

**Report on issues discussed at the weekly
Management Update meeting on May 4, 2009**

Commissioners present: Commissioner Milne, Commissioner Carlson and Commissioner Brentano

INFORMATIONAL

Bridge Sufficiency Ratings

Bill Worcester, Public Works Director, reported on bridge sufficiency ratings. The state has ODOT consultants inspect all bridges in the county every two years and rate them for a number of characteristics. For Marion County bridges, the ratings have dropped significantly from previous years. In 2006, most of the bridges had sufficiency ratings of 50 or better. The 2008/09 inspections show a significant drop in sufficiency ratings for 14 bridges. He gave the group a handout showing the bridges that had had a decrease of more than ten points in their sufficiency ratings. Bill commented that he had received information from the Oregon Department of Transportation (ODOT) that in 2008 the Federal Highway Administration changed the coding rules for scour (foundation erosion) conditions. This has caused sufficiency ratings to drop significantly for certain bridges statewide. ODOT engineers are re-inspecting all affected bridges and should get to the Marion County bridges this fall. About 90 percent of re-inspections to date have resulted in ODOT revising sufficiency ratings to near their previous levels. Commissioner Milne asked about the federal code changes, and Bill said they were instituted partly because of heightened awareness of scour problems after the Minneapolis bridge collapse.

Bill said there is one bridge on Whipper Road that is serious enough to be on the emergency repair list, though he does not believe its condition is as bad as it appears to be on paper. They will be sending a bridge crew out to fix this bridge as soon as water levels come down sufficiently. Bridges with a score in the 40s or below would be eligible for federal funding for repair. There are about 145 bridges in Marion County, with 14 or 15 being in the problem range as shown on the list.

Commissioner Brentano asked about the bridge on Drift Creek at Cascade Highway NE, which has the lowest rating on the list. Bill said they are taking a special look at this bridge, which has erosion around the footings but is not showing any distress on the road surface. He said there is not cause for alarm although, they do need to have repair work done. Bill said the real issue here is the change in coding which triggers the structurally deficient ratings. Commissioner Carlson said this issue draws some attention to the local bridges and may put them in the running for additional federal money although they would be in competition with other counties around the state. Commissioner Milne asked for a timeline on when there would be more information. Bill said ODOT will be back to look at bridges again in the fall and he can inform the board about the results at that time. Commissioner Brentano asked if it would be possible to have ODOT take a special look at the most severely affected bridges before this fall. He was particularly concerned about the Drift Creek Bridge. Bill said he would look into this possibility.

2030 Population Forecast

Brandon Reich, Planning, reported on outreach that he and Les Sasaki have been doing with cities regarding the 2030 population forecast. He said the board initiated the process to have the first Planning Commission hearing on this last Wednesday. They have had good feedback from nearly all the cities. The feedback has been mostly positive, with a few cities recommending a higher or lower number. He handed out information summarizing the various responses.

Keizer has told them that they want a significantly higher projection. The range is 45,000-48,000 for Keizer. They will speak with the Keizer city council about this to see how strong their views are on this. It will also depend on whether the city makes an official request. Commissioner Carlson said the Keizer City Council may need more information about the nuances of the process. Brandon said that UGB expansion would involve Salem and Keizer together even after the population numbers are established. A board hearing is suggested for July 15, 2009. Brandon wanted to know if the board wanted to have a work session on the population forecast before the July 15 hearing.

Brandon said the Urban Growth Boundary in this case involves Salem and Keizer. Eugene/Springfield used to have a shared UGB but had it separated. Commissioner Milne asked how the separation would become official if Keizer decided they wanted a separate UGB. Brandon said that in the case of Eugene/Springfield, they actually passed a state law stating that cities over a certain number in population could establish their own UGB. They could do the same for Salem/Keizer. Commissioner Milne said the burden is on Keizer to initiate the process of a separate UGB if that is what they want. Les Sasaki said it is part of their periodic review process to examine this as a possibility to see if it is what they want. Keizer is currently bound by statutes as part of the shared UGB, but there has been no formal request to separate.

Commissioner Carlson said they were asked at the State of the County meeting last week if the board approved of Keizer having a separate UGB. She answered that it is not really the board's call. She said it would be good to know the county's role and find out what the legal process is. Les said the UGB is a regional planning issue for Marion County, Polk County, the City of Salem, and the City of Keizer. Anything that happens with the UGB would therefore involve all four of those jurisdictions, and this is laid out in the procedures contained in the plan for Salem and Keizer. If Keizer requested a separate UGB from the state, it would need to go through the regional review as well, and the City of Keizer is hoping to get the support of regional partners before they actually go ahead with it. Commissioner Carlson asked what the next step would be in the process. Les said Keizer would first try to get regional support and then go to Department of Land Conservation and Development (DLCD) staff for approval. DLCD traditionally has not approved of separate urban growth boundaries. If DLCD approval were received, the next step would be the legislature. Commissioner Carlson noted that the Salem-Keizer UGB is also referenced in other statutes, so if there were changes involved, they would need to re-reference the statutes indicating the separate Urban Growth Boundaries. Brandon said Keizer is currently undergoing an extensive urban plan amendment process.

Brandon said they might have a board hearing as early as July if the Planning Commission hearing goes well. He asked if the board wanted a work session on this subject. Commissioner Milne said that it might be best to see what arises from the Planning Commission hearing and hold a work session afterwards if necessary. Brandon said he would keep the board updated about the progress of the Keizer sessions. Commissioner Carlson asked whether they would be required to make a decision at the July 1 public hearing, since sometimes there are last-minute surprises at the hearing. Brandon said this would not be necessary because they could continue the hearing or leave the record open for new information. He said most of the cities have confirmed in writing that they accept the population forecast numbers. The only ones they are waiting for are Mill City, Keizer, and Salem. Commissioner Carlson said it was important to get written confirmation from all the cities regarding their position. Brandon said he would work on this for the cities that have not provided written confirmation yet.

Metro Urban and Rural Reserves Designation Process

Les Sasaki, Planning, described the Metro urban and rural reserves designation process. He said that since 2000, the legislature has created a new way for Metro to designate reserves and distinguish between urban and rural reserve areas. Senate Bill 1011 approved by the 2007 Legislature authorized a new process for designation of urban and rural reserves in the Metro area. In January 2008, Land Conservation and Development Commission (LCDC) adopted rules establishing a process and criteria for designating urban and rural reserves. County planning staff has been tracking the reserves process and participating in Neighboring Community Meetings that Metro staff has conducted at key points in the process to keep non-Metro jurisdictions updated on the process and allow for input.

They are now in the process of identifying prospective reserve areas and are on schedule to adopt the process by the end of the year. Each county in Metro has gone through its own local process to come up with reserve areas, and reserve areas are set to be adopted by the end of this year. Les provided a copy of the map for urban reserves. This consists of areas primarily around the existing Metro UGB and extending out several miles. The rural reserves in Clackamas County include many areas adjoining Marion County. They have not identified any significant urban reserve areas south of the North Fork of the Willamette River. Most of the candidates for the urban reserve area in south Clackamas County are centered around Wilsonville with a few smaller areas close to Yamhill County. The rural reserve is designated for a 50-year time period. The neighboring communities to Metro are currently represented by Mayor Kathy Figley of Woodburn, who attends the Metro Reserve Steering Committee's monthly meetings. Les has also attended some of their meetings.

Metro is updating their regional Transportation Service Plan. They are reviewing particular commuter corridors and have rated the corridor from the Metro area to Salem/Keizer for a future commuter rail extension. Les mentioned that the business interests on the Metro Reserve Steering Committee have discussed some concerns about designations for the area south of

Wilsonville. This has not been fully considered by Metro and Clackamas County yet.

Les said this issue came up at last month's Metro Reserve Steering Committee as part of the process. He said there was not much discussion about it at that time, since it would still have to go back through Clackamas County as the major county involved in this reserve issue, and they would have to decide whether they wanted it as a reserve candidate area. He said the business community on the Metro committee has been pushing for extension of the urban corridor along I-5, but Metro currently has no authority to go beyond the Metro jurisdiction. If Marion County decided to get into any kind of agreement with Metro about reserves, they could do this as a separate item outside the Metro process.

Commissioner Milne said there are two different conversations going on with conflicting unofficial information in addition to the formal process. She asked that Les continue to monitor all conversations regarding this issue. Les said Wilsonville, Canby, and other locations are not as supportive of urban expansion toward their cities from the Metro UGB. Commissioner Milne said Canby's main concern is that there should be no interference with their industrial park, which is about half complete and would suffer if further development were steered to the I-5 corridor. Les said there are some jurisdictions that are feeling left out of the process, particularly in Washington County. Sterling Anderson, Planning Director, said that maps of planned reserves are now available so the process is heating up and the various interests are expressing their concerns.

Commissioner Milne asked about the business interests that sent out the letter regarding the urban airport issue and whether Les had a chance to talk with them. Les said he had not, but this group seems to be in support of more development along I-5. Transportation, sewer, and water services are major issues as a part of this as well. Commissioner Carlson asked if this was a good time for the board to state its position regarding this issue. Commissioner Milne felt the board should be ready to respond at any given moment, although they might not need to do so right away. She asked Les to try to get more information from the business community group who wrote the letter to see what they were hoping to accomplish with their letter. Les said the letter went out in early April to the Metro Reserve Steering Committee for their April meeting. He said he will follow the issue carefully and see how it is handled at the steering committee's May meeting.

Les said Metro has just released their 20-year and 50-year population forecasts and will be putting out employment forecasts as well. There is also a residential component that will be used by the various counties to look at housing capacity to determine how much urban reserve area they need. All the reports are available on the Metro website. The forecasts include information on the surrounding counties in Oregon and southern Washington as well.

Commissioner Brentano said he preferred to stay out of the process and did not want to lend any legitimacy to the process by indicating Marion County's position. Les said he would only be keeping track of activity at the meetings and passing on any formal correspondence from the board to Metro. Commissioner Milne said it was important to protect the idea of local control so

that each of the communities in Marion County could make their own decisions. She did not want to see this authority usurped by Metro.

Salem-Keizer Metropolitan Area Regional Economic Opportunities Analysis

Les Sasaki said the City of Keizer is going through a periodic review. They have an approved work plan that started in 2008 and is scheduled for completion in 2011. One of their tasks as a part of this plan is to do an EOA Economic Opportunities Analysis (EOA). There is a recommendation that a regional EOA to cover the entire Salem/Keizer/Turner area would be more appropriate than doing an EOA for Keizer alone. Les said DLCD is committed to funding the regional EOA through periodic review and technical assistance grant funds. At this time, the funding and the project itself will have to be split because of the new biennium. DLCD has awarded a contract to the Mid-Willamette Valley Council of Governments (COG) to manage the regional EOA process and the consultant who will be carrying out the process. Most of the work will occur during the 2009-11 biennium and the entire process of the EOA should take about a year. They have hired Eco Northwest of Eugene as the consultant to do the EOA, and some minor parts of the process should be completed by the end of the 2007-09 biennium. There will be a technical advisory committee comprised of staff from the various affected jurisdictions and state agencies, and there will also be a policy advisory committee that will consist of Salem, Keizer, Marion County, and Polk County representatives.

Les asked if any of the commissioners would be interested in participating representing the county on the policy advisory committee or had any suggestions of someone else to represent the county. Commissioner Milne said she would be interested in being on the committee. Les said he would pass this information on to the consultants and to COG and the jurisdictions. There will be one representative for Marion County, one for Polk County, and two each for Keizer and Salem. Les said the policy advisory committee will be starting work in June of this year.

City of Donald UGB Amendment LUBA Remand Process

Les Sasaki reported that the board approved the City of Donald UGB amendment last October. That decision was appealed to LUBA, and LUBA has reviewed it and remanded it back to the city for decision on some issues. All the work is being done by the city to update or correct its findings with help from a consultant. The city and their consultant have requested a more efficient remand review process. They have suggested a joint Donald City Council/Marion County Board of Commissioners hearing to address the issue as it comes back for review and approval. He asked the board how they felt about this idea. Les said that in this case the county decision was appealed, not the city decision. He said this is somewhat unusual.

Commissioner Carlson asked whether some of the things involved here were a surprise. Les said LUBA considered the statute in their decision and found that the city did not include in their notices that part of the UGB amendment included a new population forecast. The county provided notice to all jurisdictions about this but the city did not, and this was one of the items discussed in the LUBA remand. He said Goal 9 does not require an employment forecast but LUBA

agreed with the objectors that one was necessary, so the City of Donald has hired Eco Northwest to do this forecast.

Jo Stonecipher, Legal Counsel, said there is an interest in consolidating this process for questions of efficiency because the county decision was appealed but the city's decision was not. This would ordinarily mean that the city's decision would be final, but it could not be made final unless the county concurred, and the county's concurrence has now been overturned. A joint process would consolidate both decisions. Jo said this case is really about providing additional supporting information for a decision that has already been made, so she does not think that a joint hearing would involve any conflicts.

Commissioner Carlson asked if the joint hearing would need to be an evening hearing. Les said this would probably be the case. He said planning staff has some concerns about a joint meeting because they prefer to see local issues addressed before they come to the board. Les said the Donald City Council was looking at June or July for a hearing date and will probably get the information back from their consultant at the end of this month. This information will also need to be reviewed by planning staff. Jo said that the Donald group wants to have a Planning Commission meeting as well. Commissioner Milne said they should hold dates open and arrange for the joint hearing in July or August.

Federal Highway Administration Ferry Boat Discretionary Program – FY 2009 Application

Alan Haley, Public Works, said they brought the Ferry Boat Discretionary Program application before the board a few weeks ago in hopes of getting stimulus funds to replace the Buena Vista Ferry. The board gave approval of the application with \$200,000 in matching funds if the federal funding is received. A few days later, the Ferry Boat Discretionary Fund opened up a window for funding. He talked with ODOT about this and their recommendation was that they submit both applications at this time. The Ferry Boat Discretionary Fund match would come with a required 20 percent local match, which would be \$684,922 in county funds. He is not asking for matching cost approval at this time but will address the issue later if they receive the funding. He is asking for board approval to send out this second request at this time although they are hoping they can qualify for AARA (American Recovery & Reinvestment Act) funding for this project if possible.

Commissioner Carlson asked if all of the matching funds had to be cash or if some of it could be in-kind. Alan said it would mostly be cash. This is because the work would mostly be contracted out as they do not have this kind of expertise on staff.

Building Inspection Office Hours

Warren Jackson, Building Inspection, discussed staffing cuts at Public Works Building Inspection over the last year through attrition, layoffs, and cutbacks in hours. They have reached a point where they will have problems maintaining adequate customer service with current hours and staff. There are three options for how to handle this situation. The first is to do nothing and stay with the current schedule, but this could lead to a situation where customers trying to buy permits would have no qualified staff to assist them. They have been

maintaining their current 7:30-4:30 hours by staggering shifts, but they no longer have enough staff to do this with only 2.4 permit specialists on staff.

Another option would be to close for one day a week. The other option, which the staff prefers, is to shave a half-hour off the beginning and end of the day. The hours would be 8:00-4:00. The Homebuilders Association also supports this option. They believe this will have the least impact on customers. Warren asked if the board would be amenable to this option. Commissioner Milne said it might help to suggest that customers call first and make tentative appointments for cases where much review will be needed. Warren said this would be workable, and they are also selling some permits online through the state system and allowing homeowners to buy permits by fax. Sterling said Planning will be providing backup receptionist support and retraining other staff members to be customer service backup for some of the simpler permit sales.

OTHER

Rod Calkins, Health Department Administrator, was present to answer questions about the H1N1 (swine) flu. He said there are three confirmed cases in Oregon as of Monday, including two in Polk County. There are about 29 probable cases as well. Since the flu is in Oregon, it is likely to make its way into this community soon. The decision to close Western Oregon University appears to have been a good one, since that was where they had one of the confirmed cases. The Health Department is operating a department operations center. They meet daily at 8:00 a.m. for half an hour to an hour to make sure they have someone on call to cover the flu issue at all times. They have not gone to extended-hour shifts because this does not seem to be necessary at this time. They are assigning tasks for operations, public information, planning, and liaison duties. Most of what they are doing for now is answering calls and providing surveillance of what is going on in the community. There are many press briefings going on. The CDC states that there are 286 confirmed cases of the H1N1 flu in 36 states. Of these, 35 cases have required hospitalization. There were two hospitalizations in Oregon, which shows the seriousness of this flu. One of the two people hospitalized had prior health problems, but the other was a relatively healthy teen who ended up in the ICU but is now recovering. It is too early to tell how serious the epidemic will get. CDC is not seeing changes in the virus as it is passed along, and it does not have the genetic markers for virulence or resistance to Tamiflu at this time. The Health Department is keeping in touch with schools as well. He said they have not opened a phone bank yet because the volume of calls has been manageable so far. Most cases nationwide appear to be resolving without hospitalization so far. Antiviral drugs are hard to get right now, but Marion County has its share of the state stockpile of Tamiflu and will be receiving some from the federal stockpile as well.

Commissioner Milne asked who would be receiving antiviral drugs. Rod said the supply is for people who are sick and having symptoms and people who are close contacts of a confirmed case. The supplies are kept locked up and under security.

Rod said the state just got the ability this weekend to do testing for the H1N1 flu instead of having to send specimens back to CDC for confirmation. This is likely to lead to a jump in the number of confirmed cases because they

will be confirmed quickly once the specimens are taken. Commissioner Milne asked what precautions are suggested. Rod said there is no reason to close down large gatherings or avoid grocery stores, but avoiding sick people is probably a good idea, along with personal responsibility measures such as covering coughs, hand-washing, and staying home when sick.

COMMISSIONERS' UPDATE

Commissioner Brentano said the board has been invited to take a tour of the Kroc Center. He will call them to set up a time. Commissioner Milne and Commissioner Carlson said they would be interested in visiting.

Tami Amala, Planning, spoke about new Planning Commission candidates. Commissioner Milne said they have set a precedent of interviewing candidates for the Planning Commission. Commissioner Carlson said it might make sense for staff and the board to screen the candidates to make sure they have a balanced geographical representation. Tami said there is one opening and four applicants. Three applicants are from the north part of the county and one is from Salem. Tami said it would be good to get someone from the north county because there is only one member from that area. Commissioner Milne asked Tami to pass on copies of the applications to the board. Tami said the Planning Commission Chair is also on the interview panel and has received copies of all the applications.

Commissioner Milne mentioned discussions last week involving requests by Clackamas County and the City of Wilsonville to be considered for membership in the intergovernmental agreement regarding the Aurora Airport. She received feedback from one party who thought it was important to put the issues on the table and provide a voice for those who live in the area and are directly affected by the airport noise. She said the master planning process will require a public hearing that would provide an opportunity for all interested parties to discuss the issue. There was a huge commitment at the most recent Positive Aurora Airport Management (PAAM) meeting to scheduling more public meetings to allow people to share their thoughts.

Commissioner Milne said she has made it clear that if any entity wanted to become a part of the current intergovernmental agreement, they could request to participate in the agreement as written and would need to be approved by the current three participants (Oregon Department of Aviation, the City of Aurora, and Marion County). Commissioner Carlson said she was troubled by the idea of having to have additional entities in agreement before allowing anything to move forward, which would probably mean in practice that they would be unable to move forward at all. Commissioner Milne noted that Clackamas County never signed on for the original intergovernmental agreement and does not seem interested in getting involved with the current agreement as it is written.

Commissioner Brentano said Clackamas County appeared to want decision-making authority over Marion County and he found this unacceptable. Commissioner Milne said the existing intergovernmental agreement is a simple agreement to keep communication open among the members, and Clackamas County and Wilsonville appear interested in turning it into something more like a policymaking body. She said that if the money comes through for the master

planning process, public hearings will be included, so she feels that the pertinent issues have been addressed and will be addressed in the future as needed.

WORK SESSIONS AND OTHER MEETINGS

- 5/7 Marion County 2009-10 Budget presentation to the Salem Chamber of Commerce, 7:00-8:00
Department Head/Elected Officials meeting, 9:30-11:30
- 5/8 Marion County Budget Committee, 9:00-4:30
- 5/11 Commissioners calendar review, 8:30-9:00
Management Update, 9:00-11:00
Forum Series – State Economic & Community Development, 11:45-1:15
City of Salem Work Session – Solid Waste Issues, 5:30-6:30

This all-county e-mail authorized by John Lattimer, chief administrative officer.