

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, February 6, 2008
Marion County Courthouse Square

9:00 a.m. Board Session
Senator Hearing Room

PRESENT: Commissioner Sam Brentano, Commissioner Patti Milne and Commissioner Janet Carlson. Also present were Jo Stonecipher as legal counsel and Kim Hulett as recorder.

Commissioner Brentano called the meeting to order.

PUBLIC COMMENT

None.

PRESENTATION

Dog shelter update. – Allison Barrows and Bill Worcester

Bill Worcester, Public Works, presented the Marion County Dog Shelter's quarterly update. The shelter is located at 3550 Aumsville Highway SE, just south of the intersection of Lancaster and Kuebler. Business hours are 8:30 a.m. to 5:30 p.m., Monday through Saturday. They do adoptions from 10:00 a.m. to 5:00 p.m. Monday through Saturday, and have other activities going on throughout the week. The shelter is in operation seven days a week because there are dogs to feed and care for at all times. For 2007, their first full year of operation, they took in 2,333 stray dogs, which was much higher than their original estimate of 1,800. They returned 862 dogs to their owners, oversaw the adoption of 339 dogs into new homes, and transferred 290 to other shelters or rescue groups. They had to euthanize 826 dogs. Slightly more than one third of the dogs received ended up being returned to their owners, while another third were euthanized and 27 percent went to new homes. Of the 27 percent going to new homes, adoptions constituted slightly more than half of that number. One of the shelter's major goals is to get the adoption rate up, and they are making progress in this area. Ideally, they would like to have all adoptable dogs find homes. If the dogs cannot be adopted, they try to get them new homes through rescues and transfers to other shelters. He showed a chart of the adoptions per month, which demonstrates an upward trend, with a record of 43 in December, which was broken by a record of 44 in January. The adoption rate is likely to flatten out at some point, but they feel they are headed in the right direction. They would like to encourage everyone to look at their website, www.mcdogs.net. This is the site to go to for lost dogs, adoptable dogs, or to request a particular type of dog on a "wish list." They are proud of this website, and since many of their adoptions go outside the county, it is clear that the website is extending their range of operation.

All dogs are tested for temperament to see if they are adoptable. For the adoption fee of \$175 or less, the customer gets a spayed or neutered dog with microchip, vaccinations, license, free exam, and a gift pack. Mr. Worcester showed the advertisement that will be coming out today or tomorrow to advertise the open house at the dog shelter. They feel this is a good step to raise their adoption rate by getting more publicity. As people make donations at shelter events, the money is earmarked for advertising. The current ad will be their first experiment to see how this works out for them.

Allison Barrows, Dog Shelter manager, announced the dog shelter's open house on Saturday, February 9, from 11:00 a.m. to 4:00 p.m. As a part of the open house, they will have various events including hourly shelter tours, an obedience training demonstration at noon, and an update on shelter medicine and rescues from Dr. Arlene Brooks at 1:00 p.m. At 2:00 p.m., one of the dog control officers will discuss their dog control program, and at 3:00 p.m. another obedience session will be held with the dog trainer. At 3:45 p.m., they will have a raffle drawing to raffle off various prizes. Ms. Barrows introduced Lizzie, a 4-month-old terrier mix pup and resident of the shelter. In mid-March they are planning a licensing amnesty event. She turned over the presentation to Dr. Arlene Brooks, DVM, of Homestead Veterinary Clinic, who has been working with the shelter. She will explain some of the medical cases and issues she has been working on with the shelter.

Dr. Brooks is one of three veterinarians under contract with Marion County Dog Control to provide services. She is at the shelter approximately four hours per week and does in-house exams. She has helped set up protocols and paperwork to provide good medical and other information on the animals. Shelter medicine is a relatively new field in veterinary medicine and this has been a great opportunity to develop protocols and create a solid foundation for the animals that are in the care of Marion County. She started working at the shelter in September 2007, and since then they have done extensive work on establishing good protocols for incoming documentation of animals, surgical forms, in-house medical exam information, and recommendations for animals. This can be invaluable in trying to help adoption rates and improve the overall condition of a dog to help the animal be more adoptable.

Dr. Brooks feels very strongly about the surgical and medical rescue cases that come through Dog Control and the Willamette Humane Society. She has worked with 19 dogs that would have been unadoptable or euthanized, and 18 of those dogs went on to find new homes. She hopes to have more of these kinds of opportunities. Dr. Brooks says Marion County is off to a good start with the protocols and procedures they now have in place. Commissioner Brentano thanked the group for all the work they do and expressed his hope that Lizzie could find a good home soon. Commissioner Milne said she also appreciated the work they have done in the short time they have had since opening the shelter. Mr. Worcester gave credit to Dr. Brooks and Ms. Barrows for improving and maintaining the welfare of the dogs.

State of the County Message. – Commissioners

The State of the County address offers the Commissioners a chance to review the previous year in Marion County, their accomplishments, their challenges for upcoming years, and their future plans. This is only a sample of the year's accomplishments. Marion County is a diverse, growing, and changing county. There have been many successes. Commissioner Carlson thanked the talented and dedicated employees of Marion County and the many hardworking volunteers who serve the county in a variety of different capacities every year.

Commissioner Carlson started by discussing Marion County's growth. The county's population is now over 311,000, up from 228,500 in 1990. This represents a 36 percent increase over a 17-year period. Obviously, Marion County will continue to experience growth and its impacts. One of her areas of concern is the impact of growth on social problems. Methamphetamine use in the county has intensified many existing problems. In 2006, 1,662 children in Marion County were confirmed victims of abuse and neglect. In a Marion County jail survey, 74 percent of the offenders were found to have used methamphetamine. Literacy is a major issue, with Marion County ranking last of all 36 Oregon counties in combined measures of reading, math and high school drop-out rate. Because of the many offenders who live in the county, thousands of children are affected by parental incarceration. In the Marion County jail survey mentioned earlier, 73 percent of the inmates reported being parents. Poverty is a continuing problem, with 21 percent of children under the age of 18 living in households that met the federal poverty threshold in 2005. Homelessness is a major issue that has received more attention lately. In January 2007, 2,006 people were counted as homeless.

To address these social problems, Marion County has helped St. Vincent de Paul in opening the new Center for Family Success, which centers on helping parents re-enter the community after incarceration. The center brings education, counseling, treatment, parenting skills, employment, and life skills services together in one facility. The grand opening was held on November 5, 2007, and center is already working with 14 parents enrolled through referrals from Marion County's drug court. Marion County started the Children of Incarcerated Parents initiative through a federal grant several years ago, and the Sheriff's Office has continued to sustain that initiative, which coordinates parenting classes, introduces family friendly practices into the corrections culture, and works to remove barriers through efforts such as Project Smile, which is a partnership between local dentists and the Sheriff's Office to help people with "meth mouth" dental problems. Marion County continues to work in partnership with community, faith, business and government leaders to develop strategies that that reduce barriers to community re-entry, specifically in the areas of housing and employment. The emphasis is on putting the families back together who have experienced the ravages of methamphetamine addiction.

The Volunteer and Mentor Center opened this year at United Way of the Mid-Willamette Valley. It encompasses an interactive website called GiveBackToday.org. Marion County also assisted in coordinating a successful Call to Action breakfast in October to promote volunteerism in Marion County. Health Department Director Rod Calkins was recognized this year by the State of Oregon for excellence in leadership of mental health services. He led the development of geriatric mental health services, guided planning and development of county-operated residential mental health services, and successfully advocated for expanded jail mental health services and the creation of Marion County's Mental Health Court. One of the upcoming challenges for the board and the county will be working with the Oregon State Hospital as the new hospital is built and services are rolled out. Transition of patients into the community is a big piece of this project, and the county will be involved in a major way.

Great Beginnings is an initiative of the Children and Families Commission (CFC) and is designed to increase awareness about early brain development and the impact of abuse and neglect on young children. Initial trainings were evaluated as effective and were geared toward licensed childcare providers, Friends Families Neighbors (or unlicensed child care providers) serving high needs families, and mental health support for all providers. Under Faye Fagel's leadership, the Children and Families Commission is improving service coordination for runaway and homeless youth. The CFC also completed an extensive process to create a new six-year comprehensive plan that the Board of Commissioners just approved in

January 2008. The successful Fresh Start Market on Center Street is operated by the Juvenile Department and allows juvenile offenders to work off their restitution while teaching them employment skills. Code Enforcement is an area the commissioners have been working on by improving coordination between Public Works and the Sheriff's Office to respond to noise complaints under the existing ordinance. Marion County also hired a third code enforcement officer in 2007. Election drop-off boxes were expanded throughout the county for the November 2007 election, and the Salem ballot drop-off site was moved successfully from South Salem to downtown. The Marion County Fair, held in July 2007, increased attendance by 44 percent over 2004, with a 74 percent increase in revenues from gate receipts. As part of the continuing project of the Marion County Strategic Plan, the department heads and elected officials of the county met in December 2007 to reaffirm the county's mission statement, "We serve the public to protect, promote, and enhance a positive quality of life." This year their key focus will be on customer service throughout county operations. She looks forward to 2008 with enthusiasm.

Commissioner Milne started her address by recognizing the excellence of Marion County's employees, volunteers, and organizational partnerships. She said the commissioners could not do their work without these crucial participants. She mentioned the county's continuing growth, which leads to the need to build more partnerships and an environment that attracts, retains and encourages businesses to grow in the community. In 2007, she was pleased to participate with SEDCOR in conducting a Regional Economic Profile and Strategic Assessment. This valuable tool profiled the economic conditions in Marion, Polk, and Yamhill Counties. It will provide a better understanding of the region's current economic conditions and needs, and will also allow better use of resources. As a part of the county's customer service emphasis and interest in economic development, she is working to improve the permitting process and make it more customer friendly. She will be looking at ways to help the county be more efficient with time and money.

Probably the largest economic development project in Marion County is the Oregon Garden Hotel, which is now under construction. When completed in Fall 2008, the \$10 million resort hotel will include 103 guest rooms, meeting rooms, a restaurant, and an outdoor pool and spa. This project was made possible as a result of sharp negotiating by Marion County chief administrative officer, John Lattimer, the City of Silverton, and Moonstone Properties. Commissioner Milne is Chair of the new Oregon Garden Foundation Board, which is working hard to establish itself and build community relationships and long-term strategic plans. The new phase of the Oregon Garden will begin with the closing of the receivership on the garden on February 14, 2008, and will be marked with growth, expansion, and innovative partnerships.

Balancing growth and protecting valuable, productive agricultural land has been and will continue to be a concern. This is particularly the case in the northern part of Marion County as Multnomah, Clackamas and Washington Counties set the criteria for designating their urban and rural reserves. This is certain to affect Marion County directly, and Commissioner Milne will be monitoring these efforts. She will be working on the continuing efforts to provide safety and encourage economic progress while maintaining noise levels, traffic control and livability around the Aurora Airport. Commissioner Milne is proud of the commission's success in opening up the lines of communications among the north county communities, community groups, and Marion and Clackamas Counties.

Commissioner Milne praised the new financial management infrastructure, which has made it easier for the county to implement department performance audits. These began with the Clerk's Office and the Sheriff's Office, and will show the county how to be more

efficient and maximize resources to the fullest. There has also been a facilities study group, which includes county employees and community members who search out ways to maximize current funds and facilities while projecting future needs to get the best value for taxpayer dollars. They are trying to do the best possible job of maintaining properties and figuring out whether buying or leasing properties would be the most advantageous in a particular situation.

The commissioners appointed Russ Isham as the new Sheriff after the retirement of Raul Ramirez. It has been a smooth transition, and he is doing an excellent job. He has set community policing as a priority, which fits well with the county's and the Public Safety Coordinating Council's Strategic Plans. Commissioner Milne is the chair of the Public Safety Coordinating Council, and she is happy to report that they have made tremendous progress in the fight against meth. The number of meth labs has been drastically reduced and the Methamphetamine Strike Force has seized over 2.7 pounds of meth, 89 weapons, and \$39,000 in cash. From this, 23 individuals were prosecuted and will serve 440 months in prison. The second annual Striking Out Meth in Marion County event at Volcanoes Stadium was a success, with this year's event scheduled for July 18, 2008. Through the efforts of the Public Safety Coordinating Council, the protocol on reporting foreign-born criminals in the county jail has increased holds on these individuals by 300 percent. The gang issue is another problem that will be receiving attention. After the efforts at gang reduction a few years back, some of the gang members who served their sentences have returned to the streets and started recruiting new members. The Marion County Jail survey in 2007 showed that 18 percent of the inmates surveyed had been involved in gangs at some time, and all of these individuals had been involved in gang violence. The Juvenile Department is working on its programs in this area. The dog shelter has celebrated a successful full year of operation at their efficient, state-of-the-art facility. Anyone seeking a puppy or mature dog should definitely visit the new Marion County Dog Shelter.

Commissioner Brentano spoke on the areas of transportation, future planning and emergency management. Since last week, with the snowfall problems in Detroit and Idanha, they opened up the Emergency Operations Center, declared an emergency, and provided aid to those communities. This is the first time this has been done in the four years he has been on the commission. The county staff has participated in numerous drills and exercises to be prepared to serve citizens in the event of a disaster. They are completing the Marion County Business Continuity Plan to make sure county operations can continue in the event of a disaster. The County staff has worked with other agencies and governments around the state to create a cohesive emergency response around the county. The Health Department has created POD (points of distribution) for medication distribution to those most vulnerable in the event of a major crisis. The commission has also adopted the Community Wildfire Protection Plan, which has been in the works for several years, and will emphasize minimizing fuel load and reducing fire risks and damages.

In the area of transportation infrastructure, the county has replaced four bridges in 2007, including two bridges on the Mt. Angel-Gervais Highway, one on Jefferson-Marion Road near Jefferson, and one on South Abiqua Road over Abiqua Creek. They put a deck overlay on the C Street Bridge in Silverton and fumigated ten wooden bridges. Bridgework planned for 2008 includes the Independence Bridge scour repair and protection and expansion joint replacement. They will be continuing work on the Little North Fork Road slide control measures as well. They are also looking into making changes with the Buena Vista Ferry, which is due for an overhaul or a possible closing. They have created a stakeholders group to gather information and make recommendations to the board regarding the ferry. Road

improvement projects completed this year included a left turn lane on Cordon Road and Pennsylvania Avenue, and the Stayton-Sublimity interchange project has continued to move forward. He offered his thanks to Polk County Commissioner Mike Propes, who made sure this project was completed even at the expense of a project in his own county. Roadwork planned for 2008 includes six miles of overlay, North Lancaster pedestrian crossings, and islands at two or three locations. Commissioner Brentano will be working on getting improvements at the Woodburn Interchange in 2008.

Marion County led the state in recycling and composting, with 57.5 percent of all the waste generated by residents being recycled or composted. Since 2004, Marion County has processed 481 Measure 37 claims, and recently created an ordinance to implement Measure 49. In addition, since 2004, they have processed approximately 300 land use permits per year. SGO (Sensitive Groundwater Overlay) areas continue to be a major issue and he hopes they can come up with a policy on this issue this year.

Commissioner Brentano spoke on the priorities for next year. These include:

- Issues surrounding growth in the county;
- Continued emphasis on Public Safety;
- Continued focus on community programs for healthy families and children;
- Hiring a new Public Works Director and Children and Families Commission Director;
- Studying impacts of potential upcoming ballot measures that would have an impact on the county, such as Measures 40 and 41, which deal with minimum sentences for property crimes;
- Review possible expansion of jail beds and the jail work center;
- Continue to look at roads issues as a major priority and seek funding for roads; and
- Continue to enhance ability to respond to emergencies in the county.

For further information about issues and accomplishments, the Marion County website at www.co.marion.us is an excellent source. Commissioner Brentano urged citizens to contact the commissioners by e-mail, which is the quickest and easiest way to reach them. The e-mail address is: Commissioners@co.marion.or.us. Together they want to work with the public to make Marion County a better place for everyone.

CONSENT

BOARD OF COMMISSIONERS

OLCC applications:

Monaghan's Inc., Salem
Zghoul, Inc. (Lancaster AM/PM), Salem

BUSINESS SERVICES

Approve amendment #2 to add \$19,878 to the contract with RSS Architects, PC for additional architectural design services for the work release center project.

Approve recommendation to adopt and establish the classification of senior hearings officer; and adjust the salary range for the senior assistant legal counsel and hearings officer classifications.

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HEALTH

Approve amendments #20 and #21 to add \$296,386 and \$2,704,483 respectively to the Oregon Department of Human Services agreement for the 2007-09 financing of community mental health, developmental disability and addiction services.

MOTION: Commissioner Milne moved approval of the consent calendar. Commissioner Carlson seconded; motion carried. A voice vote was unanimous.

ACTION

BOARD OF COMMISSIONERS

1. Consider approval of an order appointing Phyllis Johnson to complete a term on the Marion County Fair Board, ending December 31, 2008. – Kelly Walther

Kelly Walther, Marion County Fair Board chair, introduced Phyllis Johnson, who had been appointed to complete a term on the Marion County Fair Board. She thanked the board for the appointment of two new Fair Board members last month. One of their current members, Tim Ream, has decided to resign from the board, and Ms. Johnson is their suggestion for a replacement. She has extensive computer skills and an administrative background. On the Fair Board, she would be handling the open class competitions (those that are not specifically 4-H or FFA). Ms. Walther was chosen for another year as Fair Board chair, and at the Oregon Fairs Association convention last month; she was elected to their board of directors as well.

Phyllis Johnson introduced herself, saying she retired in 2000 and moved to Salem from California. She worked at the NARFE (National Association for Active and Retired Federal Employees) booth at the Marion County Fair, where she had some suggestions for improvements and offered her services for the next year's fair. She worked for the Air Force in Information Systems for nearly 32 years. She has always been very active in the community and looks forward to serving on the Fair Board. The commissioners thanked her for coming to today's meeting and for her interest in the Fair Board.

MOTION: Commissioner Carlson moved approval of the order appointing Phyllis Johnson to complete a term on the Marion County Fair Board ending December 31, 2008. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

2. Consider approval of the 2008 Federal Legislative Agenda with Federal FY 2009 appropriation earmark requests. – Barb Young, Dan Jarman of Conkling, Fiskum & McCormick

Barb Young, senior policy advisor, introduced Dan Jarman, vice president for federal affairs at Conkling, Fiskum & McCormick. Ms. Young told the group about the process they used to bring the commission the federal legislative agenda for 2008 and federal fiscal year 2009. She started work on this in September 2007, meeting with department heads and division directors to discuss their needs that could not be achieved through other funding mechanisms. They had brainstorming sessions, and then Dan Jarman and another of his associates came to the board of commissioners office to meet with the staff. They took these issues back to Washington, D.C., where they attempted to match them up with a federal appropriations account. They ran these issues by the delegation offices to see if these are things they would support and, if so, what level of priority the issues would receive. The board of commissioners staff took

the information they got from this process and refined it into the report they are presenting today. One clear priority that came up was the Kids First agenda, which the delegation supported wholeheartedly. As they move through today's report, it will be seen where they were able to get some money earmarked for this. The delegation liked it enough to ask how the program could be springboarded into another phase for the next round of needs. Ms. Young worked closely with Juvenile Director Faye Fagel, Health Department Director Rod Calkins, and Troy Clausen of the Sheriff's Office parole and probation, along with non-profit groups including St. Vincent de Paul, HOME, and HOST.

Dan Jarman of Conkling, Fiskum & McCormick said he wanted to prepare for the new congressional appropriation request, but also wanted to begin by recapping 2007 and speaking of the county's successes, disappointments and work in progress from last year. He will discuss some of the key issues in Congress that will influence this year's efforts, and then move to the federal agenda, which includes both the appropriations list and the legislative agenda.

For his 2007 recap, he reminded the group that the Democrats retook Congress after 12 years of Republican control. They had moderate success on a slim agenda, passing a minimum wage increase and getting ethics and lobbying reforms accomplished. However, they had difficulty moving bigger items through the Congress, with most legislation being stopped on the Senate side. All the appropriations bills except for the Defense Department appropriations bill were rolled into an end-of-the-year omnibus spending measure, which is different from what the Democrats had wanted as well. They did manage to implement some of the things discussed at this time last year, including reforming the earmarking process. These reforms focus mostly on transparency, so that now if there is an earmark in an appropriations bill, a member's name needs to be next to it so the public will know who is the member who is pushing for that earmark. Additionally, many members themselves are now doing things in a more transparent way, including putting all their earmark requests onto their own websites and making them very public. In the past, earmarks would sometimes appear in a bill at the eleventh hour with nobody knowing where they came from and who was pushing them. The number of earmarks has also been reduced, although not to the amounts that some Democratic leaders had promised. Most of the earmarks were cut from non-Appropriations Committee members as opposed to Appropriations Committee members.

Appropriations successes for Marion County included receiving two earmarks for the Kids First project, one being \$339,500 in the Juvenile Justice account, and the other being \$457,200 in the COPS/Meth account. Something similar happened a few years ago with two earmarks for the same project, although in that case both were going into the same account. This time the two earmarks are going into separate accounts. From their conversations with both Sen. Ron Wyden's office and Rep. Darlene Hooley's office, they have come to believe they have a relatively good chance of securing both those earmarks when they work with the agencies. The COPS office has already contacted Rep. Hooley's office regarding additional information on the earmark. Sen. Wyden, Rep. Hooley, and Sen. Gordon Smith's office are all committed to move forward to try to get money for this program. There is enough difference between these two components within Kids First that they can argue that some will fit better under Juvenile Justice, with others fitting better into COPS. Once they get their FY 2009 agenda submitted, their next priority is to work with those federal agencies within the Justice Department to try to secure both these earmarks.

In the area of disappointments, Mr. Jarman noted the lack of earmarks for the Cordon Road improvements and Little North Fork project engineering study. There were fewer Page -8-

transportation earmarks this year because many transportation accounts were drained by the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) bill a few years ago. Now there are even fewer transportation dollars, so they are waiting for the next round of SAFETEA-LU, which will start next year.

Another disappointment was that they were not even eligible to apply for Fiscal 2007 Kids First grant dollars. In FY 2007, the Congress and the White House could not agree on appropriations bills and earmarks, so at the eleventh hour they pulled every earmark out of the bills. Last year they had promised to work aggressively to get grant funding from the COPS office for the first phase of Kids First, but at the end of the day, the COPS office came with different criteria on who could apply for these grant dollars, and Marion County was not even able to apply for them. They used some very interesting criteria for this. For instance, some criteria were based on crime arrest rates in the county, which had nothing to do directly with meth. The U.S. Attorney had to recommend the applicant for funds, and Marion County was not even on the list of permitted applicants because of this and other factors. The Oregon delegation was unhappy about this, and it is an indication of why earmarking can be a good thing. Another loss was the lack of a secure fix for the Secure Rural Schools program, which lapsed on September 30, 2007. The delegation is still working to get long-term funding for this program.

Under work in progress, Mr. Jarman mentioned Secure Rural Schools again. The President has just allocated \$200 million for the program over four years, followed by a complete phasing out of the program. This is significantly less than what advocates of this program have been proposing. The Oregon delegation and others had been proposing \$740 million over four years, which shows the size of the gap in this matter. The Oregon delegation is working hard on this high-priority item. The Children of Incarcerated Parents Pilot Program is something that was discussed last year. It is a Marion County program that they would like to make a pilot program and model program nationwide. They are working with the delegation and particularly the new staff in Rep. Hooley and Sen. Wyden's office, and will continue doing so next year. The Second Chance Act Reauthorization was on the priority list for this last year. It passed the House but is still working its way through the Senate, where everything moves slower. Sen. Biden of Delaware is the champion of this legislation. Sen. Wyden's Mt. Hood Wilderness project is a work in progress. This is a project that has been slowed down by the Secure Rural Schools issue, which has pushed other issues to the back of the line. The bill is out of committee in the Senate and is awaiting floor action in the Senate; interestingly, there is no bill yet in the House on this issue. There are internal issues in our delegation related to this that are still being sorted out. Another issue they are monitoring at the federal level, although it is more of a state issue at this time, is the Behavior Rehabilitation Services (BRS) funding.

There are other issues to be aware of for 2008. Congress is working on a bipartisan stimulus package, which has been a surprise to many. It appears that in this case the Democratic leadership and the President are working well together for the time being. Congress is likely to try to tackle some big issues for this election year, including Medicare reimbursement payments to doctors, alternative minimum tax relief, higher education reauthorization, and global climate change. Appropriations may not wrap up until the lame duck session after the November elections or when the new President assumes office in January 2009. It is hard to predict how this will eventually play out, since it depends on whether the good working relationship between Congress and the President will continue through the election season.

President Bush requested in his State of the Union address last week that Congress reduce all earmarks by half, both in number and in dollar amounts. Last year around

this time, Democratic Party leaders made a similar promise but did not fulfill it. There were significant cuts but not to the level of half. Reduction of earmarks has mostly been for non-members of the Appropriations Committee, with the committee members still getting the earmarks they want. The President's request received a cool reception from Democratic leaders and from some Republicans as well. He also issued an Executive Order telling agencies not to fund FY 2009 earmarks contained in what are known as conference reports. This is an interesting distinction, since the earmarks are not usually set out in bill language, but rather in a report that accompanies the bill language and talks about how the policies of these bills came together. These conference reports are more or less instructions to the agencies on what the Congressional intent is, and that is where the earmarks usually appear. President Bush is arguing that these conference reports are not law, and he is asking his agencies to ignore earmarks if they are in conference reports. It will be an interesting constitutional issue of the power of the purse between the legislative and executive branches. One alternative would be to put these earmarks directly into the bill language, which is something Congress can easily do, although it makes it more difficult to put the bills together. This is one way to ensure that spending directed by Congress actually happens. The President has been criticized for coming down on earmarks now that the Democrats control Congress, but not in the past when the Republicans were in control. He will be monitoring these issues closely, since many of the projects that Marion County is pushing this year are earmarked projects in appropriations bills.

As for the FY 2009 agenda, they are still putting the details together. However, these will all be in place by the time Commissioner Carlson goes to Washington, D.C. in early March to present the county's appropriations agenda to the Congress. Currently, they are looking at the next phase of Kids First, with a comprehensive program similar to what they have had in the past, including prevention, intervention, and treatment. The total requested appropriation is \$793,000. On the prevention side is the Nurse/Family Partnership home visit pilot project at \$535,000. Under intervention is the Center for Family Success and the Runaway and Homeless Youth Program (\$108,000 total), and the treatment component is Intensive Services for High Risk Youth & Families (\$150,000). This program has been well received so far by the Congressional delegation. The details of this program will be in place by the time of Commissioner Carlson's visit to Washington in March.

Another notable development on the appropriations list is that the new Democratic controlled Congress has its own priorities in areas such as energy. They have put more emphasis on earmarking for renewable energy projects, with more of these to come in the future. Planned requests include \$975,000 for Waste to Energy, a program to increase non-ferrous metals recycling (aluminum, copper, brass) not captured by the current system of magnets at the Brooks metal recycling plant. By capturing more of these metals, the metals can be returned to the grid, and additional scrap metal will be available to sell on the market. The Mental Health Transition Housing project at \$225,000 would provide bridge funding and services for incarcerated persons with mental health issues who lose their Medicaid/OHP funding for the period when they are in the justice system. This program will provide funds for housing and services until they can access Medicaid/OHP again. The final request is for the support of SPROUT's (Oregon Garden/Chemeketa Community College) wastewater treatment project. The dollar amount for this project is unknown at this time. Last year they were unable to secure earmark funding, but lending the County's support this year should help their case. This completes the summary of the proposed 2009 Appropriations Agenda that they recommend the county pursue this year.

On the legislative agenda, the Secure Rural Schools reauthorization is very important, including supporting the Oregon delegation's effort for a larger package than was set

out in the President's budget. The continued monitoring of the Mt. Hood Wilderness and Wild and Scenic River bill is another important matter. They will be keeping an eye on this as the Senate finishes its action on this to see what the House is planning to do. This could end up being added to the Copper Salmon Wilderness bill that is also working its way through Congress. Another continuing priority is the Second Chance Act reauthorization.

Under the heading of Coalition Building, another effort that Conkling, Fiskum & McCormick strongly recommends is that the county pursue is the Woodburn Interchange project. This will be a priority for the county next year when Congress reauthorizes the SAFETEA-LU legislation. This is the federal highway, roads, transit, and general transportation initiative that Congress does every six years. It is up for reauthorization next year, and it is very important to work as part of the coalition this year to make sure this is a high priority for ODOT and for the Oregon delegation. Good collaboration is essential to provide a unified voice and message in Congress next year. This project is strongly supported by ODOT and they currently describe it as their highest priority for the Mid-Willamette Valley. It will take time to work through what the requested amount should be. ODOT people have talked about requesting \$15 to \$20 million, but the need is closer to \$50 million. Another important aspect is coordination with key supporters and stakeholders including the City of Woodburn, ODOT, the outlet mall owners, Wal-Mart, WinCo Foods, and other businesses in the area. It is important to keep the momentum going in the face of other competing projects, and to make sure the project remains a high priority for ODOT. Oregon is well positioned for funding on this project because of the leadership change in Congress. Rep. Peter DeFazio is now a senior member of the Transportation and Infrastructure Committee and the chairman of the Highway and Transit Subcommittee. On the Senate side, Senators Smith and Wyden are on the Finance Committee, which is also advantageous to Oregon in seeking funding for this project.

Commissioner Milne spoke about the Woodburn Interchange and said this was her top priority of all the things on the agenda. She has lived in Woodburn for 24 years, and has been working on efforts to improve this interchange ever since she moved to the area. The issue has been caught up in politics in the past, but this is unacceptable because the current situation is a tremendous safety hazard. She wants to address this problem before a massive accident occurs from the backed-up conditions in the area. Mr. Jarman noted that the Woodburn Interchange project is being described as "developmental" at this time, but this is in no way an effort to minimize the importance of the project. The "developmental" designation is in place only because there will not be any congressional activity on the project this year, although there may be some hearings on the SAFETEA-LU bill. The next Congress is the one that will be responsible for actually writing the bill when the time comes.

Commissioner Carlson thanked Mr. Jarman for his interesting and informative presentation and Conkling, Fiskum & McCormick for its hard work on the county's behalf in the last year, including getting Kids First moving forward. She also thanked Barb Young for all her efforts in putting together the federal agenda and the presentation. She supports all the items on the federal agenda this year, and she looks forward to going to Washington in March to meet with the Oregon Congressional delegation about Marion County.

Mr. Jarman praised the Commissioners and their staff, and particularly Ms. Young, for their hard work on this agenda.

MOTION: Commissioner Milne moved approval of the 2008 federal legislative agenda with federal FY 2009 appropriation earmark requests. Page -11-

Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

PUBLIC WORKS

3. Consider approval of an order imposing a weight restriction and lane closure on a portion of North Fork Road. – Bill Worcester

Bill Worcester gave a PowerPoint presentation on imposing a weight restriction and lane closure on a portion of North Fork Road. This road takes off from Highway 22 slightly past Mehama and goes up toward Elkhorn and the North Fork Recreation Area. There have been ongoing problems, with the latest being a slide that occurred at mile point 3.8, about halfway between Highway 22 and Gates Hill Road, which cuts over to Gates. This slide on January 9, 2008 actually caused a portion of the road to drop about one foot and made the road impassible. Public Works immediately posted a 10-ton load limit and advisory signs explaining that this is now a one-lane road. With this signage, people getting off Highway 22 would be aware of the problem. They were able to keep traffic moving under flagging. He showed some photographs of the road and how it looked immediately after the slide. There are some cracks that do not show up well in the pictures. Several deep cracks extend across the entire road, with one fissure being 11 feet deep, and several other problem holes and voids in the sub-grade. Public Works monitors the area twice a day at this time. The day after the slide, they brought in a geotechnical engineer, whose report advised them to continue the 10-ton load limit pending further investigation, which he will be providing. The engineer said it is safe to maintain single-lane traffic. They do make exceptions to the 10-ton load limit in the case of emergency vehicles, and they have asked the school district to use the smallest possible buses they can for the time being. While Gates Hill Road looks like a suitable detour on paper, it is very steep, and during the winter it is sometimes impassible. They are exploring other options for detours to the east, including some Forest Service roads that log trucks may be using now. They want to have another alternative in place in case they do have to close North Fork Road and Gates Hill Road is not passable for some reason. Mr. Worcester requested that the board approve an order imposing a 10-ton weight restriction and lane closure on a portion of North Fork Road until they can come up with a suitable solution for the problems created by the January 9 slide.

Commissioner Milne asked how this slide came to the attention of Public Works. Mr. Worcester said someone called Public Works dispatch and they sent someone out to look at the slide right away. They were fortunately able to get there before any accidents could occur. She asked what kind of vehicle would be excluded under the 10-ton limit. He gave some examples. Delivery trucks, small dump trucks and unloaded concrete trucks might or might not fall into the prohibited range, but semis and log trucks would definitely be excluded, and there is significant logging activity in this area. Commissioner Milne said that from the sound of it, most people living in the area and not engaged in logging would be unaffected other than by having to put up with some delays when they need to use the road. Mr. Worcester said this is true, and that routine light vehicle traffic will not be affected. Commissioner Milne asked if there would be signage early on Highway 22 so people have a chance to discover the problem before they get too close to it. Mr. Worcester said that there is a sign right where the vehicles leave Highway 22 with a variable message sign as vehicles move closer to the area. Commissioner Carlson asked if there is any signage that is actually on Highway 22, and he said there is not. She feels this is a problem that needs to be addressed, although it is not a county road and is therefore outside their jurisdiction. Mr. Worcester said that the fixed sign is visible from Highway 22 and the variable

message sign is at Pioneer Road, about one-quarter of a mile in, and there is a good turnaround location there for those who would be unable to go further. He said they could also ask to the state about permission for additional signage on Highway 22.

Commissioner Carlson had a question about the legality of the order and the word “confirming.” The word they have in the agenda is “imposing.” She asked Jo Stonecipher if it is correct that the emergency situation required the road crews and Public Works to use their judgment to act immediately. In doing so, they acted ahead of the board’s order by several days, and with today’s action the board would officially be imposing the weight restriction. Ms. Stonecipher said that her statement is correct and that the county roadmaster and engineers have the authority to go out and take emergency action as needed on dangerous roads. In this instance, however, a board action is needed to make this an official county action and put it into place as an ongoing order. Obviously, the roads department staff is not required to wait the several days until they can get to the board in order to take emergency measures in the interest of public safety. Commissioner Carlson noted that there was no end date on the order, so when the restrictions are lifted, another order will need to be submitted to lift the order.

MOTION: Commissioner Carlson moved approval of an order imposing a weight restriction of 10 tons maximum and restriction to a single lane on North Fork Road between mileposts 3.8 and 3.9. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

Commissioner Brentano asked what the timeline on repair of the road might be. Mr. Worcester said it is hard to know at this time, because they need to find out more about exactly what the failure was. They plan to have the contracted geotechnical engineer look into this issue soon. The completion date would probably be Summer 2008 at the earliest, since at this time they have no way of knowing exactly what the required repairs and costs might be.

PUBLIC WORKS –PLANNING

4. Consider appeal of Planning Commission's decision granting approval of phase 1 and denying phase 2 of subdivision, case #SUB 07-14, McKillip, Clerk's File #5566; suggested hearing date is February 27, 2008. – Sterling Anderson

Sterling Anderson, planning manager, said the item before the board today is an appeal of the Planning Commission’s decision. In this case, the application was a request to adjust the property lines on an 83.58 acre parcel and a 3.17 acre parcel to create a 79.44 acre parcel and a 7.31 acre parcel and then, under waivers granted by ORS 197.352 (Measure 37), conceptual and detailed approval to subdivide the resulting 79.44 acre parcel, as a planned development, into 47 lots with an administrative review to reduce the special 200 foot dwelling and 100 foot accessory structure setbacks in an EFU (Exclusive Farm Use) zone located at 4505 St. Paul Highway NE and in the 4300 block of Wilson Street NE, St. Paul.

On December 4, the Planning Commission granted a request to adjust the property lines, granted conceptual and detailed approval to subdivide the resulting 79.44 acre parcel into 8 lots on the west side of Mission Creek outlined as phase 1 of the proposal, denied phase 2 of the proposal, and denied the administrative review to reduce the special setbacks. In this case, the applicant’s attorney has appealed and argues that the Planning Commission’s decision is legally incorrect and that the county is required to make this decision based on the criteria in Measure 37 and not Measure 49. They also argue that Measure 49 will not survive constitutional review by the courts, and therefore the applicants argue that the board should grant the application

in its entirety. The board has several options regarding an appeal of a land use decision. The board can accept the appeal and remand it back to the Planning Commission for further consideration, accept the appeal and schedule a hearing (a possible suggested date would be February 27), or deny the appeal and adopt the decision of the Planning Commission if they find that decision to be correct.

Because this is a Measure 37 claim and Measure 49 is now in effect, there is another possible approach. They could treat this case as they have treated several other recent applications for Measure 37 waivers, by concluding that they have no legal jurisdiction to grant an approval for the case under Measure 37 because Measure 49 has now replaced it. He deferred to legal counsel to discuss this alternative further if necessary. Commissioner Milne asked Ms. Stonecipher to address the issue of whether or not the board has legal jurisdiction in a Measure 37 case such as this one. Ms. Stonecipher said this case is different from some of the others because part of the application was granted. The board is in a difficult position here because this application is, under the rules that are in effect, no longer an application the board can approve. The waiver that was granted by the state has been revoked, and therefore any review of this case would require the board to apply the Statewide Land Use Planning Goals (goals 3 and 14) and the statutes in ORS Chapter 215 that govern the minimum sizes and the division and uses of resource land. Ms. Stonecipher said the board process does not really allow the board to change a land use decision without first affirming what was done previously (in this case a partial approval, which is no longer valid). Their options with this decision also include sending it back (which they have already done once because of a potential error and some potential county liability for mandamus actions) or granting this appeal, although after granting it, they will have to deny it because the statutes and the goals (which are administrative rules) won't allow them to approve it. She will consult with the applicant's attorney regarding this. The board is placed in a strange situation here, since they are required to grant the appeal in order to do what the law requires, but the law will put the case into the position of being an outright denial. The applicants and their attorney have a secondary interest of bringing this matter before the Land Use Board of Appeals (LUBA). This is why, when there was an error in the earlier appeal, they sought to have it sent back and brought before the board again so that the matter could eventually go to LUBA. Then, issues such as the "goalpost rule" and the possible challenges to Measure 49 could go forward in that forum. Ms. Stonecipher said there are also lawsuits pending in Jackson County in which a number of Measure 37 applicants are suing the county demanding that they be given the compensation they are entitled to under Measure 37. Some of the same activity may happen in Marion County at some point. The state would also be involved in any of those proceedings that might come before the county board.

Ms. Stonecipher said that if the board were simply to deny the appeal, they would be in violation of their own ordinance, which provides the board with three options for addressing these cases. The board cannot take action without allowing the applicant an opportunity to participate and be heard in the process. She said it would be a first to ask the board to grant this appeal or effectively call this up so that the board can take the correct action. She does not want to imply granting the appeal, and she believes that in effect they can still call this measure up because it is before the board, which is another process they have in the ordinance. Both sets of language may come into use here. The appeal is before the board now, so it is an effective matter. Once they do it, it is *de novo* and the board can deny it. On the other hand, she assumes that the applicant's attorney, Mr. Harrell, would probably say that he was only appealing the denied portion of the original application. She believes that the proper board action would be to speak

of allowing the appeal of this limited purpose, or pursuant to our ordinance that allows the board to call up any decision and then hear it and determine how to proceed with it. She suggested doing both in order to cover all bases.

Commissioner Milne thought that this would probably be the case and thanked Ms. Stonecipher with her help on figuring out the correct language for this situation. She noted that the applicant is appealing the Planning Commission's denial of phase 2 and the denial of the administrative review for the setbacks. Ms. Stonecipher said that this is the part they are appealing, which is why the board needs to exercise its own authority to call up the entire matter so that procedurally it is not later argued that the matter was not properly before the board when a decision was made. The approval will also have to be a question as well, and they will need to make it clear that the approval also is at issue.

MOTION: Commissioner Milne moved to call up the entire Planning Commission decision regarding case #SUB 07-14, McKillip, Clerk's File #5566, and schedule a public hearing for February 27, 2008. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

Commissioner Brentano recessed the meeting at 11:00 a.m. for five minutes.
Commissioner Brentano reconvened the meeting at 11:07 a.m.

PUBLIC HEARINGS

9:30 A.M.

PUBLIC WORKS – PLANNING

A. Continuation of public hearing to consider amending the Marion County Comprehensive Plan Urbanization Element, Urban Growth Management Framework test and land efficiency guidelines. – Les Sasaki

Commissioner Brentano introduced the topic of the hearing and said it will begin with a staff report, followed by testimony in support, testimony in opposition, some general comments and closing comments. He introduced Les Sasaki of the Planning Division, who will be giving the report.

Mr. Sasaki reported that this is a continuation of a hearing that started on October 3, 2007, and involves amendments to the urbanization element of the Marion County Comprehensive Plan, and in particular to the urban growth management framework of the urbanization element. The amendments themselves address language compliance in response to an order from the Land Conservation and Development Commission to revise some of the language in the adopted framework plan. These are housekeeping or maintenance types of amendments to the urbanization element to make it consistent with the amended state land use planning goal 14, which came out in 2005. There are modifications to the land efficiency guidelines within the urban growth management framework itself. As indicated previously, the board held a hearing on these amendments on October 3, 2007, and an issue was raised at that hearing concerning process relative to legislative amendments cited in the zone code. As a result of this issue, the board continued the hearing and referred the proposed amendments to the Planning Commission for their review and recommendation back to the board. The Planning Commission held a few work sessions on the proposed amendments, along with a public hearing on January 15, Page -15-

2008. There were eight people who testified at the Planning Commission hearing, and there were also twelve written submittals to the Planning Commission. All of the testimony and the submittals were in opposition, primarily to the proposed amendments to modify the land efficiency guidelines, and not necessarily to the other amendments being proposed. Following the hearing, the Planning Commission has recommended to the board that the proposed amendments be approved. They chose option 2 of the original October 3 board options for consideration, which was to approve the amendments. This is also contained as option 2 in the current report for this hearing. They are now back before the board with the recommendation from the Planning Commission and the continuation of the hearing. In addition to the public comments that are part of the board books for this meeting, there are three additional submittals regarding this particular item from 1000 Friends of Oregon, Trudy Margules, and Mark Rauch. As noted in the report, the board has several options for consideration of these proposed amendments, listed in the staff report as options 1-5. He then asked the group if they had any questions.

Commissioner Carlson asked Mr. Sasaki to describe briefly why they were asked to change the word to “guideline” in the growth management plan. He responded that this is a distinction between a standard, which is a mandatory requirement, and a guideline, which is more of an advisory. When the Planning Division went through the LCDC with the framework plan, it was their intention that the plan would be a voluntary tool that cities could use, and it should have originally been described as containing guidelines rather than standards. The commission, in approving their framework plan, wanted the language made clear that these are guidelines and that they are therefore voluntary requirements. Commissioner Carlson asked him what would happen if cities do not follow the voluntary advisory guideline as listed in terms of density standards. Mr. Sasaki said they can look at the guideline that is stated in the framework plan and choose to use the guideline or meet with the county and provide information that shows why a different, lower density number should be considered based on the housing situation in their community.

There is still a requirement in the state goal that some efficiency has to be met, but it is not clear what that actual efficiency would be. However, under the currently adopted guideline, the state has approved what the Planning Division has adopted. If a city comes in and uses that guideline, meets the guideline requirements, and goes through the process, it would be approved by the county and by the state. These are not absolute numbers, but if a city wanted to use a different number that is below the guideline range, they would need to show some good justification for doing this. If the county was to disagree with a city on this decision and the city chose to go ahead with it anyway, there would of course be some opposition. Commissioner Carlson asked what would happen if someone appealed to the state regarding a decision to use a lower number outside the guideline range. Is it highly possible that the state would say they did not reach the mark in terms of efficiency and then side with those making the appeal? She asked Mr. Sasaki to describe briefly the word guideline in the growth management plan. She said that although there were single numbers used in the prior guidelines, the actual guideline was a range of numbers, although it was not originally stated in this manner. She asked if there would be anything to prevent a city going above and beyond the stated range to have higher population density, and he said there would not be.

Commissioner Carlson asked about the role of efficiency in the context of the entire growth management framework. This is an addition on page II D-17 of the comprehensive plan, which states, “Land efficiency must be balanced with other livability needs in a community.

Public facilities, streets, schools and parks can also be used by a city to improve the

quality of life for residents. A city can consider variables such as lot size, density, single-family to multifamily residential splits, dwelling unit types, housing condition, design standards, along with strategies such as infill, mixed uses and redevelopment to efficiently use residential land and develop a livable community.” She said the board and the Planning Division worked on this language together, and that the examples were pulled from another source. Mr. Sasaki said this language is from the administrative rules to goal 14, and it addresses the residential component of determining residential land needs when a community wants to expand its boundary. There are different tools that cities can use to change their existing ordinances to address some of these types of housing issues, and there are different ways to approach housing and land efficiency. For example, there can be a range of lot sizes, but there is also a need to examine the housing needs of that particular community. These are things they may not have looked at previously, as development in the past has been primarily in the form of residential subdivisions. Before expanding the boundary, it makes sense to do a thorough examination of local housing needs and quality of life issues.

Commissioner Brentano noted that in addition to the previously mentioned letters in opposition to the amendments, there was also a letter in support received from Kathy Figley, Mayor of Woodburn.

TESTIMONY:

Support:

None.

Opposition:

Kathleen Carl, 407 21st St. NE, Salem, OR, said she is against weakening the 2002 Urban Growth Management Framework, and that this is a step backward. Ms. Carl said most of the public feels that they shouldn't change the density level. Everyone knows the county will be growing and that this is inevitable, but in balancing needs for growth and needs for farmland, the bigger lots within the urban growth boundary will require the expansion of the UGB. This will require taking away more and more farmland. She wants to have a future where open spaces are preserved and compact urban development is encouraged. Regarding different types of efficiency, the smaller house lots mean more space for parks and other public amenities. She thinks the commission may be headed in the opposite direction from most Oregonians. Marion County voted in favor of Measure 49, showing that they want to save farmland and forestland, and she sees the legislature heading toward a greener process. She believes that the process by which the 2002 framework was reached was a broader and longer process including more people, and that this new process has moved too quickly and has not been examined closely enough. Ms. Carl said the commissioners might be ignoring Marion County's major local industry, since agriculture continues to grow in the county and is number two among Oregon exports. In a time of economic instability such as the current one, a strong export base is important and food will always be essential. She has seen examples of places in Europe where large populations and cultivated land have coexisted well for centuries, and the same can be done here through compact housing and preservation of green spaces. A city like Aurora, because of its size, would have no guidelines under this new amendment, as these have been eliminated. She grew up in that area and feels the farmland in Aurora should be as well protected as the farmland around Salem.

Lolita Carl, 13324 Carl Rd. NE, PO Box 149, Hubbard, OR, 97032, is a full-time farmer on a family farm that lies east of and between Woodburn and Hubbard. She opposes diluting the density guidelines for Marion County cities. Although it looks as if few units are being dropped, when it is multiplied out, it would actually increase the land need by around 20 percent, which is a step backwards. Marion County is an area of limited resources that must be protected. She and her sister, Kathleen Carl, both serve on the board of directors for the Marion County Farm Bureau for the northern district. They are both concerned about encroachments on farmland in the Aurora area, which is the area they represent. She asked the commissioners not to weaken these guidelines. She believes doing so would undermine the viability of Marion County's primary industry, agriculture, which brought in more than half a billion dollars last year in direct sales. She feels agriculture is not given its just due, since it accounts for 25 percent of all Oregon exports and is the number two industry in the state. Eighty percent of the agricultural products leave the state, with forty percent leaving the country. The more efficient use of land within the urban growth boundary is the responsible way to protect our resources and save fertile farmland for future food production, reduce sprawl, make our communities more livable, and participate in our state's goal of reducing greenhouse gases.

Roz Shirack lives at 1645 Church Street SE, Salem, OR 97302. She is here with Diana Bodtker, 925 15th St. NE, Salem OR 97301. Ms. Bodtker is president of the League of Women Voters of Marion and Polk Counties, and she and Ms. Shirack are both here to represent the group. The league is here today to support the county's existing residential density guidelines, which they believe would do a better job of helping the county achieve its goals than the proposed amendments. These amendments would decrease the residential density guidelines for all cities in Marion County and exempt some cities from the need to meet any density guidelines. Ms. Shirack wanted to follow up on Commissioner Carlson's comment about the nature of the guidelines. The real crux of the issue is that these are guidelines, and cities have the ability to meet them in a variety of ways. The league believes that because the cities have this flexibility under the guidelines, the county does not need to be reducing residential density guidelines across the board. The proposed density reductions appear to undermine the county's own urban growth management policies to minimize conversion of farmland and increase land efficiency within urban growth boundaries. They also undermine the county's energy policy to direct land use development in a manner that maximizes conservation of all energy forms, and undermine the county's environmental policy to use compact urban design to discourage the excessive use of cars. In contrast, the existing residential density guidelines do a better job of achieving the county's own goals. Oregon's own statewide planning program gives counties a very important role to coordinate population projections and urban growth management policies among all the cities within the county. This coordination role is fundamental to the county achieving its own policies as well as achieving the statewide planning goals. The league asks the county to embrace this important coordination role and retain the existing residential density guidelines. They recognize that the coordination role requires some very difficult decisions, with one of these being the need to balance the flexibility for cities to plan for their own urban growth while also meeting the urbanization policies of the county and statewide planning goal 14. The league feels the county's current policy has a good balance of flexibility for cities to meet the existing guidelines, since cities can choose a lower density number if they can justify it based on their own situation and the amount and quality of surrounding farmland. These decisions and justifications should be made at the city level as opposed to the county providing an across-the-board reduction in the density guidelines. The league asks the county to retain the existing residential density guidelines to encourage cities to plan for efficient urban growth, and to protect Marion County's agricultural lands and economy.

Sid Friedman, 189 Liberty Street NE, Salem, OR 97301, represents 1000 Friends of Oregon. He thanked the board for the opportunity to speak about this proposal, which would involve weakening the Marion County urban growth management framework by diluting the efficiency guidelines. As Mr. Sasaki pointed out in his staff presentation, the Planning Commission hearing featured farmers, environmentalists, land use activists, and ordinary citizens from both urban and rural areas, who submitted oral and written testimony to join the City of St. Paul in opposition to weakening the framework. Roughly 20 individuals and organizations were involved in this. He said the proposal to weaken the guidelines is truly a solution in search of a problem, and the board-initiated proposal stands in contrast with the proposals that have bubbled up from the community as described by Commissioner Milne in her State of the County address. This is the wrong time to be moving backward and he feels compact urban development is more important than ever. Weakening the framework will harm agriculture, harm the local economy, increase health care and infrastructure costs, cost taxpayers more money, and move us away from the legislature's adopted targets for greenhouse gas reductions. The 2007 legislature committed Oregon to stopping the growth of greenhouse gas emissions by 2010, reducing them to 10 percent below 1990 levels by 2020, and reducing them by 75 percent by 2050. The guidelines need to be strengthened, not weakened, in order to meet these goals. Protecting the local food supply from urban sprawl is also more important than ever for food safety and health reasons, because locally grown food requires less fuel to transport, and because agriculture is the backbone of Marion County's economy. Marion County leads the state in gross agricultural sales every year. It is the leading industry in the county, with direct agricultural sales reaching \$585 million in 2006. The only testimony supporting the modification of the efficiency guidelines has come from the City of Woodburn. He hoped that the board would not institute these across-the-board reductions, which have no public support. If they must modify the guidelines, he would like to see them modify them only for cities of 25,000 to 50,000 residents, which would encompass the one entity that has testified supporting this proposal (the City of Woodburn) and leave the others unchanged.

Mr. Sasaki returned to the table. He clarified that the Marion County growth management framework is part of the county Comprehensive Plan, and it is a strategy for county-city coordination with regard to urban growth boundary expansions. It provides the guidelines that they can choose to utilize for that purpose. These are guidelines, not mandatory requirements, and they are useful tools for cities to follow.

Commissioner Carlson thanked everyone for waiting through the rest of the meeting and taking the time to testify. In her view, they need to agree to disagree on this issue. When she was running for the Board of Commissioners seat in 2002, the growth management framework was being completed. What she heard in the community was that it got slammed through at the last minute and was a big surprise to many people. There were four cities that filed suit against Marion County over the framework. She has learned a lot about land use since becoming a commissioner, and she feels it was not a proposal that came up from the county's people, particularly when four cities disagreed with it enough to file suit against the county. When she asked to review the framework, she was told that they would have to postpone this because of the pending lawsuits. It has now been nearly six years. She finds it somewhat ironic that the state asked them to change the word "standard" to "guideline." It is an advisory voluntary guideline that if not followed, will prevent the approval of a local plan if there is an appeal process. In almost every case when someone expands the urban growth boundary, there will be an appeal on some area. To her, it seems like more of an issue of semantics. What do these guidelines really mean? Some have used the terms "weakened" and "diluted" in regard to the changes, but the comparative table of city population projected size categories (page 6) shows

that under the existing guidelines, cities with less than 1,000 in population had no guideline at all. Those with 1,000 to 2,500 had a density level of five, with cities of 2,500 to 10,000 having a density level of six, cities with 10,000 to 25,000 had a density level of seven, greater than 25,000 had a density of eight, and Salem was in a category by itself with nine.

Commissioner Carlson said she watched the Woodburn process, which included years of struggle as they tried to reach the designated number, and at that time Les Sasaki and Sterling Anderson pointed out that the guidelines were really not a single number but rather a range of numbers. The commissioners then suggested that if it really is a range instead of a single number, it is time to start stating it as such in order to be transparent in giving guidance to cities. Under the proposed efficiency guideline amendment, the ranges represent no real change from the county's practice under the current efficiency guideline, but these numbers are now openly expressed as ranges and not as single numbers. The only difference is that the board asked if these population configurations are realistic and viable for these cities and did some shifting of the categories regarding population. The board did not dilute the standards so much as it readjusted the ranges of population that made sense within that table and stated more clearly that the guidelines were a range rather than a specific single number.

Commissioner Carlson's next point was that even though the guidelines are voluntary and advisory, local governments would need to fall within these ranges in order to ensure that their land use applications would be approved when they reach the state level. The proposed configuration appears to her to fall more within the range of what cities can reasonably accomplish. There are many small rural communities in Marion County, with only one city larger than 50,000 and only two in the 25,000 to 50,000 range. All the remaining cities are significantly smaller, with 14 having less than 5,000 people. She feels that local governments need to be able to determine these matters for themselves, since the city councils and mayors represent the constituencies of these cities. If these constituencies want efficiency and density as their highest priority, they will press their elected officials to make sure their local plans come out on the higher end of the local guidelines or even beyond the higher end, since there is nothing that prevents cities from going beyond the high end of the range expressed in the guidelines. If the market and the local residents are happy with the current situation, they can go toward the lower end of the range.

Commissioner Carlson believes the proposal gives better self-determination to communities, to the elected officials in those communities, and to the markets that exist in those communities. Efficiency is being discussed here as if it were the only consideration that should be made in land use planning. While efficiency is very important, it is not the only value in the Oregon statutes and administrative rules, and there are other routes to reach efficiency besides the number on the density table. She was surprised by the comments stating that there was no public support for the proposed efficiency guideline amendment. She and her fellow commissioners meet with a wide variety of people and serve on many boards and commissions locally, and this is not the perception that she has. In her view, Measure 49 is not necessarily proof that people want more dense housing, but rather an effort to rein in the perceived excesses of Measure 37. Measures 37 and 49 both passed with significant majorities, and she believes the general population is very confused about land use planning at this time. There will be major discussion coming up at the state level, but it is difficult to know what the outcome will be. She does support preserving farmland, but recognizes that economic cycles such as the current downturn can slow the extremes of growth for a while. Ultimately, it is a balancing act between the farmland and the land inside the urban growth boundaries. She supports land use planning generally but feels farmland must be balanced against the quality of life within the UGB, and at some

point the lack of yards and lot size also impacts the quality of life. One comment she remembers is that nursery stock is the leading agricultural product for Marion County. This product is for furnishing yards, and if all development is shut down, then there would be no market in Oregon for nursery stock. She believes that today's proposal is a modest and realistic change that will be approved of by the communities that are affected, and she strongly supports the proposal. She appreciates today's comments but cannot agree with them for the reasons she has stated.

Commissioner Milne said she agrees with Commissioner Carlson that the communities themselves must be taken into consideration, and this amendment allows decisions to be made at the community level. It is also important to recognize that if any community is planning a change, there will be numerous public hearings and opportunities for input by members of the public. She is confident that the stakeholders will have a chance to make themselves heard whenever changes are under consideration. The reason for this amendment being presented to the Board of Commissioners is because of community input, including many hearings and many people sharing their thoughts and interests on this topic. This proposal was not a sudden decision by a few people to make changes, but instead has evolved over time as people shared their views on what is helpful and important to them. She feels there is a need for a wide range of living options from apartments and townhouses to houses with acreage. As people's lives change, their needs change and she wants to see that range of choices represented. The issue of the balance of living options goes back to the market, since nobody wants to buy property that they will be unable to sell when and if they need to do so. She sees this as a small adjustment to the present guidelines that allows flexibility and seeks community discussion and input. She is very concerned about protecting productive agricultural land and is working on this issue, but she also wants to maintain livable cities and communities.

Commissioner Brentano said he truly believes and this is a matter of choice and perspective. He feels cities should be allowed to determine what they look like, and their citizens will then determine where they want to live accordingly. This is a matter of choice and livability, and he feels the proposed efficiency guideline amendments are fair and flexible. The Commissioners are not against farming or environmental concerns, but he is in favor of giving choices to citizens and to cities.

Commissioner Carlson had a question regarding legal matters. The Planning Commission adopted option 2, which was to direct staff to prepare two separate ordinances. She is assuming that they would separate the ordinances out to differentiate those including the word "guideline" as requested by the state, so that the additions the county is making for itself would be in a separate ordinance. The reason for this would be that if this proposal moves along and there is some issue with it, they would not then be required to go back and do the entire process over again. Jo Stonecipher, legal counsel, said that this is correct. The changes required from the LCDC periodic review approval order could thus go forward in an ordinance unencumbered by the new and potentially controversial matter of the proposed amendments. There will be a second ordinance for the additions or amendments that the county will be making on its own.

MOTION: Commissioner Carlson moved to close the public hearing and approve the Planning Commission's recommendation, option #2, to approve the proposed amendments and direct staff to prepare separate ordinances for amendments that comply with the LCDC periodic review approval order and the

other urbanization element, urban growth management framework amendments for adoption by the Board. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

Commissioner Brentano read the weekly calendar.
Commissioner Brentano adjourned the meeting at 11:45 a.m.

Attachments: Agenda

ABOVE MINUTES APPROVED

CHAIR

COMMISSIONER

COMMISSIONER

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