

# MINUTES & NOTICE OF BOARD ACTION

BOOK 156 PAGE 1789

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  
1:30 p.m.

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.

### 15. PUBLIC HEARINGS

- a. SECOND READING AND PUBLIC HEARING/Ordinance No. 6-94/In the Matter of Amending Chapter 2 of Lane Code to Add Provisions for Subdivision Plat Approval by the Chair or Vice-Chair of the Board (LC 2.060), and Declaring an Emergency.

Rust read this Ordinance into the record. He then opened the Public Hearing.

Frazier read a letter of support from Homebuilders Association of Lane County (see material on file).

Rust closed the Public Hearing.

MOTION: Approval of the Ordinance. Dumdi MOVED, Roberts SECONDED. Frazier asked for correction in the spelling in 2.060, to read "approve" instead of "approval". She also asked that, in that same section, a period be placed after "absent", deleting "from the County". There was consensus to these changes. The secretary polled the Board. VOTE: 5 Ayes.

### 16. OTHER BUSINESS

ORDER 94-9-13-21/In the Matter of Settling Lane County Fair Board v. Transamerica Insurance Co.

This matter was brought forward from the morning Executive Session. MOTION: Approval of the Order. Roberts MOVED, Frazier SECONDED. VOTE: 4-0-1, Cornacchia abstaining.

17. EMERGENCY BUSINESS

ORDER 94-9-13-22/In the Matter of Accepting a Request from The Hearings Official for an Interpretation of Policy Regarding Lane Code 16.212(3)(b)(ii) and Conflicts between ORS 215.213(2)(b) and OAR 660-33-125(6).

Jim Mann reviewed this item for the Board (see material on file). He distributed a handout - a petition from several people recommending that the Board accept the Hearings Official's request for an interpretation. Roberts directed several questions to Dale Riddle, local land use attorney. Riddle responded that he would like to see the County only require that applicants comply with its own Ordinance, as amended by HB 3661. Riddle stated that if this interpretation were given to the Hearings Official, his clients' case would then be determined under that interpretation and, at that point, DLCD and 1000 Friends would very likely file an appeal and then the case would go to LUBA and LUBA's decision would probably be consolidated with the ongoing litigation in the Court of Appeals. Roberts stated that he was interested in getting this matter to LUBA as quickly as possible. Roberts observed that the Board's biggest concern has been giving permits and having property owners go forward at their own risk. Riddle stressed that his clients are willing to take the risk, especially since they are installing a manufactured home. Roberts noted that an upcoming problem will be when/if the Board agrees with the interpretation in this matter, therefore setting a precedent which will open up the opportunity for others to come forward and be put at risk. Riddle suggested this may be dealt with in the form of waiver documents.

MOTION: Approval of the Order to accept the request for interpretation. Dumdi MOVED, Frazier SECONDED. VOTE: 5-0.

There being no further business, this meeting adjourned at 1:55 p.m.



Sharon Giles  
Recording Secretary