

MINUTES & NOTICE OF BOARD ACTION

BOOK 154 PAGE 0337

APPROVED December 14, 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.

November 3, 1993

REGULAR MEETING

Harris Hall

Following

BOARD OF COUNTY COMMISSIONERS

Main Floor

Board of Health Meeting

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

1. ADJUSTMENTS TO THE AGENDA

One item of emergency business was identified and acted upon at this time:

SUBDIVISION PLAT

Elkridge of Eugene
City of Eugene
17-03-17

MOTION: Approval of the Plat. Roberts MOVED, Dumdi SECONDED.

VOTE: 5-0.

2. PUBLIC COMMENTS

Robert Waldron, 141 North State #120, Lake Oswego, commented that he does business as Radiant Heat Systems. He indicated that he had been contracted to build two masonry heating systems in Lane County in the last 12 months and has met with problems with the Lane County Building Department, specifically Roger McGuckin. He gave a letter to Bill Van Vactor, Acting County Administrator, detailing the delays he encountered. Waldron stated that there have been two and three month waits on both permits and that McGuckin was belligerent. He indicated that the stoves were certified and coded under Oregon laws two weeks ago. Cornacchia asked that Van Vactor have McGuckin respond to Waldron's letter and provide Waldron with a copy of the response. Responding to Cornacchia, Waldron stated that previous applications had been made in the state of Washington where permits were acquired in one week. Waldron remarked that

he felt two months on the first unit was legitimate because of the new technology, but that three months on the second unit was unacceptable.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held later in the meeting.

4. EXECUTIVE SESSION as per ORS 192.660

To be held later in the meeting.

5. PUBLIC WORKS

- a. ORDER 93-11-3-2/In the Matter of a Determination of Whether or Not to Conduct an On the Record Hearing, as Provided in Lane Code 14.600, for the Appeal of the Hearings Official Approval of a Special Use Permit (PA 1852-92) to Allow Rezoning Tax Lot 702, Assessor's Map 18-02-28 from Rural Residential (RR-10) to (RR-5) Pursuant to the Requirements of Lane Code Section 16.252(2) (Appellants: Edmonston, Gemmell and Mori).

The Board declared ex parte contacts, there being none except Dumdi who reported she knows the Gemmells and the Woestes very well, but has had no contact with them about this subject.

Roberts noted that the decision includes a finding that under current Lane Code, Lane County does not have the ability to require monitoring and to make the approval conditional upon some further monitoring, especially as related to monitoring of the other wells. He indicated that this seems to have broader significance and that, if that is the case, Lane County may want to look at a possible Code amendment. Roberts observed that it may be worthwhile to hear this appeal. Rust concurred and remarked that he was interested in pursuing this issue also. Dumdi noted previous concerns regarding well draw-down, adding that a mechanism may be necessary. Cornacchia expressed concerns that the reasons given to hear the appeal were beyond the criteria and that there were other vehicles available if a code change is necessary. Rust observed that he feels this issue has county-wide significance and could occur with frequency. Cornacchia stated that the applicant had complied with the existing regulations and that the issue is being taken with existing regulations. He agreed that the codes may need revision, but that this case should not be on trial. Frazier concurred with Cornacchia, noting that 16 others have been approved in the last two years based on the current code standards and that she will not support hearing the appeal based on equal treatment, but would like to look at the broader issue in a work session. Dumdi agreed with Frazier. Roberts stated that he would like to have the appeal hearing focus on the Hearings Official's determination in paragraph two of his October 18 letter (see material on file), related to whether those are the only options available under the existing code.

MOTION: To hear the appeal on the basis of county-wide significance and an issue that will reoccur with frequency. Roberts MOVED, Rust SECONDED. VOTE: 2-3, Cornacchia, Dumdi and Frazier dissenting. Staff was directed to return in February for a work session to discuss the issue and get recommendations for potential Code changes. MOTION: Approval of the Order. Frazier MOVED, Dumdi SECONDED. VOTE: 3-2, Roberts and Rust dissenting.

- b. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. PA 1048/In the Matter of Adopting a Rural Comprehensive Plan Diagram Amendment from "Forest Lands" to "Agricultural Lands" and a Related Zoning Map Amendment from "Non-Impacted Forest" (F-1) to "Exclusive Farm Use/Site Review" (E-40/SR) for Map No. 17-02-18, Tax Lot 401 (Applicant: Capps).

Cornacchia read this Ordinance into the record. MOTION: Approval of the First Reading and Setting Second Reading and Public Hearing, November 24, 1993, 1:30 p.m. in Harris Hall. Rust MOVED, Dumdi SECONDED. VOTE: 5-0.

- c. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. PA 1049/In the Matter of Adopting a Rural Comprehensive Plan Diagram Amendment from "Natural Resources" to "Forest Lands" and a Related Zoning Map Amendment from "Natural Resources" (NR) to "Impacted Forest Lands" (F-2) for Map No. 19-12-22-4, Tax Lots 1200 and 1700 (Applicant: Post).

Cornacchia read this Ordinance into the record. MOTION: Approval of the First Reading and Setting Second Reading and Public Hearing, November 24, 1993, 1:30 p.m. in Harris Hall. Dumdi MOVED, Frazier SECONDED. VOTE: 5-0.

Van Vactor reminded the Board that this brings the number of hearings to be held on the afternoon of November 24 to four and Dumdi indicated that she may not be present on November 24.

6. CONSENT CALENDAR

- A. Approval of Minutes: September 13, 1993, Joint Meeting
BCC/Cottage Grove, 7:00 p.m.
October 6, 1993, Regular Meeting, Following
HACSA
October 6, 1993, Regular Meeting, 1:30 p.m.

B. Health and Human Services

- 1) RESOLUTION AND ORDER 93-11-3-3/In the Matter of Accepting a Contract with Sacred Heart Hospital in the Amount of \$200,000 to Provide Crisis Response Service to the Sacred Heart Emergency Room and Delegating Authority to the Acting County Administrator to Sign the Contract.

C. Public Works

- 1) RESOLUTION AND ORDER 93-11-3-4/In the Matter of Improving River Road Loop 2 to Carthage Avenue.
- 2) ORDER 93-11-3-5/In the Matter of Awarding a Contract to Coast Crane & Equipment Co. in the Amount of \$142,700 with Trade-In, for the Purchase of One (1), Used 22 Ton Truck Crane, Contract No. FY93/94 FS-02.
- 3) ORDER 93-11-3-6/In the Matter of Accepting a Deed of Land to be used as a Public Road Easement and County Road for Crow-Vaughn Road (18-06-08).
- 4) SUBDIVISION PLATS
 - a. MCSTOP Subdivision
City of Cottage Grove
20-03-27
 - b. Willow Dunes East
City of Florence
18-12-23
 - c. Robbins Girl's Addition
City of Eugene
17-03-17

D. RIS

- 1) ORDER 93-11-3-7/In the Matter of Establishing a Temporary Position in Regional Information System to Provide Technical Support to the Operations Program and Transferring \$24,600 To the Temporary Position.

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

3. COMMISSIONERS' ANNOUNCEMENTS

Roberts suggested that the Board take a position on Ballot Measure #1:

Roberts explained that he supports Ballot Measure #1 for the following reasons: 1) It is the only proposal on the table to maintain funding for schools; 2) It would bring about meaningful tax relief for homeowners; and 3) It is part of an overall package of taxes and everybody pays, thus producing equity.

Dumdi indicated that she supports Ballot Measure #1 for the following reasons: 1) Basic school support was not protected by BM #5; 2) Children are our future; 3) Taxpayers need to show support for the ever-increasing

demand on teachers; and 4) BM #1 is the only alternative and is better than a gross receipts tax.

Frazier stated that she does not support Ballot Measure #1 for the following reasons: 1) The economics and expendable income of her district's constituency; 2) The cost of doing business and efficiencies as related to education; 3) There is a need for creative and innovative ways of managing schools; and 4) There is no safeguard regarding the escalating costs of schools.

Rust remarked that he is against Ballot Measure #1 for the following reasons: 1) It is inherently regressive; 2) Ballot Measure #5 needs to be repealed and a homestead exemption needs to be instituted; and 3) Only one or two percent would be raised from out-of-state travelers.

Cornacchia indicated that he supports Ballot Measure #1 for the following reasons: 1) His wife is a teacher and she now teaches a combination fourth/fifth grade with 36 students; 2) It is mostly only "extras" that will be impacted by the tax; 3) Education for children is a high priority; and 4) A sales tax that exempts essentials is not regressive.

MOTION: Endorsement of Ballot Measure #1. Roberts MOVED, Dumdi SECONDED.
VOTE: 3-2, Frazier and Rust dissenting.

Dumdi noted that Bruce Bittle had reworked the Lane County pin logo for possible use on the entry signs to Lane County. The Board indicated that they would defer to Dumdi's judgment, with Roberts asking that the readability of the sign be tested.

Cornacchia referred to a letter from Goodwill Industries asking for a \$100,000 grant from video lottery dollars to be used toward a new building. Dumdi observed that this issue is in the process and had been discussed during a recent Economic Development subcommittee meeting. She stated that ED is working on a process for expenditure of video lottery monies and the general issue will be coming to the Board at a December 7 work session. Van Vactor suggested a follow-up letter to Goodwill to advise them of the current status.

Cornacchia presented a draft agenda for an upcoming Regional Community Economic Recovery Team meeting (a group working on implementation of the Forest Plan Economic Adjustment Initiative) (see material on file). He indicated that he is an interim appointee by the Governor to the RCERT (for meetings in California on November 4 and 5). Cornacchia stated that he and Wes Hare had also been appointed to the State CERT. Noting that he takes this responsibility very seriously, Cornacchia indicated that he may be out of town for considerable amounts of time. Roberts stated that he supports this commitment as a number one priority, citing the benefits to Lane County's constituency. Dumdi concurred. Cornacchia expressed concerns about potential related expenses. Roberts indicated that appropriated and unappropriated reserves are potentially available and that the County would find a way to cover these expenses. Cornacchia

stated he would be focusing his attention on problem areas and "barriers", and on a definition of impacted communities.

Noting that NACo is focusing on an agenda related to the Children's Initiative, Dumdi stated that she had been asked to serve on the NACo Children's Initiative Task Force, and would be attending a meeting in San Francisco on November 20.

8. EMERGENCY BUSINESS

A subdivision plat was acted on earlier during "Adjustment to the Agenda."

There being no further business, this meeting adjourned at 10:50 a.m. to convene into Executive Session at 11:00 a.m.



Sharon Giles
Recording Secretary