

MINUTES & NOTICE OF BOARD ACTION

BOOK 156 PAGE 1780

APPROVED October 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.

September 13, 1994
Following HACSA

WORK SESSION
BOARD OF COUNTY COMMISSIONERS

Harris Hall
Main Floor

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

1. ADJUSTMENTS TO THE AGENDA

One item of Emergency Business was identified. It was noted that Item 13.b. is a Public Hearing, Item 14.a. is pulled and Item 11.a. will be moved to the September 27 agenda so that Mr. Seaberry can receive notification of the discussion.

2. PUBLIC COMMENTS

Eddie and Mark Greichus, 93133 Sumich Road, Blachly, spoke with regard to the building permit they are requesting for their property. She stressed that the process is complicated and expensive. Mrs. Greichus distributed copies of their monthly budget, indicating that they only have \$45 per month for anything extra, but stating that they would be willing to put that money toward the fees. Rust clarified with Mr. and Mrs. Greichus that what they were requesting was a fee deferral or a payment plan.

Con Magnuson, 24003 Suttle Road, Veneta, expressed concern about comments made in the board packet/agenda material. Roberts explained that Magnuson was apparently reading the alternatives available, but that staff was actually recommending making storage of an airplane a permitted use. Rust observed, though, that it would be necessary to amend Lane Code to authorize the use subject to review, compatibility standards and notice and opportunity for appeal.

Laura Magnuson chose not to speak.

8. PUBLIC WORKS

- b. This item was taken out of order.

DISCUSSION AND ORDER 94-9-13-4/In the Matter of Interpreting Lane Code Chapter 16 Regarding Limited Airplane Use as a Permitted Accessory Residential Use.

Jim Mann, Planning Supervisor, briefly reviewed the agenda memorandum, summarizing that staff believes there is a basis to interpret that keeping/storing your own airplane on your property is an allowable accessory use. He mentioned that neighbors could object, but emphasis would be put on giving people the opportunity to regulate themselves. MOTION: Approval of the Order establishing the interpretation that follows the three criteria that is suggested on page 2 of the agenda memorandum. Cornacchia MOVED, Roberts SECONDED. VOTE: 5-0.

5. RESOLUTIONS

- a. RESOLUTION AND ORDER 94-9-13-2/In the Matter of Support of Promoting Tobacco Prevention Activities and Prohibiting Sales of Tobacco to Minors.

This item was taken out of order.

Dumdi read the Resolution into the record. MOTION: Approval of the Resolution. Dumdi MOVED, Roberts SECONDED. VOTE: 5-0.

4. COMMISSIONERS' BUSINESS

- a. DISCUSSION/Possible Action - Use of Transient Room Tax for Convention Marketing.

Linda Weston, Executive Director of CVALCO, reviewed the agenda memorandum (see material on file). She highlighted two issues: 1) the short-term issue of salvaging the Worldwide Church of God business, and 2) the long-term ability to deal on a level playing field with other cities, enabling Lane County to be more competitive. Weston emphasized that any money dealt with would be paid directly to the facility/supplier in question and not to the meeting planner. Rust distributed a memorandum from the City of Eugene, indicating that staff would recommend to the City Council that Eugene participate (see material on file). He reviewed the basic criteria and percentages covered in the Board Order. Dumdi indicated that the Florence Chamber of Commerce supports CVALCO in this effort. Weston emphasized that there is no guarantee that Worldwide Church of God will return, but this is the only way there is even a chance. Roberts noted that he would support Lane County making its percentage contribution, even if there is no participation by the two cities.

Cornacchia stated that he appreciates that this issue is now being addressed in terms of an overall policy concept. He remarked that there is need to have a discussion with Lane County's room tax partners regarding marketing this community in terms of tourism and business, including the issue of "a level playing field." Cornacchia presented several suggestions: 1) Immediately follow up with a policy discussion - in terms of the entire industry - based in terms of an example of Florence hosting a smaller convention that may use all the available rooms in that area, but not meeting the criteria outlined in the Order. He stated that this discussion fits more into the responsibilities of the Tourism Council, as opposed to the Blue Ribbon Task Force where it would only be a short-term issue. Cornacchia recommended that the Tourism Council be given the charge to review the criteria and frame the policy, reporting back to all of the players with a recommendation, which may include different criteria for the non-metro markets. He recommended that they also be charged with ongoing scrutiny to evaluate after major events are held. Cornacchia indicated that he can support Roberts with regard to Lane County putting in its share (\$13,250) whether or not the cities are involved. He asked that monies not be paid out until there is a specific need for its use and not just used because the money is budgeted.

Rust stated that he would like to see a joint referral to both the Tourism Council and the Blue Ribbon Task Force. Roberts concurred, noting that the Task Force will be looking at whether this type of thing will be funded on an ongoing basis at all, while the Tourism Council would look at the criteria and other related issues.

Cornacchia observed that this would enable the immediate matters to be addressed by the Tourism Council, as the Task Force is still in its formative stages. Frazier observed that there will be a Tourism representative on the Blue Ribbon Task Force. John Tamulonis stated that he would be presenting this issue to the Springfield City Council.

- b. ORDER 94-9-13-1/In the Matter of Creating a Special Fund From Room Tax Receipts to Secure Future Convention Activity in Lane County.

MOTION: Approval of the Order, adding the joint referral to the Tourism Council as well as the Blue Ribbon Task Force, deleting "for example" from the fourth "Whereas," and changing "tax" to "task" in the last sentence of the first page. Rust MOVED, Roberts SECONDED. Frazier introduced a letter of support from Paul Kemp of Oakridge.

VOTE: 5-0.

Cornacchia asked to make a few comments on several upcoming matters, as he had to leave for a funeral. With regard to Item 8.c., he indicated his support of Option 2, noting that it was a step in the right direction. Regarding Item 8.d., Cornacchia observed that most costs were for staffing, except for \$125 in legal ads. He asked that the opportunity be given for any fees to be paid over time

and that consideration be given to waiving at least part of the fees. Cornacchia noted that he does have concern regarding setting a precedent, but remarked that this could be considered a contribution in "homeless prevention."

Cornacchia was excused from the meeting at 10:00 a.m. Frazier asked that the Emergency Business item be held at the 1:30 p.m. session when Cornacchia can be present.

6. EXECUTIVE SESSION as per ORS 192.660

To be held later in the meeting.

7. COUNTY ADMINISTRATION

a. Announcements

None.

8. PUBLIC WORKS

- a. RESOLUTION AND ORDER 94-9-13-3/In the Matter of Accepting a Grant of \$40,000 from the State Center for Geographic Information Systems; Delegating Authority to the County Administrator to Execute an Agreement; Establishing an Additional 1.0 FTE Cartographer Position; and Appropriating an Additional \$31,000 in Revenues and Expenditures for the Assessment and Taxation Department; and \$5,000 in Revenues and Expenditures for the Land Management Division, Public Works Department; and \$4,000 in Revenues and Expenditures for the Computer Services Division, Public Works Department.

MOTION: Approval of the Order. Roberts MOVED, Frazier SECONDED. John Goodson, Public Works Director, expressed appreciation to Jim Gangle, Doris Bell, Ken Smith and Sawat Wolfe for their teamwork in putting this together. VOTE: 4-0.

- c. REPORT BACK, DISCUSSION & ACTION/Reviewing the County Special Assessment Policy for Public Improvements.

Rust concurred with Cornacchia's earlier statements. Responding to Frazier's question regarding Option 2, Goodson stated that "direct access is denied" is a literal statement. Ollie Snowden, County Engineer, suggested language be included which would allow for some type of deed restriction on properties that don't take access now, indicating that when access is requested, the property owner would have to pay back the assessment, plus interest. Snowden remarked that that could include a time limit. He also expressed concern about the current language with regard to a single owner with multiple adjacent tax lots where only the frontage on the tax lot with the driveway is assessed. Snowden received consensus from the Board with regard to proceeding with the Centennial project, stating that he would bring it back on the September 27. Staff was directed

to prepare the appropriate Code changes, using Option 2, for Board adoption.

This meeting recessed at 10:08 a.m. to reconvene at 10:22 a.m.

- d. DISCUSSION/Direction Regarding Land Management Division Resource Allocation to Address Permit Processing for Tax Lot 601 of Map 16-07-16, Zoned Impacted Forest Land (F-2/RCP) (Mark and Edie Greichus).

Responding to Frazier, Kent Howe, Associate Planner, agreed that the fact that the County originally proposed EFU zoning, but the previous property owner asked for F-2 zoning, would be an important issue if the zone amendment option were chosen. Howe noted that the property is contiguous with other EFU properties. Rust noted that this matter has already received a skilled evaluation from the Land Management Department. He observed that, in fairness, many people have problems with the complexities of land use problems and the fees involved. Rust mentioned that Land Management has suggested that, at a minimum, the land use and building permit application costs be borne by the applicants. He indicated he was inclined not to waive these fees and was open to creative suggestions with regard to a payment plan. Responding to Roberts, Bill Van Vactor, County Administrator, remarked that Lane County does have the ability to have an unpaid fee placed as a lien on real estate, but does not have the ability to impose it. Teresa Wilson, County Counsel, noted that a mortgage may impact the owners' ability to get commercial financing. She suggested another option of taking an unsecured loan, simply a note. Roy Burns, Land Management Manager, indicated that the Division has, in the past, accepted pledges for payments on fees.

Mark Greichus stated that their greenhouse operation should be producing income by the first of next year and then they would be able to make reasonable monthly payments. Frazier suggested a combination approach of a delayed first payment, with a payment plan at the end of that time. Roberts stated that he likes the idea of having it secured by the real estate. He asked for direction to pay the recommended fees, to include a lien and a reasonable and realistic payment plan. Frazier suggested that was a viable plan if the fees weren't paid off by a certain date, but stressed that she preferred not to have the fee amount secured by real estate. Roberts stated his reasoning for security is to take the pressure off for regular payments, indicating that if the fees are unsecured, it will require more monitoring. Edie Greichus explained that if there is a note put on the property, they would then have to go through the Chapter 13 Bankruptcy Court and get permission from them to do that, which would require a hearing with all the other creditors. Rust observed that there is consensus with regard to the spirit of the Board and suggested letting Land Management handle the details. Wilson noted that the security requirement for the \$1500 will cause the use of additional staff time, including the Chapter 13 proceedings, and questioned whether that would be cost effective.

There was consensus to require payment of the recommended fees and secure the note if it was not too difficult; otherwise to go forward with a note with payments.

- e. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/Ordinance No. PA 1062/In the Matter of Renaming Ernest Bridge to Earnest Bridge (16-01-05)

Rust read the Ordinance into the record. MOTION: Approval of the First Reading and Setting Second Reading and Public Hearing for September 27, 1994 at 1:30 p.m. Frazier MOVED, Roberts SECONDED. VOTE: 4-0.

9. PLATS

None.

10. CONSENT CALENDAR

- A. Approval of Minutes:
 - June 21, 1994, Work Session, 9:00 a.m.
 - June 21, 1994, Work Session, 1:30 p.m.
 - June 22, 1994, Regular Meeting, Following MWSO
 - July 18, 1994, Leadership Team Meeting, 9:00 a.m.
- B. County Counsel
 - 1) ORDER 94-9-13-5/In the Matter of Amending Chapter 21 of Lane Manual To Delegate Additional Authority to the County Administrator to Execute Contracts (LM 21.105; 21.120)
- C. District Attorney
 - 1) RESOLUTION AND ORDER 94-9-13-6/In the Matter of Appropriating \$3,450 in Victim of Crime Act (VOCA) Grant Funds from the Oregon Department of Justice to the District Attorney for the Victim Service Program.
- D. Health and Human Services
 - 1) ORDER 94-9-13-7/In the Matter of Accepting Revision #2 to the 1994/95 Intergovernmental Agreement with the Oregon Health Division in the Amount of \$25,474; Increasing the Appropriations for Revenues and Expenditures in the Amount of \$25,474; and Delegating Authority to the County Administrator to Sign Revision #2 and Subcontract Amendments Per Exhibit A.
- E. Human Resources and Management Services

- 1) ORDER 94-9-13-8/In the Matter of Authorizing the County Administrator to Execute a Fenceline Easement on County-Owned Real Property with Cecilia Green.
- 2) ORDER 94-9-13-9/In the Matter of Approval of a Disputed Claim Settlement Regarding Workers' Compensation Claim of Evelyn Howard.

F. Public Works

- 1) ORDER 94-9-13-10/In the Matter of Awarding a Contract to Pacific Utility Equipment, Inc. in the Amount of \$49,461, with Trade-in, for the Purchase of One (1), New Service Truck with Aerial Personnel Lift, Contract FY94/95 FS-01.
- 2) ORDER 94-9-13-11/In the Matter of Awarding a Contract to Sahlberg Equipment, Inc. in the Amount of \$122,871 for the Purchase of Three (3), New Rubber Tire Tractors Equipped with Side Flail Mowers, with Three (3) Trade-ins, Contract FY94/95 FS-02.
- 3) RESOLUTION AND ORDER 94-9-13-12/In the Matter of Constructing Improvements to Irving Road from River Road to Highway 99 and Setting a Lien Against Adjacent Properties.
- 4) ORDER 94-9-13-13/In the Matter of Entering into an Agreement with the State of Oregon Department of Transportation for Funding of Maintenance and Rehabilitation on Thirteen (13) In-Service Covered Bridges and Authorizing the County Administrator to Sign the Agreement.
- 5) ORDER 94-9-13-14/In the Matter of Releasing, Dedicating, and Accepting Parcel "A" and Parcel "C," Jill Acres, Book 47, Page 18, Parcels of County Owned Real Estate, as County Roads (17-04-02) (Calumet Avenue) (Jill Avenue).
- 6) ORDER 94-9-13-15/In the Matter of Vacating Selected Lot Lines and a Portion of County Road Number 1526 (Elizabeth Avenue) in Irvingdale Subdivision as Platted and Recorded in Book 12, Page 15, Lane County Oregon Plat Records, Without a Public Hearing, and Adopting Findings of Fact (17-04-16).
- 7) ORDER 94-9-13-16/In the Matter of Vacating Selected Streets, Alleys, Lots, and Blocks in Munsel Park Addition to Florence as Platted and Recorded in Book 4, Page 90, Lane County, Oregon Plat Records, Without a Public Hearing, and Adopting Findings of Fact (18-12-26).

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

11. COUNTY COUNSEL

- a. DISCUSSION/MWMC Connection Fee.

This item was postponed until September 27.

12. DISTRICT ATTORNEY'S OFFICE

- a. ORDER 94-9-13-17/In the Matter of Accepting a Grant Award from US West in the Amount of \$13,000 to Hire a Victim Advocate and a Grant Award from the Health Division in the Amount of \$450 to Support a Volunteer Training at the Child Advocacy Center.

MOTION: Approval of the Order. Dumdi MOVED, Roberts SECONDED. Roberts observed that funding for the Center is an ongoing process. Van Vactor thanked Solin for her energy in applying for grants.
VOTE: 4-0.

13. HEALTH AND HUMAN SERVICES

- a. ORDER 94-9-13-18/In the Matter of Establishing a 0.5 FTE Psychiatrist Position.

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

- b. ORDER 94-9-13-19/In the Matter of Accepting Plan Amendment Forms (PAAFs) #63, #64, and #69 to the 1993-95 Intergovernmental Agreement #20-001 with the Mental Health and Developmental Disabilities Services Division; Holding a Public Hearing; Decreasing Appropriations of \$117,770 in Revenues and Expenditures in Fund 24 in Services for Persons with a Severe and Persistent Mental Illness; and Delegating Authority to the County Administrator to Sign the PAAFs.

Rust read this item into the record. Rust opened the Public Hearing. There being no one present who wished to testify, Rust closed the Public Hearing. MOTION: Approval of the Order. Roberts MOVED, Frazier SECONDED. VOTE: 4-0.

14. HUMAN RESOURCES AND MANAGEMENT SERVICES

- a. ORDER 94-9-13-20/In the Matter of Establishing a New Classification and Adopting a Salary Range for an Animal Regulation Administrative Supervisor at the Lane County Animal Regulation Authority.

This item was postponed until September 27.

- b. REPORT BACK/Availability of Self-Help Computers to the Public for Division Programs on Days that the Division is Closed.

Frazier observed that this is a pilot program responding to a request for information access. She indicated that this should be an improvement.

3. COMMISSIONERS' ANNOUNCEMENTS

Frazier stated that the McKenzie Watershed Council needs one sentence added to their Charter under "Organization and Procedures," to read "Coordination Team permanent members will be subject to ratification by the Watershed Council." She asked the Board to support this addition to the Charter. MOTION: Approval of the addition. Frazier MOVED, Rust SECONDED. VOTE: 4-0.

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



Sharon Giles
Recording Secretary