

**BOARD OF COMMISSIONERS'  
REGULAR MEETING**

October 20, 2009

1:30 p.m.

Harris Hall Main Floor

Commissioner Pete Sorenson presided with Commissioners Bill Dwyer, Bill Fleenor, Rob Handy and Faye Stewart present. County Administrator Jeff Spartz, County Counsel Liane Richardson and Recording Secretary Melissa Zimmer were also present.

12. **PUBLIC WORKS**

- a. **FOURTH READING AND DELIBERATION/Ordinance No. PA 1258/In the Matter of Adopting the Coburg/Interstate-5 Interchange Area Management Plan as a Refinement to the Lane County Transportation System Plan and Co-Adopting the Plan as a Refinement to the City of Coburg Transportation System Plan; and Adopting a Severability Clause (File No. PA 09-5027, City of Coburg) (NBA & PM 7/22/09, 8/5/09, 9/16/09 & 9/23/09).**

Celia Barry, Public Works, recalled that they had the second part of the Public Hearing on September 23 and closed the record on October 7. She said at the hearing there was verbal testimony and ODOT submitted a letter to the record stating that the changes the Board of Commissioners would like to make are consistent and compatible with the version adopted by the city of Coburg and they are going to take that to the Oregon Transportation Commission with language addressing those two versions in the IAMP.

Fleenor asked why this was rolled to a Fourth Reading.

Barry said the Board wanted to keep the record open to October 7 and they asked if the city was going to revisit whether they wanted to change the version they adopted. She indicated they had not done that and she had not heard anything further from the city. She added the Board had changed the substance of the plan and as such they had to have another reading.

Dwyer stated he won't support this. He wanted the \$2 million back. He commented that this was something simple that turned into a monster.

Stewart stated he wasn't supportive of the change in the ordinance. He was concerned of the precedent that it might send. He hoped that if this passes it still moves forward. He stated that was the most important piece to him. He stated it is important that this interchange activity take place. He said he will reluctantly support this because it wants to make sure it doesn't die today and the whole

project gets stopped, but he voiced his concern that he was not supportive of the language change the policy direction sends.

MOTION: to adopt Ordinance No. PA 1258.

Stewart MOVED, Fleenor SECONDED.

ROLL CALL VOTE: 4-1 (Dwyer dissenting).

- b. ORDER 09-8-5-3/In the Matter of Approving a Project Design Concept for Pearl Street and Coburg Industrial Way as Part of an Oregon Department of Transportation Planned Coburg Interstate-5 Interchange Area Improvement Project (NBA & PM 8/5, 9/16, 9/23).

MOTION: to approve ORDER 09-8-5-3.

Stewart MOVED, Fleenor SECONDED.

VOTE: 4-1 (Dwyer dissenting).

- c. FIFTH READING AND DELIBERATION/Ordinance No. PA 1260/In the Matter of Amending the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) Consistent with Policy G.3 In Chapter III, Section G, Public Facilities and Services Element; Amending Table 6, Table 18, Table 19, Map 3 And Map 8 of the Public Facilities And Services Plan (PFSP); and Adopting Savings and Severability Clauses (Metro Plan Amendment) (Applicant; Springfield) (NBA & PM 7/8/09, 7/22/09, 8/5/09, & 8/26/09).

Dwyer asked what the Springfield City Council had done on this.

Len Goodwin, city of Springfield, reported that the council recently adopted the addendum to the Stormwater Management Policy that was discussed in the last work session. He said the Springfield Planning Commission has recommended adoption of the amendment to the Development Code that makes explicit reference to the Stormwater Management Plan as one of the factors to guide development and the council had a First Reading and will have a Second Reading and adoption the first Monday of November.

Handy said his remaining concern is in the Stormwater Management Plan policy language. He said there was concern in the fifth sentence that the city shall to the maximum extent practicable manage changes in stormwater characteristics by mimicking the predevelopment hydraulic project regime for both flow and volume. He wanted to have the city of Springfield look at no net increase in

natural flows to be more explicitly around what they are looking for. He said his support for this plan policy would have to have that specific language in there.

Goodwin explained what is before the Board is an amendment of the Public Facilities and Service Plan. He said the policy they have been discussing is a local policy of the city of Springfield adopted by the council as part of its local Stormwater Management Plan. He recalled that came before the Board at the August 26 work session as a matter of information because Handy and other commissioners were interested in the policies the city of Springfield had considered and would adopt. He said it has not been presented to the Board for formal action.

Assistant County Counsel Andy Clark stated that this is a Springfield document and there is only so much the County can do to affect what it says.

Dwyer stated that this is a permit that allows discharges. He wants to make sure there is no net increase downstream on County property. He stated they have authority over County property.

Handy said he could support it if the language was involved. He said Springfield wants to do their due diligence. He said if they need to vote on this today, he won't support it. He doesn't have the certainty he needs.

Dwyer stated that they need to insert the language that makes them comfortable then the council can decide if they want to adopt it or not.

MOTION: to approve a Fifth Reading and Setting a Sixth Reading and Possible Deliberation, keeping the record open to November 4, 2009.

Dwyer MOVED, Handy SECONDED.

Goodwin said he heard the Board say it was an appropriate policy for the city of Springfield to provide that in management of stormwater the city will require that there be no net increase in natural flow beyond the limits of the UGB. He asked if that was the sense of the Board.

Clark said the addendum doesn't say no net increase. He said it states the city shall to the maximum extent practicable manage changes in stormwater characteristics by mimicking the predevelopment hydrological regime for both flow and volume that essentially says the same thing. He said the plan language has already been adopted by Springfield. He said to him it states no net increase. He said the Board is wondering if the language to the extent practicable is enough for the Board's comfort. He said going back to amend the plan amendment might

be more work than simply changing the code to further specify what the extent practicable means.

Stewart recommended they look at the process the way they get things approved in the future. He thought maybe they should go the Board of Commissioners first because they are causing a lot of cities heartaches because once the Board of Commissioners meet their concerns, then the city could adopt what the Board adopts. He said it is apparent the city did what he thought they gave direction to do. He said now because it wasn't what they expected, they will have to readopt it and that could take time for reposting and costs. He was concerned that they have a process problem. He thought it was worth staff time to talk about process and how they move forward so they don't have added costs in the future.

Clark didn't think no net increase has any meaning unless they tie it to something. He said if the language of the plan is okay, then Springfield can deal with what it adopts into its code in terms of how it implements the more general language of the plan.

Fleenor thought the process was working, he just thought it is going to take time to get there.

Handy wasn't comfortable with the loophole. He wanted language brought back.

Goodwin said he has concerns whether or not the language the Board is recommending is acceptable of compliance. He said as a result he cannot represent that there is a time certain by which they can prepare language which would appear to meet the comments by Dwyer, Handy and Fleenor and still permit the city of Springfield to continue an orderly course of development. He indicated it will require some exploration and may require them to consider how they restructure development opportunities.

VOTE: 5-0.

- d. ORDER 09-10-20-17/In the Matter of Accepting a Dedication of Land to Be Used as a Public Road Easement for County Road No. 323 (Central Road) (18-05-09).

Mike Jackson, Surveyor, recalled this was an item on the Consent Calendar. He noted a commissioner pulled it. He reported the dedication was initiated by a plat process and the conditions of approval required an additional right of way taking and Central Road is a rural major collector designated to be 80 feet wide and currently it is 60 feet wide.

MOTION: to approve ORDER 09-10-20-1.

Fleenor MOVED, Dwyer SECONDED.

VOTE: 5-0.

13. **COMMISSIONERS' ANNOUNCEMENTS**

Stewart distributed a picture. (Copy in File). He recalled that Mr. Schimmel lives in the Goshen area next to Goshen Forest Products. He noted a chip plant came in and made a presentation about the noise ordinance. He and Matt Laird, Land Management, made an appointment with the owner of Goshen Forest Products and talked about the presentation and asked what could take place to address the noise issue. He found the people at Goshen wanted to find a way to address the issue. He said they had reviewed the presentation. He said they have been working with Schimmel, despite his presentation of no response. He said they changed their work hours to be mutually acceptable with Schimmel. He indicated they set hours from 7:00 a.m. to 7:00 p.m. He indicated they are not a 24 hour operation and they were working early hours. There was a recommendation to build a straw wall to dampen the noise. Stewart said it did dampen the noise but not to Schimmel's expectations and what he believes the law at the state allows. He thought Goshen Forest Products went out of their way to address the concerns. He said he received today a note from Sonja Carlson, Rep. Barnhart's assistant wanting to know more about this and if the Board is going to amend Lane Code to remove the exemption of the industrial noise limitation. He stated that there is not a new mill being built, there is a new piece of equipment being installed. He noted this mill has been in operation for many years and in existence before Schimmel moved in. He said the doctrine of reasonable expectation is if you move next to a mill, they make noise. He didn't know if the Board wanted to go forward but he and staff tried hard to address this and he believes the mill owner has also done the same.

Stewart said that last Friday he attended the Western Interstate Region Board of Directors that deal with issues of western states. He said they adopted unanimously to support the Secure Rural Schools. They said that reauthorization is a must and they will work on that.

Handy invited people throughout the County to a town hall he is hosting tomorrow night on Domestic Violence.

Sorenson stated that he attended a meeting of Applied Solutions Coalition Conference in Santa Fe, New Mexico.

14. **EXECUTIVE SESSION as per ORS 192.660**  
(Commissioners' Conference Room)

PER ORS. 192.660 (2)(h) for the purpose of pending litigation..

16. **OTHER BUSINESS**

Stewart asked if staff tomorrow could give a brief report on Mt. Pisgah and the letter they received from Friends of Buford Park on the work they are doing there.

Richardson said she was holding off reporting on it as there was an investigation going on.

There being no further business, Commissioner Sorenson recessed the meeting into Executive Session at 2:45 p.m.

Melissa Zimmer  
Recording Secretary