

MINUTES & NOTICE OF BOARD ACTION

BOOK 156 PAGE 1413

APPROVED

May 11, 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.

March 16, 1994
Following HACSA

REGULAR MEETING
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

Vice-Chair Marie Frazier presided with Steve Cornacchia, Ellie Dumdi and Jack Roberts present. Jerry Rust excused (arrived at 10:00 a.m.) Sharon Giles, Recording Secretary.

1. ADJUSTMENTS TO THE AGENDA

It was announced that an Item 4.b. would be added to the agenda, which is Order 94-3-16-18 regarding calling an election on the Real Property Transfer Tax.

2. PUBLIC COMMENTS

Evan Reed, P.O. Box 1057, Cottage Grove, distributed a handout and stated that he was the public relations director for "Legends of America," a veterans' fundraising event scheduled for May, 1995, which will be a motorcycle rally. He indicated that the rally was scheduled for the Fairgrounds from May 10-14, 1995. Reed stated that there is a conflict with another event (a quarterhorse show scheduled for the livestock building) and remarked that his group needs the entire Fairgrounds facility. He asked that the Board get together with the Fair Board to work to move the horse show to a different date. Reed also asked for a waiver of the Fairground's fees. The Board suggested that Reed give a presentation at next week's Fair Board meeting.

Mike Farthing, P.O. Box 1147, remarked that he is the chair of the Chamber's ad hoc committee that is charged with monitoring Periodic Review. He expressed concern that he found out about this process three days before a February 17 public hearing was held in front of JPCC. Farthing commented that the "first draft" had been sent to "interested parties" and he did not receive a copy, having been in land use for 20 years. Based on his own experience, he stressed his concern for the citizen involvement process. Farthing urged the Board to make sure there

is adequate time provided for public input during the work plan process. He expressed concern that this is turning into a staff submittal. Dumdi noted that this process is mandated, without funding, from the state level. Frazier indicated that the Board had been given assurance that adequate notice was given for the public hearing and she asked Bill Van Vactor, County Administrator, to check into what notification was given.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held later.

4. COMMISSIONERS' BUSINESS

- a. ORDER 94-3-16-1/In the Matter of Amending Chapter 3 of Lane Manual to Increase the Membership for the Rural Community Improvement Council (LM 3.549).

Frazier briefly reviewed this item. She noted that the RCIC had asked for the membership expansion. MOTION: Approval of the Order. Roberts MOVED, Dumdi SECONDED. VOTE: 4-0.

- b. ORDER 94-3-16-18/In the Matter of Calling an Election on Lane County Real Property Transfer Tax.

Teresa Wilson, Acting County Counsel, briefly reviewed this item. MOTION: Approval of the Order. Roberts MOVED, Dumdi SECONDED. VOTE: 4-0.

5. EXECUTIVE SESSION as per ORS 192.660

None.

6. COUNTY ADMINISTRATION

- a. Announcements

None.

- b. ORDER 94-3-16-2/In the Matter of Transferring Ownership of SCAR/Jasper Mountain Child Abuse Rehabilitation Facilities to SCAR/Jasper Mountain, a Non-Profit Corporation Registered in the State of Oregon.

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

- c. ORDER 94-3-16-3/In the Matter of Authorizing Public Works staff to apply for State Economic Development Fund (Lottery) grant monies to be Used in Rehabilitation of the Lowell, Stewart, and Currin Covered Bridges.

MOTION: Approval of the Order. Roberts MOVED, Cornacchia SECONDED. Responding to Cornacchia, Frazier and Schulz commented that Lowell's match was coming from their rural tourism marketing allocation. VOTE: 4-0.

7. PUBLIC WORKS

- a. ORDER 94-3-16-4/In the Matter of Authorizing Public Works Staff to Apply for State Economic Development Fund (Lottery) Grant Monies to be Used in Rehabilitation of the Row River (Dorena) and Fall Creek (Pengra) Covered Bridges.

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

- b. DISCUSSION & ACTION/Field of Dreams Subdivision Improvements.

Oliver Snowden, County Engineer, briefly reviewed the agenda memorandum. He introduced John Hubbard, Executive Director of NEDCO, who indicated that the "mixed-income" development will sustain the values overall and the 19 moderate units will generate some revenue to subsidize the low-income units. Responding to Roberts, Hubbard indicated that the amount of subsidy transferred to the low-income units would be affected if the moderate-rate housing was assessed. Roberts noted the assumption is that the consumers will pay whatever the market rate is for the moderate-rate housing, as if NEDCO had paid the assessments, with NEDCO using that profit benefit to subsidize the low-income units.

Expressing concern regarding waiving fees for the market-rate units, Roberts recommended waiving the assessments on the low-income lots and making assessments on the others with the understanding that NEDCO could make a case regarding the impacts on the affordable-housing units. Cornacchia indicated that he would like to deal with the two issues separately. He indicated he concurred with Roberts on the assessments. With regard to the low-income guarantee, Cornacchia expressed concern about the concept of converting the investment into private profit. He stated his agreement with Legal Counsel that there continue to be a low-income eligible guarantee/requirement on the properties for at least 15 years, maybe 20. Roberts questioned how that would work, asking whether the low-income purchaser, after 10 years, would be required to sell to a low-income purchaser. Hubbard remarked that the only way to do that would be with a deed restriction (which would make it non-financeable) or a trust deed, at zero interest and repayable in the event that the property is re-sold within a certain period of time to a non-low-income family. Noting that the project was originally brought to the Board as an increase in the low-income inventory, Cornacchia indicated that he was interested in maintaining an inventory of low-income housing in the community. Roberts apologized for not fully explaining the rent-to-own project concept. He indicated that this type of project is an

important component of the overall mix of projects in the community. Roberts remarked that he is supportive of the public being involved in attempting to transition low-income people to home ownership.

Cornacchia stated that he would be very careful next time when the involvement of \$227,000 of public money is involved. He noted that the road fund is not an unlimited pool. Frazier voiced her support for the assessment recommendation, but indicated the need for a 15-year clause that the low-income housing units would be available for low-income people. MOTION: Waiver of assessments for the 30 low-income units. Roberts MOVED, Dumdi SECONDED. VOTE: 4-0. MOTION: Restriction that as long as the low-income units are owned by NEDCO, for the next 15 years, they will be used for low-income purposes along the guidelines of the original project. Roberts MOVED, Cornacchia SECONDED. VOTE: 3-1, Frazier dissenting. Snowden indicated that he would return with a Board Order and give Hubbard the opportunity to attach his additional comments regarding the other 19 units to the packet.

Commissioner Rust arrived at 10:00 a.m.

c. DISCUSSION & ACTION/Eugene Airport Environmental Assessment.

Tom Stinchfield, Transportation Planning Engineer, indicated that Grant Williams, City Traffic Engineer, and Mike Boggs, Airport Manager, were available to answer questions. Dumdi remarked that she had talked to people in the area who would be impacted by the project and indicated that Alternative One (the Greenhill proposal), in which the City recommended the road be graveled and gated, was unacceptable as farmers need around-the-clock access. She stated there was more preference to go with Alternative Two (the continuation of Merryman Road across to Purkerson Road) and their second preference would be with Greenhill, open and paved. After considerable discussion regarding environmental and other impacts, it was determined that further information was required to determine why Merryman did not seem to be viable in the consultant's assessment. There was consensus to defer this item until more information, and an analysis of the budget consideration of each option, including costs for mitigating Merryman, was available.

d. ORDER 94-3-16-5/In the Matter of Approving an Intergovernmental Agreement with the City of Florence Regarding Delegation of Planning and Building Regulation Functions in Conjunction with a Contract Zoning Request (Cascade Equity Group, Inc.).

MOTION: Approval of the Order. Cornacchia MOVED, Dumdi SECONDED. VOTE: 5-0.

- e. ORDER 94-3-16-6/In the Matter of Approving an Intergovernmental Agreement with the City of Florence Regarding Delegation of Planning and Building Regulation Functions in Conjunction with a Contract Zoning Request (Coastal Western Land Company).

MOTION: Approval of the Order. Cornacchia MOVED, Dumdi SECONDED.
VOTE: 5-0.

- f. ORDER 94-3-16-7/In the Matter of Electing Whether or Not to Hear an Appeal of a Hearings Official Decision Affirming the Planning Director's Decision Approving a Request for Site Review Approval for a Public Works Zone Shop Within a Light Industrial, M-2 Zoning District (Lane County/PA 2881-93).

Jim Mann, Planning Program Supervisor, reviewed the agenda memorandum (see material on file), with the recommendation not to hear the appeal. Responding to Cornacchia, Mann indicated that the property has already been purchased.

With regard to ex parte contacts, Rust indicated that he had talked to the media once (and was correctly quoted) and this did not influence his decision. Frazier stated that she had taken a phone call regarding the timelines for this appeal, but it was not substantive.

MOTION: Not to hear the appeal. Roberts MOVED, Dumdi SECONDED. Rust agreed with the recommendation not to hear the appeal, stating that the criteria cannot be bent. He indicated that the land was zoned for industrial use back in the 80's. Cornacchia agreed, noting that this matter is site specific. Observing that more questions should have been asked before Lane County purchased the property, Cornacchia stated that, in order to do this project right, the County should be expected to deal with the people's concerns on an ongoing basis, from the time the property is being built upon through the management of the site. The Board concurred that the statement of criteria from the site review process be posted and adhered to.
VOTE: 5-0.

8. PLATS

Pioneer Estates
Lane County
17-01-22

Bowling Green
City of Veneta
17-06-35

MOTION: Approval of the Plats. Cornacchia MOVED, Roberts SECONDED. VOTE: 5-0.

9. CONSENT CALENDAR

A. Approval of Minutes: None.

B. Health and Human Services

- 1) RESOLUTION AND ORDER 94-3-16-8/In the Matter of Accepting Plan/Amendment Approval Form (PAAF) #36 to the 1993-95 Intergovernmental Agreement #20-001 With the State of Oregon Mental Health and Developmental Disabilities Services Division in the Amount of \$43,100; Appropriating an Additional \$43,100 in Revenues and Expenditures; and Delegating Authority to the County Administrator to Sign the Subcontract Amendment with Prevention and Recovery, N.W.

C. Human Resources and Management Services

- 1) ORDER 94-3-16-9/In the Matter of Authorizing the Sale of County-Owned Real Property to Bran D. Nelson (Map/Tax Lot #17-04-32-00-02200, Across from 87864 Laporte Drive, Eugene).

D. Public Works

- 1) ORDER 94-3-16-10/In the Matter of Releasing, Dedicating, and Accepting Parcels "A" and "B," in the Plat of Castlewood, Book 44, Page 4, Parcels of County Owned Real Estate, as a Public Road (17-04-13) (East Rosewood Avenue).
- 2) ORDER 94-3-16-11/In the Matter of Vacating the Alley Between Lots 34, 35, and 37 in the Plat of Lorane Orchards as Platted and Recorded in Book 4, Page 13, Lane County Oregon Plat Records, Without a Public Hearing, and Adopting Findings of Fact (20-05-12).
- 3) ORDER 94-3-16-12/In the Matter of Vacating a Portion of County Road Number 1101 (Leaburg Dam Road), Without a Public Hearing, and Adopting Findings of Fact (16-25-32).
- 4) ORDER 94-3-16-13/In the Matter of Accepting a Deed of Land to be Used as a Public Road Easement and County Road for Leaburg Dam Road (16-25-32).
- 5) ORDER 94-3-16-14/In the Matter of Vacating a Portion of a Public Lane Along Lot 14 of Sander's Addition to Mapleton as Platted and Recorded in Book 6, Page 17, Lane County Oregon Plat Records, Without a Public Hearing, and Adopting Findings of Fact (18-10-02).

- 6) ORDER 94-3-16-15/In the Matter of Authorizing Public Works Staff to Apply for State Highway Fund Grant Monies to be Used for Maintenance and/or Rehabilitation of Eleven (11) In-Service Covered Bridges.

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

WEDNESDAY, MARCH 16, 1994 - REGULAR MEETING (Continued)

10. HEALTH AND HUMAN SERVICES

- a. RESOLUTION AND ORDER 94-3-16-16/In the Matter of Accepting Revision #5 to the 1993/94 Intergovernmental Agreement with the Oregon State Health Division in the Amount of \$20,515; Increasing the Appropriations for Revenues and Expenditures in the Amount of \$20,515; Increasing a .75 FTE Community Service Worker 2 to 1.0 FTE; and Delegating Authority to the County Administrator to Sign the Revision and Subcontract Amendments Per Exhibit A.

MOTION: Approval of the Order. Cornacchia MOVED, Dumdi SECONDED. VOTE: 5-0.

11. EMERGENCY BUSINESS

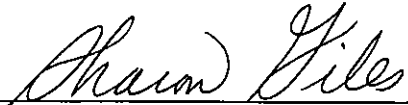
None.

3. COMMISSIONERS' ANNOUNCEMENTS

Rust remarked that he had been at an event at Edgewood Elementary this morning dealing with battery recycling. He commented that it is refreshing to see people excited, believing they can make a difference. Rust complimented Matt Stern for his efforts in the matter.

Dumdi commented that a former South Lane state legislator had made comments on KUGN radio this morning in opposition to the real estate transfer tax. She suggested that perhaps this person needed to be educated on this matter.

There being no further business, this meeting adjourned at 10:40 a.m.


Sharon Giles
Recording Secretary