as it was four or five years ago. Williamson distributed copies of his statement.

Roy Pruitt, P.O. Box 126, Vida, commented that he lives on Goodpasture Road. He noted that at all the hearings that have been held, the majority have stated opposition to a bridge at Bear Creek. He requested that the board listen to the public majority.

Bill Kloos, 767 Willamette, Suite 203, indicated that he spoke on behalf of the Pacific Rivers Council. He stated that, based on the record, the requested redesignations at the Bear Creek site are not justified and will not be defensible in attempting to get an exception to the Forest Goal. He noted that the Tom Creek site is the only one that doesn't require an exception. Kloos distributed copies of his statement.

Paul Hoobyar, P. O. Box 309, Eugene, stated that he represents the Pacific Rivers Council and supports the move toward a bridge downstream. He commented that a phone poll of timber companies indicates they will support a viable alternative site downstream as their focus is more on having a full-service bridge, rather than a specific site. Hoobyar distributed copies of his statement.

Jim Baker, 51013 McKenzie Highway, Finn Rock, stated that he is opposed to the Bear Creek site and supports the Pacific Rivers Council regarding the Tom Creek site and perhaps Whitewater B, noting that a bridge is best in a developed area.

Jim Berl, 56324 McKenzie Highway, McKenzie Bridge, stated that he is a river guide and is against the Bear Creek site for the bridge as it is a navigation hazard.

Vernie Johnson, 45421 Goodpasture Road, Vida, commented that the Bear Creek site is inappropriate and the Tom Creek site would promote a healing process.

George Morris, 45252 Goodpasture Road, Vida, stated that he is in favor of the Bear Creek site and the County needs to get on with it after 15 years of planning.

Sue Bowers, P.O. Box 275, Springfield, stated that she is the Land Use Manager for Weyerhaeuser and that their main concern is the need for a long-term, full service access to the south side of the McKenzie.

Ardyce Johnson, declined to comment when called upon.

Melinda Allan, P.O. Box 249, Creswell, discussed the County's liability for river hazards.

Jim Goodpasture, 45311 Goodpasture Road, stated that the Bear Creek Bridge site is not a full-service site because it will include 1.4 miles of gravel road. He commented that juggling the piers will not relieve the hazard and that there has been a lack of fish analysis. He spoke about the threat of litigation regarding this site and that it will occur. He said this site is not wanted, not practical and will be delayed or prevented. He encouraged the Board to build a downstream crossing in a populated area.

Ted Bryant, 1745 Grove, Eugene, stated that he represented the McKenzie River Guides. He commented that they are opposed to the Bear Creek site, but will not oppose a more favorable location. He stated that a bridge at a rapids is hazardous.

Rosemarie Grant, 45885 Goodpasture Road, Vida, read a statement prepared by Becky Solomon on behalf of the McKenzie Valley Residents' Association, which quoted statistics from a telephone survey of their members indicating that the majority agree that a new bridge is needed and that the Bear Creek site is most plausible. Grant distributed copies of the statement.

Ken Engelman, 59059 Old McKenzie Highway, McKenzie Bridge, stated that he represents the McKenzie Highway Association, which promotes safety and efficiency of travel on Highway 126. He indicated that they have always supported the Bear Creek site and that any site would get objections.

Bob Zagorin, P.O. Box 10811, Eugene, stated that he spoke as Executive Director of the Oregon Guides and Packers. He commented that this group specifically objects to the county taking an exception to State Planning Goals 4 & 5, and indicated that the group would not oppose a site in a populated area. Zagorin expressed concern for the protection of Wild Spring Chinook and suggested the

County do a cost/benefit analysis regarding the potential legal costs. He distributed copies of his statement.

Ken Jackson, was not there when called upon.

Jim Sletten, 47950 McKenzie Highway, stated his opposition to the Bear Creek Bridge site. He commented that if the berm at Bear Creek is lost, spawning would be affected. He also suggested there could be legal questions because it was his understanding that there are property owners with deeds that go halfway across the river.

Cyndy Marychild, 48088 Conley Road, commented that she lives near the proposed Bear Creek site and expressed concern regarding archaeological preservation and the possibility of an active geologic site there.

Paul Pettit, 48045 McKenzie Highway, stated that as a homeowner he is against the Bear Creek bridge site for all the reasons previously stated today; but that he would not be opposed to a site where consensus could be reached.

There being no one else present who wished to testify, Cornacchia closed the Public Hearing. Roberts asked legal counsel regarding the declaration of ex parte contacts and each Commissioner listed persons with whom they had been in contact. Bob Zagorin expressed concern that two planning commission members were not present at the hearing and did not read the full record.


MOTION: Deny the application. Rust MOVED. Motion died for lack of a second. Rust stated that the Bear Creek site had been thoroughly discredited and suggested looking at the Tom Creek site. Dumdi stated that testimony supported the need for a full-service bridge and that she would like to take a look at the downriver site. Roberts expressed concern regarding a delay and stated he was not sure there will ever be consensus; but, that if the majority do not want to take action on the Ordinance today, he was willing to get more information on a timely basis. He suggested that the Board stay on track to build a bridge. Frazier stated she was supportive of a bridge as she feels economic enhancement is a concern to the area and that timber is still a viable component as well as enhancing access to recreational activities. She indicated she would support an extension of the process to look at the Tom Creek proposal. Cornacchia commented that he supports a crossing, but is not convinced that Bear Creek is the site, noting that it may be costly in terms of litigation. He asked staff how long it would take to get a preliminary report back regarding Tom Creek for a work session and they indicated 30 days. Roberts requested specific notification to people in immediate proximity to the Tom Creek site. MOTION: Set Third Reading and Deliberation for Tuesday, March 16 at 9:00 a.m. in Harris Hall and receive a report from Public Works regarding the

feasibility of the Tom Creek site, with notification to appropriate property owners. Rust MOVED, Roberts SECONDED. VOTE: 5-0.

3. EMERGENCY BUSINESS

None.

There being no further business, this meeting adjourned at 4:45 p.m.

  
\_\_\_\_\_  
Sharon Giles  
Recording Secretary