

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, December 19, 2018
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97305

PRESENT: Commissioner Janet Carlson, Commissioner Kevin Cameron, and Commissioner Sam Brentano. Also present were Bruce Armstrong as county counsel, and Brenda Koenig as recorder.

ABSENT: John Lattimer, chief administrative officer

Commissioner Carlson called the meeting to order at 9:00 a.m.

PUBLIC COMMENT

(Video time 0:00:41)

Ciaran Connelly, Ball Janik, LLP:

- Represents BNRG Renewables, a solar developer;
- Sent a letter to the commissioners outlining four solar projects being built in Marion County:
 - One currently under construction; and
 - Three to begin in the first half of next year.
- BNRG would like to enter into a pilot payment in lieu of tax (PILT) agreement with the county for each of the projects;
- A draft form of the agreement was included with a copy of the letter, as well as a commissioned study:
 - Study compared the known taxes that would result from the agreement to an estimate of what central assessment would determine over the life of the pilot agreement; and
 - Study shows that it is revenue neutral for both parties.
- Advantage for both parties is there is certainty with amount of revenue and rates of tax payments;
- Helps company with financing project moving forward;
- Steady source of revenue for the county; and
- Asking commissioners to direct staff to finalize and enter into agreements.

Board discussion:

- The commissioners recalled seeing the letter;
- The board does not want to be put in a position to encourage or support either way, and they need further discussions;

- Mr. Connelly understands this is not a policy decision:
 - Not a revenue difference either way to his clients or the county;
 - Not a land use decision;
 - Projects will be built regardless; and
 - It is a taxation and revenue issue.
- The agreements need to be executed before the end of 2018 to become effective;
- Mr. Connelly provided hard copies of the agreement to legal counsel;
- Concept of the policy was discussed previously; and
- Mr. Connelly clarified that he is not looking for the county to adopt a general policy on pilot agreements, but simply asking if the county would like to enter into an agreement on these four projects.

David Beem:

- Mr. Beem stated he is an advocate for the special needs population in Salem;
- He would like to get more funding for the Salem Airport to bring more companies to Oregon and Marion County; and
- Would like to get information out on Facebook.

Board discussion:

- The commissioners stated that is a good idea;
- Will be working with Travel Salem next year and may be able to get some ideas together to get more advertising for Marion County;
- Commissioner Carlson stated that Mr. Beem has been a solid advocate for Marion County:
 - He comes and shares ideas frequently;
 - He has served as a key volunteer on the Marion County Fair Board;
 - He has been on the Intellectual and Developmental Disabilities Council; and
 - He has worked with Salem Area Mass Transit, City of Salem, and the Office of the Governor.
- Commissioner Carlson recounted a conversation that she had with Mr. Beem last summer regarding his desire to become an ambassador for Marion County; and
- The commissioners presented Mr. Beem with a jacket formally proclaiming that he is an ambassador for Marion County.

CONSENT

(Video time 0:10:39)

BUSINESS SERVICES

Approve a recommendation to uphold pay grades for five classifications; #006, Permit Specialist Trainee; #057, Human Resources Specialist (Confidential); #078, Human Resources Specialist Senior (Confidential); #276, Corrections Health Program Supervisor; #349, Waste Reduction Coordinator.

Approve a recommendation to adjust upward pay grades for four classifications; #009, Permit Specialist; #024, Payroll Analyst; #028, Legal Department Specialist (Confidential); #030, Payroll Specialist (Confidential).

FINANCE

Approve a quitclaim deed to convey real property Tax ID #R20006 located behind 1620 Stone Hedge Drive in Keizer, Oregon.

HEALTH AND HUMAN SERVICES

Approve Amendment #5 to the Contract for Services with Willamette Valley Community Health to add \$680,000 and extend the period of performance through December 31, 2019 for public health, physical health, chemical dependency, and residential alcohol and drug services.

PUBLIC WORKS

Approve an order reappointing Andrew Schmidt to the Marion Water Quality Advisory Committee (MWQAC) for a four year term beginning January 1, 2019 through December 31, 2022.

MOTION: Commissioner Cameron moved for approval of the consent agenda. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

ACTION

(Video time 0:12:34)

BOARD OF COMMISSIONERS

1. Consider an order approving new Administrative Policy 214, Guidelines for Legislative Advocacy. – Lisa Trauernicht

Summary of presentation:

- Policy formalizes legislative advocacy process that has been in place for many years;
- Outlines guidelines for appearing and speaking on behalf of the county in front of other government bodies such as:
 - State legislature;
 - Federal delegation;
 - Transportation districts;
 - School boards; and
 - City councils.
- Establishes guidelines for advocacy on:
 - Policy, administrative, and technical issues;
 - Pending legislation; and
 - Written correspondence to legislators, other elected officials, and policy makers.
- Primary need is to establish the framework for interacting with the legislature and outlining steps involved;
- Any advocacy and testimony given on behalf of the county needs to go through the Board of Commissioners Office;
- Any ad hoc testimony can be counter to the county's formal position; and
- Policy applies to all county departments, employees, advisory boards, and volunteers.

Board Discussion:

- This policy has changed how other policies are adopted;
- Legislation changes quickly;
- There is a standing Legislative Update on the weekly Management Update agenda;
- It is important to be aligned and speaking with one voice;
- Acknowledges elected officials of the county and directs that if they are testifying personally to state that; and
- County is clear in its message at the Capitol and other government meetings.

MOTION: Commissioner Brentano moved to approve new Administrative Policy 214, Guidelines for Legislative Advocacy. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video time 0:18:10)

COMMUNITY SERVICES

2. Consider approval of an order distributing Video Lottery Receipts in the amount of \$400,000 to the Oregon Garden to promote economic development in Marion County. – Tamra Goettsch, Allison Pennell, Development Director, Oregon Garden Foundation

Summary of presentation:

- This item is coming before the board for consideration for designated allocations for three specific purposes:
 - Transportation;
 - Repair key feature of the garden; and
 - Maintaining and repairing other identified key features.
- Approval is for up to \$400,000;
- The Economic Development Strategy was approved earlier in the year:
 - Oregon Garden was identified in that plan; and
 - This is a new addition to that strategic investment.
- Through previous commitments from the Oregon Garden, the foundation has received about \$121,00 that is not included in the current budget;
- Those funds will be expended in part to pay for the cost of these projects;
- The remaining expenses will come out of the contingency fund;
- Ms. Goettsch read a portion of the letter submitted by Winchell Craig, Jr.:
 - The Oregon Garden serves as a teaching resource for everyone; and
 - Vital to offer a transportation system throughout the Oregon Garden.
- Trying to create an attraction that brings people from all over the nation;
- Ms. Pennell stated that they want to make sure that every visitor comes away with an astonishing experience;
- The Oregon Garden was built over 20 years ago;
- Many items, such as the bridge, have served their lifetime;
- Ms. Pennell believes that with the recent debt forgiveness, they are at a critical point where more people will be interested in visiting the garden and want them to feel the need to return;

- Limited operation times due to tram breaking down:
 - It is not just transportation element; it also provides a 25-minute educational opportunity.
- Water features are beyond the maintenance budget;
- A capital improvement plan is included in the packet; and
- Looking ahead to make sure resources are available to maintain the features in the upcoming years.

Board discussion:

- Ms. Pennell prioritized the capital needs of the garden in the following:
 - The Amazing Water Garden Bridge:
 - Serves as a safe accessibility into the garden;
 - Boards on the bridge have deteriorated in the last 18 months;
 - Funds will be utilized from operating costs; and
 - Obtained specially milled lumber at cost.
 - Current tram is from 2003:
 - Unfortunate to have many maintenance issues this past year;
 - Will have a backup if the main tram breaks down; and
 - People rely upon this amenity.
 - Water features:
 - Over 23 specific gardens;
 - Would like to fix them all at once;
 - Many have been replaced over the years; and
 - Staff understands the features and maintains them.
- The Grand Stair Case and Entrance Sidewalk projects are outside of the allocation:
 - Looking at grants and other funding sources.
- Ms. Pennell stated they are looking to the City of Silverton for assistance in fundraising for the remaining capital improvements and are also looking into grants;
- Since the county satisfied the bond debt, the foundation has been able to use the proceeds out of the Oregon Garden's operating fund for capital improvements;
- The Oregon Garden Foundation still owes debt that will be paid off in six to eight years;
- The commissioners have spent the last year looking at the Oregon Garden to get it in good shape to make it stand alone and succeed;
- There are still some immediate needs that need to be taken care of;
- The tram is a key feature of the Oregon Garden;
- Ms. Pennell has looked at a couple different companies and four different models of trams:
 - One company has serviced Disneyland and a couple of zoos;
 - Current trams run on propane; and
 - Looking at gasoline powered trams.
- The commissioners inquired if alternative transportation has been considered at the Garden:
 - Electric or assisted bicycles; and
 - Challenge is with liability due to terrain of Oregon Garden.
- Explored option of having outdoor school at the Oregon Garden:

- Oregon Forestry Resources Institute has looked in to possibility:
 - Conducts teacher training programs for outdoor school; and
 - Has held trainings at the Oregon Garden.
- Education program mostly serves forestry and ecology principles:
 - Would like to see more horticulture or hands on gardening experiences.
- Would like to utilize Oregon State University Extension Services (OSU) and research center:
 - The Garden has been in communication with OSU;
 - OSU has held a training in the Garden;
 - Looking for ways to connect;
 - OSU has a footprint throughout the state;
 - Coordinates a board tour of the research center;
 - Uses property at the garden for research demonstrations;
 - Needs to educate the public regarding value of agricultural research:
 - Agriculture is the number one industry in Marion County.
 - Opportunity to expand the vision of the garden.
- Needs to find a way to make the garden sustainable.

MOTION: Commissioner Cameron moved for approval of an order distributing Video Lottery Receipts up to \$400,000 to the Oregon Garden to promote economic development in Marion County. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

PUBLIC HEARINGS 9:30 A.M.

(Video time 0:43:35)

PUBLIC WORKS

A. Public hearing to consider amendments to the Urban and Rural Zone Codes. - Brandon Reich

Summary of presentation:

- On August 1, 2018, the board initiated consideration of amendments to the Urban and Rural Zone Codes and directed the Marion County Planning Commission to hold a hearing on the matter and make a recommendation to the board;
- A public hearing was held on October 30, 2018, to consider the amendments:
 - No public comment was received.
- The Marion County Planning Commission voted unanimously to recommend the board adopt the code amendments;
- At a November Management Update meeting, the board directed staff to schedule a public hearing;
- The amendments incorporate recent legislative changes:
 - Also includes changes to comply with federal requirements related to floodplain management;
 - Corrects errors and streamlines planning process for customers and property owners; and
 - Makes standards clearer for neighbors and property owners.

Board discussion:

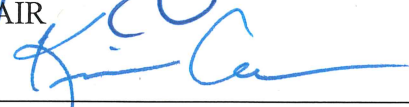
- Public zones in the rural area tend to be cemeteries and areas with cell towers;
- The code currently requires additional information be provided for these types of applications:
 - There is no trigger for land use review; and
 - The idea is to take away the requirement.
- Wireless communication facilities are permitted outright in the Public zone:
 - There is a requirement to submit information, but the information does not go to any process; and
 - It was an oversight when the code was written.
- The commissioners don't want to have an issue with a proliferation of cell phone towers with no ability to negotiate where they go:
 - The board can look at changing the Public zone in the future to have requirements go through a land use review process.
- Wireless communication towers are relatively simple to get in the Exclusive Farm Use (EFU) zone:
 - Location to get coverage;
 - No requirement for appearance or setback; and
 - Streamlined process.
- Materials that needs to be submitted in conjunction with the Public zone is elaborate and thorough;
- There have not been any problems or complaints;
- Received one variance regarding the height of the tower:
 - The height limit is 150 feet.
- The county requirements for wireless communication towers, such as height restrictions, are not being taken out of the code, just the request for information that has to be submitted to the county:
 - Mr. Reich stated that was correct.
- The commissioners inquired about the change permitting a second kitchen in an open livable space;
- Mr. Reich responded that the county has always allowed a second kitchen in a house:
 - It must be part of the same living space without any doorways;
 - Amendment formalizes the practice;
 - A second option would allow a domestic suite:
 - An extra kitchen, bathroom, and living space connected to the main house with a door.
 - It is still part of the main dwelling unit.


MOTION: Commissioner Brentano moved to close the public hearing, adopt the amendments to the Urban and Rural Zone Codes, and directing staff to return with an ordinance consistent with the board's decision. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Commissioner Carlson read the calendar.

Commissioner Carlson adjourned the meeting at 9:58 a.m.


CHAIR


COMMISSIONER


COMMISSIONER

Board Sessions can be viewed on-line at <http://www.youtube.com/watch?v=VYF8Y6U7178>.