

MINUTES & NOTICE OF BOARD ACTION

BOOK 153 PAGE 0360

APPROVED

Approved 5/26/93



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.

March 16, 1993
9:00 a.m.

WORK SESSION
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 Item 8.b. would be taken out of order.

2. PUBLIC COMMENTS

To be taken after Item 3.

The following item was taken out of order.

3. PUBLIC WORKS

a. REPORT BACK/Feasibility Study of Tom Creek Bridge Site.

The Board reported ex parte contacts:

Cornacchia received three sets of letters. In addition, Cornacchia reported that he visited the Buck property, the Morgan property and talked with Mike Farthing concerning procedural grounds. Also, Cornacchia stated he responded to a letter from Kenny King.

Frazier received letters and has had brief unsubstantive conversations.

Rust received letters and sent a letter to Kenny King reiterating his position on the issue.

Dumdi had no direct recent contact and received the same correspondence sent to the other Commissioners.

Roberts had brief telephone conversations with Tom Morgan and Mike Farthing and he was not prejudiced by those discussions.

The following item was taken out of order.

8. PUBLIC WORKS

- b. DISCUSSION/Office (Westfir) Covered Bridge and Reservation of Property Rights.

Craig Starr, Public Works Management Officer, reviewed this item for the Board and asked for informal direction on the possibility of a recreational easement.

Rust asked if an easement could be undermined if the County does not have ownership of the bridge. Starr replied that this is a possibility, but an easement is preferable, due to the difficulty and time involved with outright ownership. Starr added that it is possible to write standards into the easement guaranteeing that any future owner would have to maintain an acceptable status.

Cornacchia asked Starr if staff could do an analysis of the best way to reserve certain areas around the bridge for recreational purposes. Starr assented.

Frazier reported that the people in Westfir value the bridge in terms of economic development and that the County should partition it off for recreational purposes. Rust and Dumdi concurred with Frazier. Roberts stated he would go along with the majority.

Cornacchia instructed Starr to return to the Board with a plan of action--either an easement or partition for recreational purposes.

2. PUBLIC COMMENTS

Cornacchia called for comment on matters before the Board that did not include bridges over the McKenzie River.

None.

Cornacchia announced that items 3. a. and 8 a. would be joined.

8. PUBLIC WORKS

- a. THIRD READING AND DELIBERATION/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).

Tom Stinchfield, Transportation Planning Engineer, outlined the impact on the area, including a house which would have to be moved because it would reside in the right-of-way. Summarizing the staff report, Stinchfield reported that the cost for the Tom Creek site is approximately the same as the Bear Creek site (\$1.4 million) and that for right-of-way purposes, parts of the property at the Motter home site and the Buck property would have to be acquired. Stinchfield outlined the recommendations, advantages and disadvantages of the site (see material on file). Stinchfield added that State Highway officials have indicated that an intersection at the Tom Creek location would be allowed.

Cornacchia opened the public hearing for comment.

Terry Damon, 46040 McKenzie Hwy., strongly opposed the Tom Creek site, commenting that the chart outlining the proposed location does not show all the homes in the area. Damon stated that his biggest concern was noise pollution, and added that the area is heavily used for salmon spawning. He noted that logs of less than 40 ft. length would not pose a problem for the Goodpasture bridge:

Susan Motter, 46106 McKenzie Hwy., noting that her property was the most affected, stated that she needs an immediate decision on the proposal in order to sell her house.

Gordon Boltz, 45871 Goodpasture Road, Vida, stated it was wrong to desecrate and bother residents who have lived at the site for years and that the best site is downriver.

Tom Morgan, 3795 Donald, Eugene, stated he was representing the Jensens (his in-laws), and that he believed the primary function of the proposed bridge is to accommodate commercial logging traffic. Morgan opposed the bridge, and said it is not compatible with rural residential property use. Morgan added that three properties were purchased and two dwellings were constructed based on a decision by the Board in 1988 not to use the Tom Creek site. Morgan urged the Board not to recommend this site.

Jim Baxter, 212 Carthage, Eugene, introduced himself as Ruth Buck's son-in-law, representing her. Baxter opposed the bridge on several counts, including: it is unnecessary, as the logging has been finished, automobile traffic is light across the Goodpasture bridge, there are cheaper ways to do it, concern about environmental impact, and security for Mrs. Buck.

Jim Baker, 51013 McKenzie Highway, Finn Rock, representing the Oregon Natural Resources Council, stated his opposition to the proposed bridge and provided a letter (see material on file). Baker stated the Council opposes any bridge across the McKenzie.

Mike Farthing, representing four families impacted by the Tom Creek location, stated their opposition to the bridge. Farthing opined that the bridge will have a significant negative impact on a rural residential neighborhood. Farthing stated that the specific use of this bridge is forest-related so the bridge should be in a forest zone.

Jim Goodpasture, 45311 Goodpasture Road, Vida, expressed appreciation for the hard work by Public Works, Marie Frazier and the Board in looking at an alternative site. Speaking for the McKenzie River Guides Association, Goodpasture stated he was in favor of the Tom Creek site.

Alex Walker, 46067 Goodpasture Road, asked the Board to vote against the Tom Creek site. Walker said that a bridge was totally unnecessary; however, there are much better sites than Tom Creek.

Rick Wilheit, 49589 McKenzie Hwy, remarked that he saw no problem with Goodpasture bridge serving log truck traffic and voiced opposition to any bridge on Goodpasture Road, simply because it's not needed.

Paul Hoobyar, representing the Pacific Rivers Council, P.O. Box 309, Eugene, stated that the Council was in opposition to any bridge. He expressed thanks to the Board for its willingness to engage in the siting process.

Virgil Bowman, 46067 Goodpasture Road, who described himself as a new resident, stated he could not see any reason for another bridge.

Al Plath, 46167 Goodpasture Road, stated that there are spawning grounds on Tom Creek and that a left turn lane into Goodpasture would alleviate problems there.

Carole Casmano, 46213 Goodpasture Road, speaking for neighbors Pam and Rick Knight and herself, voiced opposition to the proposed site. Casmano stated she was a new resident who had just built a home, but would have not done so if she had known this area was a proposed site for a bridge. She stated there are 61 residents on Goodpasture Road and that 27 of them would still be unable to evacuate if the bridge was built.

Ron Caskeny, 45948 Goodpasture, stated that the intersection coming onto Goodpasture Bridge was dangerous. Caskeny opined that he wasn't sure a bridge was necessary, but if so, upriver would be a better location.

Bob Zagorin, representing the Oregon Guides and Packers Association, 4525 Shadowwood Dr., P.O. Box 10841, Eugene, stated that the OGPA is not advocating a new bridge at Tom Creek. Zagorin declared that the residents of the area have been used as a Trojan horse, as it is really not a bridge for them. Zagorin added that the County Commissioners have not considered the issue of a required permit from the Division of State Lands if the Bear Creek site is chosen.

Cornacchia closed the public hearing.

Frazier stated that the Board has been involved in this process for 15 years and that an ordinance was adopted for siting and placement of bridges on the McKenzie. Expressing her conviction that location was the primary source of controversy, Frazier stated it was clear that 100 percent approval of any location would never happen. Frazier added that it was clear there is no optimal site, but the need for a bridge is still valid in view of the wear and tear on the Goodpasture bridge, traffic hazards and the need for emergency vehicle access. Frazier noted that she was against the Tom Creek site.

Dumdi stated it was time to make a final decision and that the Tom Creek site is not a viable option because of too much impact on the neighboring private residences. Dumdi declared she favors a bridge at Bear Creek.

Roberts cautioned that this process has taken 15 years because of failure to establish a consistent course of action. Concurring with Frazier and Dumdi, Roberts stated he had seen no reason to change his original vote in favor of the Bear Creek site.

Rust reported that 15 years ago he voted with Wood and Weinstein to build the Bear Creek bridge, but later reconsidered and voted to spend \$750,000 to redesign the Goodpasture bridge to take heavier loads and provide full access, therefore another bridge became unnecessary. He suggested strict enforcement of speed on McKenzie Hwy., work at the entrance to Goodpasture Bridge at the downstream turn, and looking at Leaburg Dam as additional access.

Cornacchia disagreed with Rust, stating that it is not a full service bridge because it cannot take large equipment, noting that only five trip permits per year are issued. In addition, Cornacchia reported that the bridge does get hit by log loads and that if the decision to redesign the bridge was a good one, this item would not be under discussion today. Cornacchia declared that the decision today will affect people and industry for 50-100 years from now. He added that building a bridge at Tom Creek would be a tragedy, but that he did not support the Bear Creek site and believed the Whitewater B site would be best.

Cornacchia asked the Board if Tom Creek is no longer under consideration as a bridge site. The Board concurred.

Cornacchia read the ordinance into the record and asked staff attorneys for guidance on procedures necessary to take a vote on the ordinance, in light of an exception issue and findings that require further work.

Steve Vorhes, Assistant County Counsel, recommended that the Board take tentative action on the ordinance, direct staff to prepare findings following the discussion and then come back with the findings which have been circulated for comment.

The Board asked for comment from Jim Saul, who stated that Ordinance 953 defines new bridge construction as restricted to use only in conjunction with any resource land it may cross. In the case of the Bear Creek site, this is F-1 land and thus is limited solely to that use unless the standard of an exception criteria is matched. Rust stated that an exception process provides an opportunity to evaluate alternatives. MOTION: Tentative approval of Ordinance PA 1032, and preparation of the alternatives that were discussed. Roberts MOVED, Dumdi SECONDED. VOTE: 3-2, Rust and Cornacchia dissenting.

This meeting recessed at 10:45 to reconvene at 11:03 a.m.

4. COMMISSIONERS' ANNOUNCEMENTS

Dumdi announced that she spent 10 days in Washington, D.C. and it was a productive, successful trip. Dumdi stated she is very optimistic about developments with the Youth Campus and transportation.

Frazier announced that the PTSA in Lowell will be having a grand opening from 11:00 to 1:00, Friday, March 19, at Lowell City Hall for the new community clothing exchange.

Rust announced that he participated in a forum discussion regarding the expansion of the Saturday Market and the Farmers Market.

Cornacchia announced that George Brown, Dean of Forestry at OSU, reported that the Commissioners who have a position on the COPE board have not been sending anyone and that he would like to have a Commissioner assigned. Dumdi reported that the Board voted not to pay dues to COPE two years ago. Rust stated that a representative should attend on an informal basis. Cornacchia also announced that he attended a meeting of the Springfield City Council in which the city council decided not to participate in the Natural Resources Study process; also, the city declined to participate in the amendments to the Metro Plan process.

5. EXECUTIVE SESSION as per ORS 192.660

To be held in the afternoon.

6. COMMITTEE REPORTS

Information Systems Steering Committee (ISSC)

a. ORAL REPORT/Phase I Computer Architecture Work Group (CAW) Report.

Frazier reported that the ISSC committee decided to support the development of a Technological Management Team to replace the old structure in ISSC and that language supporting that position is being developed for review. She also reported that a Data Processing Advisory Committee reporting to the Technological Management Team had been created. Frazier asked for direction from the Board in terms of any other expectations of the end product from ISSC. Roberts stated that an interim committee like DPAC had been set up to expedite the initial review of RIS. On the subject of changing Lane Manual language to accommodate the attendance of Department Heads at TMT meetings without the consent of committee, Acting County Administrator Van Vactor reported that department heads have requested an opportunity to attend as a matter of right. Cornacchia polled the Board. Frazier and Roberts voted for consent. Dumdi, Rust and Cornacchia voted for right. Frazier stated that most important issues now were the formation of the interim DPAC and an analysis of the RIS budget. The Board concurred.

7. COUNTY ADMINISTRATION

a. Announcements

None.

b. ORDER 93-3-16-1/In the Matter of Awarding Tourism Special Project Grants.

MOTION: Approval of the Grants as recommended. Roberts MOVED, Frazier SECONDED.

Roberts commented on the Heart of Oregon grant, stating that normally the Board would not consider such an event with a small attendance (125 people) but it is unique, is growing in popularity and was recommended by the Tourism Council. Commenting on the Oregon Trail performance theatre project, Roberts stated that it was approved because of its timeliness. Frazier added that the process for approval of projects was much improved over last year and commended the Tourism Council. **VOTE:** 5-0. Margo Drivas, Assistant Director Human Resources and Management Services, provided updates on tourism marketing issues (see material on file).

c. REPORT BACK AND ORDER 93-3-16-2/In the Matter of Authorizing Video Lottery Funds to Fund the Community and Economic Development Program Through the Balance of FY 1993 and Amending Board Order 92-10-28-3

Van Vactor provided a history of the issue (see material on file) and stated that the options for funding the Community and Economic Development Program Coordinator position are three: 1) general fund; 2) video lottery receipts; 3) terminate Economic Development program. Van Vactor reported that staff recommended that funding for the position be provided by video lottery proceeds.

Cornacchia recommended taking funding out of reserve funds for the payment in the past and the rest of this fiscal year, then letting the RCIC position be served up with the rest in the budget process.

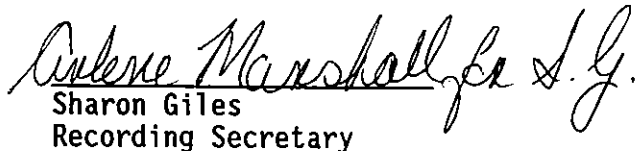
Cornacchia added that he was in favor of hiring a RCIC person whose duties would be significantly different than Peter Thurston's. Dumdi agreed with Cornacchia on funding the current position from reserves and said she would reserve judgment on continuing the economic development program until the budget has been finalized. Rust stated that the preliminary work can be done for outreach in the communities if the RCIC position is continued until the state budget is resolved, when a review can be undertaken. On the issue of RCIC, Roberts said he was satisfied with going forward on the Economic Development Committee's recommendation. Regarding retrospective funds that need to be replaced, Roberts stated that video lottery money is available and should be utilized to avoid restrictions placed on appropriated reserves. MOTION: Approval of the Order. Roberts MOVED, Frazier SECONDED. VOTE: 4-1, Cornacchia, dissenting. The Board concurred on continuing the RCIC process.

On another subject, Rust reported receiving an inquiry from the press concerning a SWAT team which has been formed in the Sheriff's Department. Rust stated that a decision of this magnitude requires the advice and consent of the Board and requested that the Assistant County Administrator request a report from the Sheriff on the need and a budget. Roberts agreed that a report from the Sheriff would be helpful. Van Vactor stated he had reviewed this issue with the Sheriff and it is not a SWAT team, rather an acquisition of capabilities in the event of a riot in the jail or hostage in the courthouse. Van Vactor concurred with Roberts on the necessity of an update from the Sheriff.

9. EMERGENCY BUSINESS

None.

There being no further business, this meeting adjourned to a meeting with the Fair Board at 12:00 noon.


Sharon Giles
Recording Secretary