

MINUTES & NOTICE OF BOARD ACTION

BOOK 154 PAGE 0322

APPROVED *November 23, 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.

October 27, 1993
1:30 p.m.

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

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

5. COMMISSIONERS' BUSINESS

- c. FOLLOW-UP DISCUSSION/Meeting with Communities of Color.

Continued from morning session.

As discussed after the creation of a work group this morning, Cornacchia asked the Board to express suggestions for the work group to look at. Roberts reported that issues obvious to him are 1) the need for an update on Lane County's affirmative action hiring practices; 2) to assess the racial/ethnic and gender mix on the advisory committees; 3) the possibility of a pilot program at Youth Services related to juvenile delinquency prevention among African-American youth; and 4) assessment of programs where grants are issued or resources are allocated to make sure steps are being taken to do appropriate outreach and that the evaluation process is fair and equitable. Noting that language barriers/accessibility issues are particularly important with regard to the IHSC, Roberts suggested that perhaps a person from the Hispanic/Latino community could serve in his place on this committee as a show of good faith and to add input to the operation of the committee.

Dumdi concurred with Roberts, particularly in regard to representation/diversification on advisory committees. Rust also agreed with Roberts' analysis, expanding on the need to look at the issue of agency accountability. Roberts commented that he was interested in getting the data first and then looking at what needs to be done next. Cornacchia indicated that a foundation for some of these specific recommendations would require having a basic policy framework in place, especially for funding streams. He stated that

he would like to see a process, particularly with regard to cultural competency and language barriers/competency, that leads to policy choices by the Board and templates that can be used by advisory committees in the funding decisions that are made.

Bill Van Vactor, Acting County Administrator, reported that Rob Rockstroh and Steve Carmichael had expressed interest in serving on the work group being formed.

11. PUBLIC WORKS

- a. DISCUSSION/Ordinance No. PA 1023/In the Matter of Adopting the Metropolitan Natural Resources Functional Plan and Related Text and Plan Diagram Amendments to the Eugene-Springfield Metropolitan Area General Plan, and Adopting a Severability Clause.

Michael Copely, Associate Planner, reviewed his memorandum of October 11. He recommended that the Board express questions and observations on the content of the functional plan and exhibits, and then determine how they would like to proceed. He introduced Kathi Wiederhold, L-COG, and Neil Bjorklund, City of Eugene, who were available for questions. Rust asked if Eugene would be able to proceed to take care of its storm drainage system without concurrence by the other jurisdictions. Bjorklund stated that he believes that the City could adopt a plan for the City, or the City and the UGB area only exclusive of Springfield. He indicated that would require some action by the Board if it was adopted for the UGB area.

Cornacchia noted that, for the purpose of conflict resolution, the conflict needs to be identified by all of the jurisdictions. He reviewed a list he had prepared of issues he identified (see material on file):

General Actions and General Concepts - 1) All affected property owners, and adjacent property owners must receive notice and opportunity to be heard prior to any and all Metro Plan diagram amendments regarding private property. Roberts indicated that he thought members of the MPC were now amenable to that. 2) Cornacchia noted that this was probably the most important of all: Establish a reasonable set of criteria for determining "significance." Further, apply said criteria to each individual parcel with full affected property owner participation in analysis of significance prior to adopting diagram amendments. He noted that this was based upon a "burden of proof" consideration, and that this burden should not be shifted to the property owner. Responding to Rust, Cornacchia stated that he would expect the same people (staff) would generate that proposed set of criteria, coming to the Board and other jurisdictions for approval of the criteria. 3) Clarify Goal 5 application/compliance or lack thereof by this exercise. Cornacchia continued with his next general topic:

Specific Actions and Concepts - 1. Regarding SSAC recommendations: a) Modify as recommended: Number 1, 2, 3, 5, 6, 7, 12, 13. b) #4: (Waterside protection) - In addition to SSAC changes, modify all of 7.1 to conform with Lane Code treatment of riparian zones. With regard to ponds, Cornacchia asked for clarification about: What are ponds? Which ponds? c) #8: (Upland development design policy) - Add to SSAC recommendation modifications in conformance with Lane County tree ordinance and Lane Code 9.935, Lane Code 9.935(2)(a) and Lane Code 9.920(2)(h). Cornacchia expressed concern about 8.9(g) regarding tree removal. Entire Section 8 insupportable without significant modification and conformance with existing Lane Code provisions. Cornacchia stated that he could probably give on this matter in the city limits, given their tree ordinance, but not outside. Referring to concerns about Eugene's tree ordinance adoption, Roberts commented on the need for coordination on an interjurisdictional basis. He noted that he sees this as an opportunity to work together. d) #9 (Recommendations regarding stormwater planning policy): Add to SSAC recommendation deletion of 11.1(a) and "implement" for "consider" and "where practicable" for "recommendations." e) and f) #10 and #11 - Cornacchia stated that he needs more clarification on these two items. Cornacchia added that, aside from wellhead protection considerations, he is not supportive of the treatment of the 66th Street property in Springfield.

Rust stated that he had not heard of any problems since the City of Eugene enacted its tree ordinance. He indicated that there is legitimacy for a different ordinance inside the city limits and outside. Rust remarked that he did not think it was necessary to force a compromise on that issue. With regard to stormwater, Rust noted that today's stormwater is already going into the Willamette, the Amazon, etc. He observed that the City is designing a "state of the art" biological system utilizing plants and natural barriers to purify the water. Rust noted that the Clean Water Act mandates that the City take action regarding stormwater. Cornacchia stated that he takes issue with the possibility that upstream users of the same watercourse will be denied the use of their land so that the cities can utilize the loading capacity. He indicated that the cities need to assume the cost and the burden for the stormwater they generate. Cornacchia expressed concern that the upstream landowners, primarily agricultural users, will have to curtail the use of their property. Rust asked that staff clarify the issue of the relationship between the downstream and upstream users. Roberts remarked that there needs to be coordination to promote an equitable situation so that neither upstream or downstream users realize all of the burden.

Roberts recommended that this matter come back with specific language as if the ordinance were being adopted. Cornacchia concurred. Copely recommended 1) that the Natural Resources Study Team be convened and determine how long it will take to do the work the Board is requesting; 2) that the material be brought back to the Board for review at another work session; and 3) that after that work session,

a public hearing be scheduled for PA 1023, either all of it or just the portion having to do with the policy report. Cornacchia stressed the need for defining "significance." Roberts stated that if there is not enough specificity in the definition of "significance," it is even more important that direct notice be given to the property owner at an early stage. Wiederhold commented that the Special Studies Advisory Committee (SSAC) did deal with "significance" and decided that if everything were called potentially significant up front, it would allow the analysis to proceed on all of the sites, after which property owners would be asked for input. Wiederhold stated that there is language which talks about Goal 5 compliance and asked what needs to be clarified. Cornacchia noted that Goal 5 compliance is not driving this functional plan.

10. COMMISSIONERS' ANNOUNCEMENTS

Rust asked Legal Counsel whether the Mount Pisgah Master Plan represents a component of the Mount Pisgah Plan and does this constitute a land use planning document; and, if so, does Lane County need to proceed with some plan amendments before the new Mount Pisgah plans proceed. Steve Vorhes, Assistant County Counsel, was directed to respond to the Board on this issue within 30 days.

With regard to Regional Strategies, Rust reported that he and Frazier had contacted all contiguous counties except for Deschutes County. He noted that they recommend that the most logical configuration is with Linn, Benton and Lincoln counties, and that Klamath County may also be a good match if the other partnership should fall through.

ORDER 93-10-27-14/In the Matter of the Selection of Partner Counties for the Oregon Regional Strategies Program Funded for the 1993-95 Biennium. MOTION: That Lane County formally advise the Oregon Economic Development Department of its intention to form a Region with Lincoln, Benton and Linn Counties as its first choice and with Klamath County, [either individually or as part of a multi-regional focus,] as a secondary option. Rust MOVED, Roberts SECONDED. (The portion in brackets above was added as a "friendly amendment" by Dumdi.) Rust indicated that the Board's next role is to choose three private sector parties and one Board member to sit on the 16-member regional committee. VOTE: 4-0. Rust stated that the next meeting would be Friday, November 5, at 10:00 a.m. in Benton County. Dumdi was designated as the Board's liaison to the regional committee, with Rust as the alternate. Dumdi was asked to coordinate with Hal Reed, Jim Zelenka and George Kloeppel.

Dumdi reported some observations from her recent vacation to the east coast. She also observed that this is Red Ribbon week for substance abuse prevention and reminded everyone to wear their red ribbons.

6. RESOLUTIONS

- a. RESOLUTION and ORDER 93-10-27-1/In the Matter of Declaring Wednesday, October 27, 1993 National Unfunded Mandates Day.

Dumdi read portions of this resolution into the record. MOTION: Approval of the Order. Dumdi MOVED, Rust SECONDED. VOTE: 4-0.

7. COUNTY ADMINISTRATION

- a. Announcements

Van Vactor reminded the Board that a forum would be held on October 28 from 6:00 to 9:00 p.m. at the Fairgrounds regarding the implementation of HB2004. He stated that a packet of the completed surveys and responses from the forum would be assembled for Board review prior to the Public Hearing on November 2. Van Vactor thanked Margot Helphand for her help in organizing facilitators for the forum.

Van Vactor reported that there was a defense verdict in the Lakeview Power case, with no financial responsibility accorded to Lane County. He complimented County Counsel's office, particularly David Williams who participated in 11 days of trial.

- b. CONTINUED DISCUSSION/Economic Development Program Scope Goals and Objectives in Coordination with RCIC Position.

Stephanie Schulz, Rural Development Coordinator, reviewed her packet memorandum for the Board which reported the RCIC's activities during the last quarter (see material on file). Dumdi commended Schulz on her efforts in coordinating development of projects for the Northwest Economic Initiative.

8. CONSENT CALENDAR

- A. Approval of Minutes:
 - September 15, 1993, Regular Meeting, Following HACSA
 - September 15, 1993, Regular Meeting, 1:30 p.m.
 - September 21, 1993, Work Session; 9:00 a.m.
 - September 22, 1993, Regular Meeting, Following HACSA
 - September 22, 1993, Senate District 20 Interviews, 1:30 p.m.

- B. Assessment and Taxation

- 1) ORDER 93-10-27-2/In the Matter of Refunds to Cone Lumber; Travelers Insurance Company; Connecticut Mutual Life Insurance; and Shasta Park Joint Venture.

C. Health and Human Services

- 1) RESOLUTION AND ORDER 93-10-27-3/In the Matter of Accepting Amendment #002 to the 1993-95 Intergovernmental Agreement #20-001 With the State of Oregon Mental Health and Developmental Disabilities Services Division in the Maximum Amount of \$2,455,541.46 in community Programs for Persons with a Mental Illness and Accepting the Corresponding PAAFs (Plan/Amendment Approval Forms) #9 and #10 For a Total Amount of \$1,748,608.42 and Delegating Authority to the Acting County Administrator to Sign the PAAFs.
- 2) ORDER 93-10-27-4/In the Matter of Appointing Designees of the Community Mental Health Director to Direct a Peace Officer to Take a Mentally Ill Individual Into Custody According to ORS 426.215.

D. Human Resources and Management Services

- 1) ORDER 93-10-27-5/In the Matter of Appointing Three Members to Board II of the Board of Equalization and Four Members to Sit as an Alternate for any Member of the Boards of Equalization.
- 2) ORDER 93-10-27-6/In the Matter of Selling Surplus County-Owned Real Property to John Compton (Map #18-04-19-00, Tax Lots 1400 & 1401, South of 80016 Playway, Eugene) & Executing the Associated Land Sale Contract.
- 3) ORDER 93-10-27-7/In the Matter of Authorizing Selling Surplus County-Owned Real Property Located at 660 "C" Street, Springfield (Map/Tax Lot #17-03-35-24-11700) to Kelly D. Mustoe.
- 4) ORDER 93-10-27-8/In the Matter of Authorizing a Sheriff's Sale of Surplus County-Owned Real Property as Described in Exhibits "A, B & C" and Delegating Authority to the Property Management Officer to Remove any Particular Parcel from Said Sale if Determined to be in the Best Interest of Lane County.
- 5) ORDER 93-10-27-9/In the Matter of Authorizing Selling Surplus County-Owned Real Property to the City of Springfield (Map/Tax Lot# 17-02-32-32-02700 41st & Main, Springfield).

E. Public Works

- 1) ORDER 93-10-27-10/In the Matter of Awarding a Contract to Burlington Environmental for Services Associated with Conducting Two (2) One Day Conditionally Exempt Generator and Household Hazardous Waste Collection Programs.

- 2) ORDER 93-10-27-11/In the Matter of Accepting a Deed of Land to be Used as a Public Road Easement for Wildwood Creek Road (18-03-31).
- 3) RESOLUTION AND ORDER 93-10-27-12/In the Matter of Setting a Public Hearing on the Proposed Surrender of a Portion of County Road Numbers 307 and 316 (Known as Both Garden Way and West D Street), to the City of Springfield (17-03-34) (Public Hearing: December 22, 1993, 1:30 p.m., Harris Hall Main Floor).
- 4) SUBDIVISION PLATS
 - a. Metcalf
City of Eugene
17-04-15

MOTION: Approval of the Consent Calendar. Roberts MOVED, Dumdi SECONDED.
VOTE: 4-0.

9. EMERGENCY BUSINESS

ORDER 93-10-27-13/In the Matter of Authorizing the Director of Human Resources and Management Services to Effect an Interfund Loan for Serial Levy Program Operation.

MOTION: Approval of the Order. Rust MOVED, Roberts SECONDED. VOTE: 4-0.

12. OTHER BUSINESS

None.

There being no further business, this meeting adjourned at 3:12 p.m.



Sharon Giles
Recording Secretary