

# MINUTES & NOTICE OF BOARD ACTION

BOOK 151 PAGE 2489

APPROVED February 2, 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.

January 6, 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.

### 10. COMMISSIONERS' ANNOUNCEMENTS

Rust noted that he had visited the Milligan property over the lunch break and that Ted Richter, Compliance Officer, was there and had begun a preliminary evaluation.

### 11. PUBLIC HEARINGS

- a. SECOND READING AND PUBLIC HEARING/Ordinance No. 17-92/In the Matter of Amending Chapter 16 of Lane Code to Revise Certain Provisions With Regard to the F-2 Non-Forest Dwelling Requirements in Response to the New LCDC Rule of November 24, 1992 (LC 16.211(7) and Declaring an Emergency.

Cornacchia read the ordinance into the record. Roy Burns, Land Management Manager, outlined the substantive changes that would be applied to Lane County: 1) may not have individual parcel qualify for a non-forest dwelling which is capable of producing 5,000 cubic feet of wood fiber annually; 2) when a grid of 160 acres is applied to the subject property being considered for a non-forest dwelling, the grid centered upon the center of that parcel must coincide north and south, east and west with the section line; and 3) based upon the soil productivities of the individual parcel, then one, three or five dwellings must exist within parcels adjacent to the subject parcel. He indicated that these provisions went into effect January 3, 1993. Bill Van Vactor, County Counsel, reiterated his concern regarding Section Five of the new Administrative Rule implying that if the new non-forest dwelling requirement is adopted, the new standard for forest-related dwellings must also be adopted. With reference to the

January 3 effective date, he noted that a private attorney had presented the argument that the statutory process for the amendment of an acknowledged plan must first be met and that the new rule may not be applicable until that process is completed.

Cornacchia opened the Public Hearing.

Florence Brown, 24164 Hwy. 36, Cheshire, commented that this amendment is a "monumental change of our way of life", and that LCDC cannot mandate against the will of the people.

Edgar Brown, 24164 Hwy. 36, Cheshire, stated that if the new rules are put through, it will be the end of small farmers and that it takes away the basic rights of people. He noted that his own farming operation has proven that secondary lands can be productive.

Mike Evans, 1071 Harlow Road, Springfield, urged the Board not to adopt the ordinance as 1) it is not mandatory at this point in time; 2) if the ordinance is adopted, then the standards for forest-related dwellings must also be met; and 3) the ordinance should go through the public review and notice process.

Mike Farthing, 975 Oak Street, Eugene, urged the Commissioners to go slowly, indicating that the ordinance did not have to be adopted today and that it should be referred to the planning commission, public hearings, etc. He noted that ORS 197.646 implies that until the Board formally rejects or accepts the rule, it is not automatically applicable. He suggested continuing to accept applications under the current standards until the rule actually is in effect. Van Vactor stated that if the County fails to adopt, it may be the basis for enforcement action. Cornacchia requested a background report from Legal and Land Management on that issue.

Jim Tapp, 27915 Benson Road, stressed that LCDC is eroding the power of local elected leadership.

Carol Fisher, President of the West Amazon Basin Landowners, commented that her organization would be willing to help with a full-scale investigation of LCDC. She urged the Board to take no action at this time.

Marquerite Grundig, Highway 36 Cheshire, expressed concern about the lack of notice and material regarding this issue.

Bob Bodine, 04554 Blanco Street, Florence, spoke against adoption of the ordinance at this time.

James Sieminski and Bill Peters were both signed up to speak, but chose not to when called upon.

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

Roberts said that he was not in favor of passing the ordinance at this time, mostly because the County has not gone through its own process. Rust concurred to suspend the ordinance at this time and noted that he is still interested in working through the legislature for a "Lot of Record" bill. Dumdi and Frazier concurred on holding up passage at this time. Cornacchia noted that he desired some history of what happens on an enforcement order and expressed his desire to follow the County's own process for amendment. Rust requested a map of potential lots of record. Burns suggested distributing information on potential impacts of the total package and Roberts agreed that it allows the public to get comprehensive information. He noted the need to maintain communication with LCDC regarding the reasons for non-adoption at this time and the process the County was following. Burns noted that on applications received after January 3, staff would compare implications under both rules and allow the applicant to decide how to proceed. He stated that this item could be on the agenda for the February planning commissions' work sessions. MOTION: Refer this Amendment to the Planning Commissions. Rust MOVED, Dumdi SECONDED. VOTE: 5-0.

#### 9. HUMAN RESOURCES AND MANAGEMENT SERVICES

- b. ORDER 93-1-6-33/In the Matter of Authorizing the Property Management Officer to Make Available for Sale Surplus County-Owned Real Property Identified as Assessor's Map #16-02-02-00-06000 (Off of Parson's Creek Road on Boiler Creek Road in the Marcola Area).

This item was carried forward from the morning session.

Thomas Brandt, 37056 Boiler Creek Road, Marcola, commented that if the subject property is sold, it should be reassessed. However, he stressed his desire that the property be retained for recreational value.

In response to a question from Frazier, Van Vactor stated that the dollars realized from the sale would go back to the taxing districts. Dumdi noted that a property exchange did not seem viable, as the other property is not as valuable. Frazier observed that while she would like to say the County should retain the property, she recommends the sale due to problems with legal access and the potential for costs, liability and maintenance should the land be declared a recreational area. MOTION: Approval of the Order. Frazier MOVED, Roberts SECONDED. Rust suggested having the Parks Advisory Committee, during the next 60 days, evaluate the property with regard to quality and access as a recreational use. Roberts indicated his support for going ahead with the sale as the dollars belong to the public taxing districts. Cornacchia noted his support

for the sale, expressing concern over public use over a two-mile stretch through an industrial forest. VOTE: 4-1, Rust dissenting.

This meeting recessed into Executive Session at 3:35 p.m. to reconvene at 3:58 p.m.

12. OTHER BUSINESS

ORDER 93-1-6-35/In the matter of Settlement of Claims Arising out of Cutting Shore Pines near Leo Harris Drive.

David Williams, Assistant County Counsel, recommended settlement of the claim in the amount of \$10,800. MOTION: Approval of the Order. Roberts MOVED, Dumdi SECONDED. VOTE: 4-0. (Rust excused prior to vote.)

There being no further business, this meeting adjourned at 4:00 p.m.



Sharon Giles  
Recording Secretary