

# MINUTES & NOTICE OF BOARD ACTION

APPROVED *July 24, 1996*

## 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.

May 21, 1996  
9:00 a.m.

REGULAR MEETING  
BOARD OF COUNTY COMMISSIONERS

Commissioners'  
Conference Room

Chair Bobby Green, Sr. presided with Steve Cornacchia, Ellie Dumdi, Jerry Rust and Cindy Weeldreyer present. Sharon Giles, Recording Secretary.

1. ADJUSTMENTS TO THE AGENDA

None.

2. PUBLIC COMMENTS

Mike Farthing, P.O. Box 1147, Eugene, spoke about amendments to Lane Code Chapters 14 and 16, stressing that this is a great idea and long needed. He did offer some concerns, however. Farthing suggested starting off with mandatory changes regarding EFU/Forest zones, noting that they need to be changed to comply with state law. He stated that ORS 197.763 ought to be incorporated into Lane Code. Farthing continued that Legal Counsel should look at ORS 215 regarding the definition of permit hearing/contested case and see what can be done about reconciling that with current Lane Code. With regard to adding the definition of "limited land use decision," Farthing also suggested adding the definition of "land use decision" ... is a boundary line adjustment a land use decision? ... is a determination of legal lot a land use decision? He agreed with the first optional change, but expressed concern about who will pay the cost of those changes. Farthing stated the necessity to set in motion a process to review these changes every year. Responding to Bill Van Vactor, County Administrator, Farthing indicated that he would be willing to be part of a technical advisory group.

3. COMMISSIONERS' ANNOUNCEMENTS

To be held at approximately 10:40 a.m.

4. COMMISSIONERS' BUSINESS

a. DISCUSSION/Lane County's Long-Term Financial Planning.

Green noted that this item was coming to the Board from the Budget Committee process. Referring to a copy of the Budget minutes (see material on file), he reiterated the goals, including: 1) review of any functions that should be eliminated; 2) oversee development of a task force to create a law enforcement enhancement district for unincorporated Lane County; 3) review, supplement and update the Revenue Task Force Report; 4) develop a citizen involvement process; and 5) develop a local government involvement process. Green noted that other suggestions from the Budget Committee included identifying alternative funding sources, emulation of Washington County's exercise, plans for outcome/evaluation, etc. Dumdi recommended involvement of "detractors." Green also reviewed his suggestion of each commissioner appointing a citizen member to the task force. Responding to Rust, Van Vactor noted that response to the City Club report is coming back in June. Cornacchia suggested 1) that Van Vactor also do an analysis of necessary staff time and where it will come from, and 2) regarding the preliminary list of partners in Green's memo, that Van Vactor be asked to brainstorm/develop a potential list of partners to involve. Van Vactor suggested exploring a larger group with a citizen involvement component and having a smaller working group. Weeldreyer emphasized her desire for involvement of the RCIC. There was consensus for the above direction to be given to Van Vactor. Weeldreyer commented that advisory groups should be utilized to the maximum extent possible. Van Vactor was asked to report back in July with the scope of work.

b. Legislative Alert from NACo.

Dumdi reviewed a memorandum from NACo (see material on file), regarding the need for support of funding for the Community Development Block Grant program and the HOME Investment Partnerships program. Cornacchia suggested drafting an individual letter instead of signing on to the form letter. Weeldreyer suggested localizing the impact on Lane County programs. Dumdi indicated that she would coordinate with Document Resource Center and Peter Thurston to prepare an individual letter.

5. RESOLUTIONS

- a. RESOLUTION AND ORDER 96-5-21-1/In the Matter of Honoring Jim Higgins for Outstanding Teacher at Junction City High School.

Dumdi briefly reviewed this item and read the Resolution into the record.

MOTION: Approval of the Resolution and Order. Dumdi MOVED, Weeldreyer SECONDED. VOTE: 5-0.

6. EXECUTIVE SESSION as per ORS 192.660

None.

7. COUNTY ADMINISTRATION

- a. Announcements

Van Vactor announced that June 3 is the date for interviews for the Information Services Director.

Van Vactor reminded the Board, with regard to the leachate item, that the City of Eugene has referred this back to their planning commission and there may be a need to go to MPC. Cornacchia, referring to a technical document from Stephen Roberts regarding low cost evaporation technology on site, suggested that this be looked at closely in terms of viability and from the standpoint of cost, etc. He asked that staff review this closely, then report back in layman's terms regarding cost/benefit. Weeldreyer recalled that the concept was presented last fall and that the cost was considerable. She commented that it is unfair for the Eugene Council members to expect rural residents to take on the impact of leachate that is 75-80% from the metro area. Dumdi asked whether DEQ has approved of the type of technology referred to by Roberts. Green remarked that he had heard one member of the Eugene City Council say that Lane County should not depend on its partners for a solution. Cornacchia commented that he does not believe we have a partnership with Eugene on this issue at this time. Green observed the need for a discussion with the cities on partnerships. There was concurrence for a report back in 30 days maximum. Ken Kohl distributed a handout with responses to questions from the May 8 public hearing.

- b. RESOLUTION AND ORDER 96-5-21-2/In the Matter of Exercising the Option to Qualify Hotels, Motels, and Destination Resorts in the Oakridge/Westfir Enterprise Zone.

Stephanie Schulz, Rural Development Coordinator, briefly reviewed this item (see material on file). She introduced Mike McAlvage, the new City Administrator for Oakridge.

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

8. PUBLIC WORKS

- a. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/ Ordinance PA 1088/In the Matter of Amending the City of Junction City Comprehensive Plan Text, Chapter 3, Land Use Element, Section D, "Technological Land Uses"; and Adopting Savings and Severability Clauses. (Second Reading & Public Hearing: June 5, 1996, 1:30 p.m., Harris Hall Main Floor)

Green read this Ordinance into the record.

MOTION: Approval of the First Reading and Setting Second Reading and Public Hearing for June 5, 1996 at 1:30 p.m. Cornacchia MOVED, Dumdi SECONDED.  
VOTE: 5-0.

- b. FIRST READING AND SETTING SECOND READING AND PUBLIC HEARING/ Ordinance PA 1089/In the Matter of Amending the Coastal Resources Management Plan and the City of Florence Comprehensive Plan to Remove the Especially Suited for Water Dependent Uses (ESWD) Designation From Portions of Management Unit 2 and Management Unit 4.2, Redesignating a Portion of Management Unit 2 From Mixed Development to Residential (R), Redesignating a Portion of the Estuarine Management Unit Adjacent to This Site From Development (D) to Conservation (C); and Adopting Savings and Severability Clauses. (Second Reading and Public Hearing: June 5, 1996, 1:30 p.m., Harris Hall Main Floor)

Green read this Ordinance into the record.

MOTION: Approval of the First Reading and Setting Second Reading and Public Hearing for June 5, 1996 at 1:30 p.m. Rust MOVED, Dumdi SECONDED. VOTE: 5-0.

- c. DISCUSSION/Concepts for Amending the Land Use Application Review Processes in Lane Code Chapters 14 and 16 in Order to Improve the Processing of Land Use Applications.

John Cole, Planning Director, introduced this item for the Board. Jim Mann, Senior Planner, discussed the six required and four optional changes proposed to Lane Code Chapters 14 and 16 (see material on file).

Cornacchia referred to Farthing's comments regarding ORS 197.763 or 197 in total into Lane Code. Responding to Cornacchia, Mann stated that adopting ORS 197.763 is the way to go as Lane Code is structured differently for local administration. Responding to Cornacchia, Mann indicated that all of ORS 197.763 will be incorporated in various parts of Lane Code 14 and 16. Cornacchia asked that Mann find a place for the definition of "what is a land use decision?" in the appropriate chapter. Stephen Vorhes, Assistant County Counsel, remarked that the land use decision definition is in existence solely for determining jurisdiction for LUBA review and that Lane County's ability to define and limit is close to non-existent. He added that another issue is when and how much that definition comes into play in the context of county proceedings. With regard to the mandated changes, Mann concluded that he would welcome the opportunity to build that into the process a component for a technical review committee.

Mann reviewed Option 1 to amend Lane Code to change the first level of review from the Hearings Official to the Planning Director for the following applications: 1) riparian modifications, 2) greenway development permits, and 3) all uses in the coastal overlay zones which must be reviewed. He commented that most of these applications are fairly technical and not contentious. Cornacchia asked where the savings occur. Cole indicated that most of the work has already been done at the staff level, so the decision would be made without referral to a Hearings Official. Cornacchia stated that he was not interested in higher fees elsewhere to make up for this. Responding to Cornacchia, Mann indicated that the next step after Planning Director decision is the Hearings Official. Cornacchia expressed concern about the agendas of individual staff members coming into play during internal decision-making. Weeldreyer offered support to give this change a try.

Mann reviewed Option 3 which allows the Director, during the Director review and decision process, to elect to conduct an evidentiary hearing. He explained that one advantage is the ability to charge a fee for the cost of the hearing. Cornacchia indicated that he would first like to see the decision-making criteria that would lead the Director to an evidentiary hearing.

Mann reviewed Option 4 which would allow for nearby property owners to be given a simple notice that an application has been accepted, what the application is about and who to contact for more information. Responding to Green, Mann stated that "nearby" refers to property owners in resource zones to 500 feet, in rural residential to 250 feet, and in an urban growth boundary to 100 feet.

This meeting recessed for a fire drill at 10:25 a.m. to reconvene at 10:35 a.m.

Cole explained that the process will benefit from early comments from the neighborhood. Cornacchia asked Legal Counsel: 1) can Lane County limit second notice to those who comment or request notice from the first group? and 2) can Lane County limit party status to those who respond in the first notice? Vorhes stated that if it is done after a hearing, the County may be able to limit appeals and reviews; however, the difficulty comes if the initial notice of application leads to a Planning Director decision without a hearing, then the statute may compel notice to everyone who would be entitled to notice of the hearing. Vorhes was asked to work with Mann and see if there are opportunities to do that.

With regard to Option 2, Mann explained that it proposes a criterion that would allow an applicant the ability to request a reconsideration of the Hearings Official decision for a reason other than an alleged error by the Hearings Official and to address issues of evidence that were raised at the hearing. Cornacchia suggested that if this is implemented, there be a criteria that applications must be complete.

Additionally, Mann commented on the proposal to limit the participation in appeals to the Board to those that have appealed, as the opportunity for participation is being broadened at lower levels. Rust indicated that he would like to reserve judgment on that concept. Cornacchia agreed, but expressed concern about fairness. There was consensus to put the proposal before the Planning Commission.

The last concept Mann discussed related to the situation wherein if the Board elects not to hear an appeal, it is not always clear to LUBA whether or not the Board agrees with the interpretation rendered. He suggested that an option is that if the Board elects not to hear, that its position on the interpretation is worked into the election not to hear, so it is clear that the Board is aware of the issues and agrees with the Hearings Official.

There was consensus for a report back to the Board in July.

## 9. CONSENT CALENDAR

A. Approval of Minutes: None.

B. Public Works

- 1) ORDER 96-5-21-3/In the Matter of Delegating Authority to the County Administrator to Sign a License Agreement With Property Owners in Connection With the Fairgrounds Entrance Project.

- 2) ORDER 96-5-21-4/In the Matter of Awarding Requirement Contracts to Various Contractors for Establishing Unit Prices for Rock Material Needs During Fiscal Year 1996/1997, Contract No. 96/97-M&S-50.
- 3) ORDER 96-5-21-5/In the Matter of Awarding Requirement Contracts to Various Contractors for Establishing Unit Prices for Liquid Emulsified Asphalt CRS-2, CRS-2P, CMS-2 and CSS-1 Needs During Fiscal Year 1996/1997, Contract No. 96/97-M&S-51.
- 4) ORDER 96-5-21-6/In the Matter of Awarding Requirement Contracts to Various Contractors for Establishing Unit Prices for Asphaltic Mix Patching Material Needs During Fiscal Year 1996/1997, Contract No. 96/97-M&S-52.
- 5) ORDER 96-5-21-7/In the Matter of Amending the Intergovernmental Agreement with the City of Springfield for Improvements to Centennial Blvd. (I-5 to Prescott Lane), Contract No. 95/96-12.
- 6) ORDER 96-5-21-8/In the Matter of Awarding a Contract to Wildish Construction Co. for Sewers, Grading, Basing, Paving, and Signals - Centennial Blvd. (I-5 to Prescott Lane), Contract No. 95/96-12.

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

10. EMERGENCY BUSINESS

None.

3. COMMISSIONERS' ANNOUNCEMENTS

Rust asked about the status regarding Saragosa. Cornacchia indicated that he was interested in finding ways to help people without taking a regulatory posture first, and offered hope that the County was doing everything it can to work with these people while the commissioner of the district makes it clear regarding the Board's responsibilities and the constituents' responsibilities. Dumdi reported that there was a meeting with the principles last week and that the County is working with the Hamby's. She indicated that "the ball is in their court" right now regarding how they wish to proceed. Dumdi noted that they are not in compliance with ADA and fire codes, but there are ways to work through this. Cornacchia requested a report back from Roger McGuckin in four weeks regarding Major Defoe's rodeo, questioning whether there has been much movement occurring in fulfillment of certain requirements.

Weeldreyer announced that the Solid Waste Executive Group met last week and came up with a recommendation that will be coming back to the Board shortly and that there will be a minority report on that item.

Weeldreyer reported that, with regard to the Pleasant Hill diking project, the Corps of Engineers is requiring the cutting of 5,000 trees in the area, which is contrary to agreements that Lane County has with the Corps on a similar project. She indicated that she has sent a letter to Colonel Wood, Director of the Portland office, asking for clarification and raising the question about conflicting federal messages.

Weeldreyer discussed the issue of an ODOT project on McKenzie Highway, from Greenwood Drive to Vida, that is going to do some safety improvements along the curve around Leaburg Lake. She indicated that some right-of-way issues seem to be arising. Wheeldryer stated that an open house is being set up for local property owners.

Cornacchia referred to a letter he is planning to send out to Mike Kelly regarding the Board's intent for the grant of \$500,000 for the benefit of the Springfield School District. He remarked that it appears that the Springfield City Council took action to be a partner in the non-Jasper Road issues, the other roads. Cornacchia commented that the District's current gap is \$450,000; so, he made the offer that \$450,000 of the \$500,000 would go to school district requirements and \$50,000 would go to assist the City of Springfield with their payment in this. Cornacchia noted the possibility that one of the school's contractors could build Jasper Road, but the problem is that Lane County has one-third of the jurisdiction on the road. He suggested that there be a transfer of jurisdiction ahead of time and then the city can make that call. Cornacchia reported cost savings that will occur will then be applied as follows: the school district will receive a payback of their original \$350,000 that they took out of the bond; after that the city will have its reserves paid back; and then the County Road Fund will receive reimbursement. Teresa Wilson, County Counsel, suggested that the Board may want to consider whether the cost savings agreement should be made part of the IGA regarding the transfer of road jurisdiction.

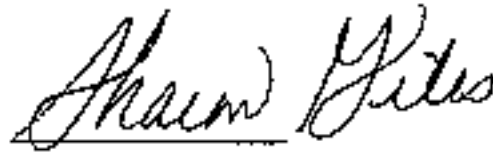
Weeldreyer commented that FEMA has issued a call for applications regarding flood hazard mitigation and that applications are due by May 31st.

Dumdi reported that the Rhododendron Festival last weekend was a success and that the All Events Center is proceeding ahead of schedule.

Green stated that he had attended the EcoSort demonstration yesterday.

Green commented that there would be a post-election press conference tomorrow at 10:00 a.m. regarding the levies. Cornacchia suggested that the District Attorney and the Sheriff be involved.

There being no further business, this meeting adjourned at 11:28 a.m.



Sharon Giles  
Board Secretary