

MINUTES & NOTICE OF BOARD ACTION BOOK 156 PAGE 1273 APPROVED March 30, 1994

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 26, 1994
Following HACSA

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

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

1. ADJUSTMENTS TO THE AGENDA

One item of Emergency Business was identified. Jim Zelenka, L-COG, will present some urgent business at 10:30. Item 7.c. will be postponed to a later date. It was noted that the Public Hearing on the Agenda for 1:30 p.m. will be heard at 2:30 p.m. to allow for participation in the Governor's visit at Youth Services.

2. PUBLIC COMMENTS

Ronald Land, 2705 East 43rd, commented that he was present to discuss Item 7.b. He asked the Board to approve East 43rd as a public roadway. Land stated that the existing easement has never been used as a roadway. He requested its dedication as a public road and asked that the Board allow or recommend to Public Works that the existing easement be moved approximately 30 feet south of where it is now.

Cindy Land, 2705 East 43rd, asked the Board to accept East 43rd as a public road. She also asked that the Commissioners exchange the unused dedicated right of way on 43rd Avenue for an existing easement of the actual traveled roadway. Land distributed a letter re-stating their position.

Don McCrea, 84535 Thomas Judson Road, spoke regarding the Sunset Meadows PUD. He indicated that he is one of the bidders on the property. McCrea noted that there were no bidders on the property at the auction and that he and others have been negotiating with Jeff Turk. He stated that on 12/17 he submitted a \$75,000 offer and that Turk said he'd write up something before Christmas, but that basically it was a deal. McCrea remarked that on January 3 he received a call from Turk saying that he was

taking more bids and that it was his job to get the highest price. He indicated that Turk set a new final bid date of January 5. McCrea stated that he submitted a bid of \$91,000, with County terms, and that that was the highest bid. He remarked that the process is not a very good one. McCrea indicated that a sealed bid with a final date should go to the highest price.

Roberts agreed that the process is not good, but that it is in the process of being clarified. He noted that the auction has strict rules and that after that, no offer is official until the Board accepts it. Roberts stated that the Board would be meeting in Executive Session to discuss this issue and may have an oral auction. Frazier asked that when bids are accepted after a public auction, can it be clarified what "sealed" means for that purpose. Roberts observed that Turk had brought forward the original offers, and the new larger offers, and the Board was/is not bound by Turk's administrative process and will make the decision on how this is handled.

Larry Thorp, 644 North A, Springfield, stated that he is an attorney and represents Vern Egge, a property owner on East 43rd Street. He noted that Egge had received a special use permit to construct a residence on his property and they have been trying for three years to obtain a facilities permit. Observing that this matter needs finality, Thorp asked that the Board either accept the road as a public road or definitely state unequivocally that it will not be a public road, in which case they can rely on the old easement. Responding to Rust, Thorp remarked that it may make a better road to move the road right of way.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held later in the meeting.

4. COMMISSIONERS' BUSINESS

- a. ORDER 94-1-26-1/In the Matter of Approving an Agreement with the City of Eugene, the City of Springfield, and the Lane County Housing Authority and Community Service Agency (HACSA) to Continue the Intergovernmental Housing Policy Board.

Roberts reviewed the pertinent information. He noted that the primary change has been in the composition of the Housing Policy Board. Roberts indicated that it has now expanded to include five members from the private sector. He remarked that this is an exemplary model of intergovernmental cooperation. MOTION: Approval of the Order. Roberts MOVED, Dumdi SECONDED. VOTE: 4-0.

5. EXECUTIVE SESSION as per ORS 192.660

To be held at 2:00.

6. COUNTY ADMINISTRATION

a. Announcements

None.

7. PUBLIC WORKS

- a. ORDER 94-1-26-2/In the Matter of Accepting Parks 2000 Plan and Adding 3.54 FTE Positions to the Parks Division, and Transferring \$33,500 Within Fund 24 From Fiscal Transactions to Expenditures for FY 93-94.

Bob Keefer, Parks Manager, reviewed his agenda memo for the Board. He noted that he was returning with a Board Order to finalize a January 11 decision. Keefer observed that the additional positions are not funded from the general fund. He indicated that the Parks Maintenance I positions would be effective March 1, the Extra Help Park Laborers would be approximately June 10, and the seasonal position would be effective April 1. Noting that she had been absent during the original discussion, Frazier expressed concern regarding "D Level" parks, observing that some people were interested in "adopting" a park. She asked that, in accepting this Plan, communities' willingness to help not be eliminated. Keefer stated that the essence of the Plan is to create additional partnerships. MOTION: Approval of the Order. Dumdi MOVED, Frazier SECONDED. Responding to Dumdi, Keefer commented that cost overruns on the Richardson Park comfort station resulted from higher bids than anticipated. VOTE: 4-0.

- b. DISCUSSION AND ORDER 94-1-26-3/In the Matter of Accepting a Deed of Land to be Used as a Public Road Easement (East 43rd Street) (18-03-16).

Bob Ezell, County Surveyor, reviewed the packet material and presented some material by overhead projection. He indicated that the broader issue involves the fact that no roads in Oregon Properties plats, including this one, were ever approved. Ezell also remarked that East 43rd is in F-2 zoning. He asked the Board, in addition to a decision on this specific matter, to provide direction to Land Management to prepare a comprehensive report regarding Oregon Properties plats. He reviewed the options available to the Board as included in the packet (see material on file). Responding to Roberts, Ezell remarked that the Lands' request is generally consistent with the recommendation of staff, noting that the design would involve Mr. Wright dedicating some additional land to make it a consistent curve road. He indicated that if E. 43rd were accepted as a public road, the other concern could be worked out later. Roberts asked Roy Burns, Land Management Manager, if existing staffing could accomplish the recommended report. Burns indicated that dealing with the entire group of plats would be more efficient than dealing with them on a piecemeal basis. Responding to Rust,

Burns stated his belief that the Oregon Properties plats are different than the Cheshire/Alvadore area plats. MOTION: Approval of the Order and give direction to prepare the report regarding Oregon Properties plats. Roberts MOVED, Dumdi SECONDED. Roberts suggested that the Lands' issues be dealt with subsequently. VOTE: 4-0.

- c. THIRD READING AND DELIBERATION/Ordinance No. PA 1046/In the Matter of Adopting a Rural Comprehensive Plan Diagram Amendment from "Residential" to "Industrial" and Related Zoning Map Amendment from "Rural Residential" (RR-5) to "Limited Industrial" (M-1) for Map No. 19-03-02, Tax Lot 602 (Applicant: Bugbee/Obie).

Rust noted that Mike Farthing, Applicant's attorney, was ill. Mike Copely, Associate Planner, recommended that this matter be moved forward to February 23. Rust read the Ordinance into the record. MOTION: Approval of the Third Reading and setting Fourth Reading and Deliberation for February 23. Roberts MOVED, Dumdi SECONDED. VOTE: 4-0.

- d. ORDER 94-1-26-4/In the Matter of a Determination of Whether or Not to Consider Two Appeals of a Hearings Official Decision Reversing the Planning Director's Decision Approving a Site Review Permit for Expansion of a Quarry Operation (Oregon Rock Products, Inc.; PA 1237-93).

Copely reviewed this matter for the Board (see material on file). Frazier requested that the Board support her request to hear this appeal on the basis of county-wide significance. She stated that the Hearings Official in this case assumed responsibility and authority that is not, or was not, given to him, in that the site review included total operations of the quarry which were not part of the site review process. Frazier stressed that it is of significance because the authority was overstepped. She quoted information from the Hearings Official's "Conclusion" (page 16 of Decision), referring to the fact that there is no information in the application to indicate how the quarry operation is or can be made compatible with neighboring residential uses. Frazier noted that the only part of the Site Review that he was to look at dealt with: 1) the siting of office, and 2) stockpiling and a temporary crusher. She also referred to Item B.10. of the 'Agenda Cover Memo and questioned whether the applicant had the burden to show quarrying activities on the site were indeed exempt from County regulation. Roberts did not necessarily agree with Frazier's conclusions, but agreed that the questions are issues that might be of county-wide significance and concurred with regard to hearing the appeal. MOTION: To hear both appeals based on countywide significance. Frazier MOVED, Roberts SECONDED. VOTE: 4-0. Staff was directed to prepare a new Order.

8. CONSENT CALENDAR

Frazier asked that Item 8.E.1. be removed from the Consent Calendar.

- a) Approval of Minutes: November 10, 1993, Public Hearing, 7:00 p.m.
 November 24, 1993, Public Hearing, 1:30 p.m.
 November 30, 1993, Regular Meeting, 9:00 a.m. (Following HACSA)
 December 8, 1993, Regular Meeting, 9:00 a.m.
 December 20, 1993, Leadership Team Revenue Meeting, 12:00 noon
 January 5, 1994, Regular Meeting, 9:00 a.m.
 January 7, 1994, Leadership Team Revenue Meeting, 9:00 a.m.

B. County Administration

- 1) ORDER 94-1-26-5/In the Matter of Awarding Subcontract in the Amount of up to \$54,680; and Delegating Authority to the County Administrator to Sign Subcontract with Pauline Pahle to Deliver Comprehensive Outpatient Sex Offender Treatment to Lane County Sex Offenders.
- 2) ORDER 94-1-26-6/In the Matter of Awarding Subcontract in the Amount of up to \$109,360; and Delegating Authority to the County Administrator to Sign Subcontract with Dr. Philip Humbert to Deliver Comprehensive Outpatient Sex Offender Treatment to Lane County Sex Offenders.
- 3) ORDER 94-1-26-7/In the Matter of Awarding Subcontract in the Amount of \$168,848; and Delegating Authority to the County Administrator to Sign Subcontract with A.C.E.S. to Deliver Intensive In-Custody and Outpatient Alcohol and Drug Treatment Services for Offenders.

C. Health and Human Services

- 1) RESOLUTION AND ORDER 94-1-26-8/In the Matter of Accepting Amendment #8 and PAAF #27 of the 1993-95 Intergovernmental Agreement #20-001; Authorizing the County Administrator to Sign the Documents; and Appropriating \$41,765 in Fund 24 in Fiscal Year 1993-94 in the Department of Health and Human Services for Services to Individuals with Developmental Disabilities.
- 2) RESOLUTION AND ORDER 94-1-26-9/In the Matter of Accepting Amendment #6 and PAAF #25 to the 1993-95 Intergovernmental Agreement #20-001 with the Mental Health and Developmental Disabilities Services Division; Authorizing the County

Administrator to Sign for Acceptance of the Amendment and PAAF; Appropriating \$299,693.21 in Fund 24 in Fiscal Year 1993-94 Which will Support Services to Individuals with Developmental Disabilities.

D. Human Resources and Management Services

- 1) ORDER 94-1-26-10/In the Matter of Authorizing the Sale of County-Owned Surplus Real Property Bid on at Sheriff's Sale on December 6, 1993 to: A) Rush Chapman (Map/Tax Lot #19-12-15-00-00300, Located Near 84505 Highway 101, Florence) and B) Randall Johnson (Map/Tax Lot #18-12-23-32-00401, West of 1987 - 28th Street, Florence) and Executing Associated Land Sale Contracts.
- 2) ORDER 94-1-26-11/In the Matter of Authorizing the Sale of County-Owned Surplus Real Property to: A) G. David & Helen M. Hufford (in Entirety), Located at 5822 G Street, Springfield (Map/Tax Lot #17-02-34-22-00302) and B) James F. & Verla J. Thrasher, Located at the Intersection of Howard Loop & Sunset Drive, Cottage Grove (Map/Tax Lot #21-03-04-10-02700)

E. Public Works

- 1) ORDER 94-1-26-12/In the Matter of Entering into a Memorandum of Understanding with Federal, State and Local Agencies to Facilitate Interagency Coordination Associated With the Conversion of the Oregon, Pacific, and Eastern Railroad Line to a Multipurpose, Nonmotorized Trail and Delegating Authority to the County Administrator to Sign the Memorandum. (Pulled)
- 2) NOTICE OF HEARING, RESOLUTION AND ORDER 94-1-26-13 In the Matter of the Vacation of a Portion of East Rosewood Avenue as Dedicated in the Plat of Castlewood, Platted and Recorded in Book 44, Page 4, Lane County, Oregon Plat Records (17-04-13). (Public Hearing: March 16, 1994, 1:30 p.m., Harris Hall Main Floor)

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

E. Public Works

- 1) ORDER 94-1-26-12/In the Matter of Entering into a Memorandum of Understanding with Federal, State and Local Agencies to Facilitate Interagency Coordination Associated With the Conversion of the Oregon, Pacific, and Eastern Railroad Line to a Multipurpose, Nonmotorized Trail and Delegating Authority to the County Administrator to Sign the Memorandum.

Frazier commented that there is some community concern regarding the "Rails to Trails" project. She recommended that, before the Board takes action, it provide an opportunity for proponents and opponents to speak about the issues. Rust indicated that he would attempt to schedule an early evening public hearing in the South Lane area, either in conjunction with a joint meeting with towns in that area or separately.

This meeting recessed at 10:05 a.m. to reconvene at 10:18 a.m.

9. PUBLIC SAFETY

- a. DISCUSSION AND ORDER 94-1-11-1/In the Matter of Amending and Adopting a Revised and Updated Emergency Operations Plan for Lane County.

John Clague, Captain, Sheriff's Office, explained that a number of changes, some major, have been initiated. He indicated that the "line of succession", in particular, needs to be discussed. Clague remarked that the organization and structure of how a disaster is managed is located in Appendix A (see material on file). He indicated that the major change is that this structure system is being incorporated into the Plan. Clague also referred to the "Line of Succession" on page 2 of the Plan (see material on file). He noted that the Line of Succession listed provides that the Chairperson of the Board of Commissioners is the "Incident Commander". Clague remarked that Bill Van Vactor, County Administrator, had suggested that the Line of Succession be discussed by the Board.

Roberts commented that since the Board of Commissioners and the County Administrator are not trained in emergency management, he would prefer that the sheriff be in charge, as he is trained for these situations and is also a county-wide elected official. Frazier concurred, noting that the sheriff is adept at split-second decision making. She indicated that a commissioner would be appropriate in a role of conveying information to the public. Dumdi agreed, stating that a commissioner could be present in the command area, but not in the top position. Rust also concurred. Clague indicated the possibilities of providing training to commissioners or having the sheriff and the Board designee take joint command. Roberts stated that he would encourage consultation, but did not think the commissioners should share in command responsibilities without training. Van Vactor remarked that the Board role could be in the command center in an advisory role, with the sheriff in command. Rust indicated that a consultative role would also be appropriate for the County Administrator. Roberts recommended that commissioners not be in the chain of command. Frazier asked that a specific command list, below the sheriff or his designee, be included. Clague noted that he would make the changes in the Plan as arrived at by consensus of the Board and return with an Order for the Consent Calendar. He

reported that a statewide earthquake drill would take place April 13 through April 25.

10. YOUTH SERVICES

- a. ORDER 94-1-26-14/In the Matter of Appropriating to the Budget of the Department of Youth Services \$57,020.00 for the Diversion of Delinquent Girls from the State Training School System, and Authorizing the County Administrator to Execute a Contract for this Purpose.

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

11. EMERGENCY BUSINESS

- a. Jim Zelenka, Lane Council of Governments, referred to a January 25 letter from Hal Reed to the Board (see material on file). He noted that last year there was a proposal to amend the St. Vincent de Paul/BRING project, under the Round III Regional Strategies, to separate the two projects. Zelenka stated that the proposal from St. Vincent de Paul was approved by the Board last April and that BRING's proposal was now before the Board for concurrence and approval. MOTION: Approval of Round III Regional Strategies project proposal from BRING. Roberts MOVED, Dumdi SECONDED. VOTE: 4-0. Zelenka was directed to prepare an Order for the Consent Calendar.
- b. In another matter, Zelenka referred to his January 25 letter to Rust (see material on file) regarding the fact that LCOG has received an invitation, as an Economic Development District, to apply for one of four Title IX EDA grants under the Forest Initiative to do "capacity building." He indicated that an attempt would be made to fund the equivalent of two FTE under the grant consisting of one-half of his time; one additional staff member at LCOG and one-half of Stephanie Schulz's time. Van Vactor questioned using some of the funds to help defray some of the costs for existing county staff who have been involved. He noted that included Peter Thurston, Marcia Morgan and Steve Cornacchia. Van Vactor remarked that, under this proposal, 25% of the funds would go to Lane County and 75% would go to LCOG. He indicated that it was his understanding that Cornacchia desired that 75% go to Lane County and 25% to LCOG. Responding to Roberts, Zelenka indicated that he had not been able to discuss this thoroughly with Cornacchia. He indicated that the nature of the grant funding is to cover grant-writing and related activities, not administration. Frazier requested a copy of the grant requirements. Responding to Rust, Zelenka remarked that the LCOG Board would be meeting Thursday evening to endorse a resolution to commit funds to a match. He also noted that the funds need to be committed by April. Zelenka stressed that he, Heather Hansen and Schulz had done the bulk of the work to this date and that he took exception to the 75/25 split regarding the work effort. Roberts expressed some sense that

if EDA's timeline is not met, the grant may not be obtained. Rust indicated that the Board could look at this issue again this afternoon after the Board has had an opportunity to review the grant language and perhaps speak with Cornacchia.

3. COMMISSIONERS' ANNOUNCEMENTS

Frazier commented that she would be at the Dorena Grange on Friday evening beginning at 6:30 p.m. to discuss issues related to the County.

Dumdi remarked that she will be doing a similar meeting at the Junction City Grange on February 8.

Roberts discussed the possible referral of the real estate transfer tax to the ballot. He observed that a Lane County ordinance currently requires that there be at least 90 days before an election to refer a matter to the ballot. Roberts asked that County Counsel be directed to prepare a change in the ordinance that would concur with the state statutory deadline to put a matter on the ballot. Wilson remarked that she could prepare that for a first reading later today. The Board concurred with Roberts' request.

Roberts referred to testimony heard at the real estate transfer tax public hearing and noted comment on the impact of the transfer tax on affordability of housing and the need for a public vote on the matter. In that regard, he asked that the Board direct County Counsel to draft an ordinance that would cap real estate commissions in Lane County at 4%, so that option could also possibly be put before the voters to give them options regarding the affordability of housing. Frazier asked whether that might set a precedent for similar treatment of other salespeople's commissions. Rust commented that he would concur with Roberts on the basis that it might contribute to public awareness of the issues involved. Dumdi explained that she was very concerned about trespassing into private business decisions. Frazier remarked that no decision was being made now and that information would just be provided to consider. Roberts stated that the fundamental question is whether all decisions need to go to the voters. Frazier indicated that she would concur with Roberts, for purposes of consideration. Responding to Wilson, Roberts indicated that all real estate commissions would be included, not just residential. The majority concurred with Roberts' suggestion.

There being no further business, this meeting adjourned at 11:17 p.m. to reconvene into Executive Session at 2:00 p.m.


Sharon Giles
Recording Secretary