

# MINUTES & NOTICE OF BOARD ACTION

BOOK 156 PAGE 1908

APPROVED Feb. 7, 1995



## 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 22, 1994  
1:30 p.m.

REGULAR MEETING  
BOARD OF COUNTY COMMISSIONERS

Harris Hall  
Main Floor

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

### 11. PUBLIC COMMENTS

Jim Spickerman, attorney, 1342 High Street, indicated he was present on behalf of Gene Benedict. He objected to the fact Item 13.a. is not a public hearing, with notice and due process because this is a land use decision and is entitled to a quasi-judicial process. Spickerman indicated there is a disagreement with staff with regard to the status of the roads in question. He indicated that the roads would not be local roads serving abutting properties, but would be minor collectors. Spickerman reported that a memo from the surveyors indicates that the criteria/standards have been met to meet this definition.

Harry Taylor, land use consultant, 25119 Lamb Road, Elmira, stated that he also represents Mr. Benedict on the same matter. He remarked that he agrees that this is an inappropriate process as this is a land use issue. Taylor noted that there are county roads in the subdivision that have been accepted into the system and they are just asking for an extension. He stated that there is future park land in the area that will be used by a variety of people. Taylor stressed that there is confusion in the staff reports as various staff say yes, maybe and no with regard to these roads being added to the county system. He encouraged the Board to 1) direct staff to provide better definitions if, in fact, they stay with the definitions that are currently in the Code; and 2) provide the applicant an opportunity through public hearing to refute the staff recommendation. He emphasized that this is an issue that will reoccur.

Jerry Jacobson, 4959 Sandrift Court, Florence, encouraged the Board to approve the petition to extend road maintenance to the roads in the tract. He noted that rules have changed in the middle of the process. Jacobson stressed that standards should remain consistent throughout a development.

Gene Benedict, 27962 Ward Lane, Eugene, indicated that he is the owner and developer of the Idylewood Subdivision. He indicated that the first development of Idylewood (60+ homes) was completed in 1980. Benedict stated that an overall plan of the entire project (250+ homes) was required by the County at that time. He emphasized that the roads were built to County standards. Benedict indicated that the second phase was completed in 1990 and he wasn't aware of any change in circumstances. He stated that it wasn't reasonable for the local property owners to maintain streets that would be used as access to county park land.

Dumdi read a letter into the record from John and Rosemarie White, 87764 Saltaire Street, Florence, which stated that it would be negligent of the County to not accept the roads into the County maintenance system.

## 12. COMMISSIONERS' ANNOUNCEMENTS

To be held later in the meeting.

## 13. OTHER BUSINESS

- a. ORDER 94-11-22-16/In the Matter of an Appeal to a Director's Report Denying County Road Status to Saltaire Street, Sandrift Street, and Sandrift Court.

Betty Mishou, Engineering Administration Analyst, reviewed the agenda memorandum, noting that the roads in question do not meet the standard relating to benefit to the general public. She indicated that the three roads are functionally classified as local access roads. Responding to Cornacchia, Mishou stated that the Saltaire and Sandrift in the first development are in the County system as they were established in 1981 before the rules changed. Cornacchia noted that the streets under discussion today are the internal streets of the subdivision. Dumdi stated that the confusion occurs because the rules have changed between the first development in 1981 and later development. Cornacchia noted it is important to determine whether the original streets were accepted as subdivision streets or as providing benefit to the general public. Bob Ezell, Surveyor, stated that prior to the change of rules on subdivisions, roads were built to county standards, inspected and were accepted as county roads. Rust indicated his support of the staff recommendation based on current criteria.

MOTION: To uphold the Director's decision denying county road status. Cornacchia MOVED, Frazier SECONDED. Rust summarized current policy, noting that roads that primarily benefit homeowners are the responsibility of the homeowners and roads that are of benefit to the

broader community are the responsibility of government. Dumdi suggested that developers arrange for area residents to form a homeowners' association. She remarked that this property is within the Urban Growth Boundary and will be annexed to Florence in the future at which time the local access roads will be accepted by the city. VOTE: 4-0.

- b. REPORT BACK/Discussion on Leachate Treatment Options for Short Mountain Landfill.

Mike Turner, Waste Management Manager, reviewed the agenda memorandum. He suggested that the Board not totally discount the option of obtaining and using the property to the south as other options may not be viable, but to set the option aside for now and look into the other options. Responding to Cornacchia, Steve Recca, Cascade Pacific Engineering, indicated that he is aware of the municipal wastewater/irrigation project in Tillamook County, but noted that the nature of the materials there is different than the composition of the leachate at Short Mountain. Cornacchia asked if there was a comparable leachate system somewhere else in the area. Recca indicated that Marion County does some dilution and then irrigation. Responding again to Cornacchia, Recca indicated that groundwater protection is virtually guaranteed because of the flow of the shallow groundwater in the area which is towards the Willamette and not towards recharge of the aquifer. He indicated the shallow groundwater would have to be monitored. Recca indicated his firm recognizes Lane County would be relying on their advice and does carry appropriate insurance.

Responding to Rust, Recca indicated that a combination of options 3 and 4 (closed landfill irrigation partly on the hillside) could get the job done in the future if a new system for leachate recirculation is developed and approved. He stated that as long as DEQ sees the process moving, they will probably continue to permit current activities.

Rust introduced Doug Huntington and Webelos Den 3 from Pack 341, noting that they are working on their Citizenship activity requirement.

Don Walken, 34424 Walnut, Creswell, noted that many people could not come to the meeting today because of their jobs. He stated that he has lived on the south side of the current landfill and that many people are concerned about the quality of their wells. Walken stressed that he is not sure underground aquifers only follow one path. He noted that the landfill, in addition to other activities going on in the area, has overwhelmed the liveability of Camas Swale Creek. Walken commented that overwhelming the water with nutrients shuts out the oxygen level. He stressed that this is an opportunity to look at the landfill, its location and the future of the county and state.

Richard Jensen, 34185 East Walnut Lane, Creswell, commented that the petition speaks for itself. He noted that if people who work there wear "moon suits" then why shouldn't the general public be afraid, too. Jensen asked what would happen if wells were damaged and what would be the cost of bringing in city water. He stated that property values would decrease and maybe it should be a property tax-free zone.

Thelma Wilson, 33995 Walnut Lane, Creswell, stated that she lives south of the landfill. She stressed that the dump decreases the value of their property. Wilson asked how the County got a permit to locate a dump on the Willamette River.

Frazier asked the Board to withdraw the option of acquiring and using the adjacent property to the south for a spray irrigation field. She distributed a handout which summarized comments made at the September 22 public meeting in Creswell (see material on file). Frazier stressed that she is not supportive of a solution that creates other problems. She advocated moving forward with exploration of other options that address the needs. Rust concurred with Frazier. Responding to Rust, Turner stated that there are ways to limit the amount of leachate created in the pond. He observed that tarping has been done in an attempt to dry out the landfill. Cornacchia concurred with Frazier and Rust, and also asked the Board to consider deleting Option 5. He suggested that limiting options may create more impetus for Waste Management staff to create solutions. There was consensus among Board members to delete consideration of using the adjacent property to the south for leachate treatment and deleting Option 5 (direct discharge into the Willamette River).

#### 14. PUBLIC HEARINGS

- a. SECOND READING AND PUBLIC HEARING/Ordinance PA 1066/In the Matter of Renaming a Portion of Row River Road to Sunflower Court (20-02-31).

Rust read the Ordinance into the record. Bob Ezell briefly reviewed the agenda memorandum. Rust opened the Public Hearing. There being no one present who wished to testify, Rust closed the Public Hearing. MOTION: Approval of the Ordinance. Frazier MOVED, Dumdi SECONDED. The Secretary polled the Board. VOTE: 4 Ayes.

- b. PUBLIC HEARING AND ORDER 94-11-22-17/In the Matter of Releasing the Reversionary Rights on Approximately .05 of an Acre of Awbrey Park and Allowing the City of Eugene to Sell the Property With the Funds Received From the Sale Dedicated to Improvements at Awbrey Park.

Rust read this Order into the record. Bob Keefer briefly reviewed the agenda memorandum. Rust opened the Public Hearing. There being no one present who wished to testify, Rust closed the Public Hearing. MOTION: Approval of the Order. Dumdi MOVED, Cornacchia SECONDED. VOTE: 4-0.

- c. SECOND READING AND PUBLIC HEARING/Ordinance No. 11-94/In the Matter of Amending Ordinance No. 14-90D (Tree Conservation and Protection), as Previously Amended, to Extend the Sunset Date of December 1, 1994 to December 1, 1995, and Declaring an Emergency.

Rust read this Ordinance into the record. Roy Burns briefly reviewed the agenda memorandum. Rust opened the Public Hearing. There being no one present who wished to testify, Rust closed the Public Hearing. MOTION: Approval of the Ordinance. Cornacchia MOVED, Dumdi SECONDED. The Secretary polled the Board. VOTE: 4 Ayes.

This meeting recessed at 2:52 p.m. to reconvene at 3:08 a.m.

- d. PUBLIC HEARING AND ORDER 94-11-22-18/In the Matter of Selecting 1995 CDBG Projects.

Peter Thurston, Community and Economic Development Coordinator, briefly reviewed the agenda memorandum. He indicated the purpose of today's hearing was to hear from citizens. Thurston distributed two letters for the record, one from Marcola Water District and one from Mapleton Water District.

Chair Rust opened the Public Hearing.

Jeanne E. Trudeau, P.O. Box 71, Blachly, spoke with regard to the Lake Creek Rural Fire Protection District's request for a Block Grant to build a fire station. She read a letter into the record (see material on file) asking the Board for support of this project.

Rust closed the Public Hearing.

Responding to Frazier, Thurston indicated that Lane County can have three open grants. He explained that there are two presently open, with one of them closing soon which will be replaced by the Mapleton Water District improvements. Thurston remarked that would leave one open spot. Cornacchia suggested including the Blachly and Marcola projects on the list, even though Marcola does not currently fit the income requirements. He indicated that would list the projects in the following order: a) Mapleton Water District Improvements Design and Construction, b) Lake Creek/Blachly Fire Station/Community Center Project, c) Marcola Water District Facility Improvements, d) Heceta Water District Improvements, e) Facilities to Serve Youth in Rural Areas, f) Projects that Support Rural Family-Wage Job Opportunities, and g) Coordination of Rural Housing Rehabilitation, Home Repair and related services. Cornacchia stated that he would like to hear from Heceta, Marcola and Blachly at the next public hearing. Thurston noted that Heceta had been encouraged to speak today, but no one is present. He observed that neither Marcola nor Blachly has data to support their application. Responding to Cornacchia, Thurston agreed that on the basis of readiness to proceed, Heceta is the only one eligible.



- 5) ORDER 94-11-22-10/In the Matter of Releasing and Dedicating Portions of Parcels "D" thru "K" and "M," Lynnbrook II, Phase II, File 73, Slide 460, Parcels of County Owned Real Estate, as a Public Road (17-04-03) (Lancaster Drive).
- 6) ORDER 94-11-22-11/In the Matter of Awarding a Contract to PapG Bros. Inc., in the Amount of \$335,622 With Four (4) Trade-Ins, for the Purchase of Three (3), New, Motor Graders, Contract FY94/95 FS-03.

D. Youth Services

- 1) ORDER 94-11-22-12/In the Matter of Approval of a Disputed Claim Settlement and a Claims Disposition Agreement Regarding the Workers' Compensation Claim of Lynne Wilson.

Dumdi asked that Item 8.C.3) be pulled from the Consent Calendar. Frazier asked that Item 8.C.2) be pulled from the Consent Calendar. MOTION: Approval of the balance of the Consent Calendar. Cornacchia MOVED, Rust SECONDED. VOTE: 4-0.

- C. 3) RESOLUTION AND ORDER 94-11-22-8/In the Matter of Acquiring Fee or Other Interests in Certain Real Properties for the Improvement of Hall Road for Road Purposes.

Dumdi stated that this matter needs to be pulled from the agenda and rescheduled for December 7 so that the property owner can acquire further information.

- C. 2) ORDER 94-11-22-7/In the Matter of Granting an Easement Over a Portion of the Glenwood Central Receiving Station Property to the City of Eugene.

Frazier asked if these types of actions to improve infrastructure are going to have an adverse impact on decisions to be made at future joint meetings. Cornacchia indicated that these were expected costs that would have to be addressed in any transfer. MOTION: Approval of the Order. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-0.

9. HEALTH AND HUMAN SERVICES

- a. ORDER 94-11-22-13/In the Matter of Reappointing One Member to the Health Advisory Committee.

MOTION: Approval of the Order reappointing Martha Teich to the Health Advisory Committee. Cornacchia MOVED, Dumdi SECONDED. VOTE: 4-0.

10. HUMAN RESOURCES AND MANAGEMENT SERVICES

- b. ORDER 94-11-22-15/In the Matter of Establishing New Classifications and Salaries, and Revising Compensation Levels for Revised Classifications as a Result of a Classification Review of County-Wide Computer-Related Positions.

This item was pulled from the agenda with no return scheduled.

15. EMERGENCY BUSINESS

- a. RESOLUTION 94-11-22-19/In the Matter of Commemorating the 50th Year of the Reconstruction of the Westfir Covered Bridge and Celebrating the Annual Bridge Lighting Festival.

Frazier read the title into the record. MOTION: Approval of the Resolution. Frazier MOVED, Cornacchia SECONDED. VOTE: 4-0.

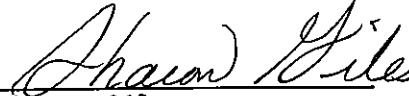
12. COMMISSIONERS' ANNOUNCEMENTS

Frazier reported that the Board has received an invitation to the festivities at the Westfir Covered Bridge on December 3 at 5:00 p.m.

Dumdi indicated she had received a call from John Ball with regard to two letters addressed to Senators Packwood and Hatfield with regard to long-term funding for the Oregon National Guard's Youth Development Programs. She requested that Board members each sign the letter. The Board concurred.

Rust wished everyone a happy Thanksgiving.

There being no further business, this meeting adjourned at 4:10 p.m.

  
Sharon Giles  
Recording Secretary