

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, September 10, 2014  
9:00 a.m.

Senator Hearing Room  
555 Court Street NE  
Salem, OR 97301

PRESENT: Commissioner Sam Brentano, Commissioner Janet Carlson and Commissioner Kevin Cameron. Also present were John Lattimer as chief administrative officer, Gloria Roy as county counsel and Kim Hulett as recorder.

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

**PUBLIC COMMENT**

Michael Johnson, Salem, Oregon:

- Chairman of East Salem Suburban Neighborhood Association (ESSNA);
- Speeding issues in East Salem (East of I-5/Cordon Road);
- Suggested traffic calming devices:
  - Painted crosswalks; and
  - Restricting left turns/allowing U-turns on Cordon Road.
- Future plans of 22 traffic lights on Cordon Road will eliminate Cordon/Kuebler byway; and
- Suggested locations for U-turns on Cordon Road.

**CONSENT**

*Video Time (00:10:19)*

BOARD OF COMMISSIONERS

OLCC APPLICATION – Recommend Approval

Elkhorn Golf Course, Lyons

FINANCE

Approve an order setting a public hearing to consider granting an exemption under ORS 279C.335 to allow an alternative competitive process pursuant to Marion County Public Contracting Rules.

HEALTH

Approve amendment #8 adding \$187,831 to the Intergovernmental Agreement with the Oregon Health Authority for public health emergency preparedness and WIC program.

Approve amendment #16 adding \$1,276,795 to the Intergovernmental Agreement with the Oregon Health Authority for community addictions and mental health services.

Approve amendment #1 adding \$12,500 to the contract for services with Childhood Health Associates for the behavior health consultant and extend contract through September 30, 2014.

## PUBLIC WORKS

Approve amendment #2 to the lease agreement with Weyerhaeuser Columbia Timberlands, LLC for the lease of the House Mountain communications site.

## SHERIFF

Approve amendment #3 adding \$7,034.68 to the intergovernmental agreement with the Bureau of Land Management (BLM) for patrol services on BLM land.

**MOTION:** Commissioner Carlson moved approval of the consent calendar. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

## **ACTION**

*Video Time (00:12:05)*

## BOARD OF COMMISSIONERS

1. Consider approval of a proclamation designating September 17-23, 2014, as Constitution Week in Marion County. – Day Westine, Regent, Chemeketa Chapter Daughters of the American Revolution, Commissioners

### **Summary of presentation:**

- Requested board approve proclamation designating September 17-23, 2014, as Constitution Week in Marion County; and
- Founding fathers/delegates signed United States Constitution on September 17, 1787.

### **Board discussion:**

- Proclamation is annual event;
- Original principles founding fathers put forth in constitution are as vibrant/important today as ever;
- Board appreciates opportunity to recognize National Constitution Week; and
- United States Constitution still analyzed/relevant for today's situations.

**MOTION:** Commissioner Cameron moved approval of a proclamation designating September 17-23, 2014, as Constitution Week in Marion County. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

- Commissioners read proclamation.

*Video Time (00:20:14)*

2. Consider approval of the following three items relating to the Oregon Workforce Investment Act and Local Workforce Board:

a) Resolution designating a new local workforce investment area consisting of Linn, Marion, Polk, and Yamhill Counties. – Tony Fraizer, executive director, Job Growers, Inc.

### **Summary of presentation:**

- Oregon's workforce system being redesigned;
- Linn County has requested to be part of Region 3 rather than part of coastal counties region;
- Resolution forms new Local Workforce Investment Area consisting of Linn, Marion, Polk and Yamhill Counties;

- Received positive responses from Yamhill and Polk Counties regarding addition of Linn County:
  - Yamhill has partnered well with Linn County on initiatives; and
  - Polk County open to bringing Linn County into region.

**Board discussion:**

- Marion County approached at Job Growers about Linn County joining Local Workforce Investment Board;
- Linn County has partnered with Marion County in the past:
  - Association of Oregon Counties (AOC);
  - Mid-Valley Behavioral Care Network;
  - Council of Forest Trust Lands; and
  - Oregon and California Counties (O&C).
- Addition of Linn County would not make Region 3 too large/cumbersome.

**MOTION:** Commissioner Carlson moved approval of a resolution designating a new local workforce investment area consisting of Linn, Marion, Polk, and Yamhill Counties. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

*Video Time (00:27:00)*

- b) Memorandum of Understanding for Local Workforce Investment Board recertification of the Oregon Workforce Investment, authorizing Commissioner Cameron to sign the recertification.

**Summary of presentation:**

- Workforce Innovation and Opportunity Act (WIOA):
  - Changes the way Local Workforce Boards are formed/mandated partners; and
  - Goes into effect July 1, 2015.
- Memorandum of understanding would move deadline and approve Local Workforce Investment Board to June 30, 2015.

**MOTION:** Commissioner Cameron moved approval of a memorandum of understanding for Local Workforce Investment Board recertification of the Oregon Workforce Investment, authorizing Commissioner Cameron to sign the recertification. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

*Video Time (00:29:58)*

- c) Memorandum of Understanding for Region 3 Local Unified Plan modification extending the effective date between the One-Stop Partner through June 30, 2014, and adding ResCare Workforce Services as a One-Stop Partner, authorizing Commissioner Cameron to sign the memorandum of understanding.

**Summary of presentation:**

- Memorandum of understanding moves deadline to June 30, 2015, to coincide with WIOA effective date.

**Board discussion:**

- Workforce system transformation means Job Growers, Inc. can no longer provide workforce development services and manage Local Workforce Board;
- Request for proposal was issued to contract out services and ResCare Workforce Service selected as One-Stop Partner.

**MOTION:** Commissioner Carlson moved approval of a memorandum of understanding for Region 3 Local Unified Plan modification extending the effective date between the One-Stop Partner through June 30, 2014, and adding ResCare Workforce Services as a One-Stop Partner, authorizing Commissioner Cameron to sign the memorandum of understanding. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

**PUBLIC HEARING**

**9:30 A.M.**

*Video Time (00:31:32)*

PUBLIC WORKS

A. Public hearing to consider zone change/comprehensive plan amendment/conditional use, case #ZC/CP/CU 14-003, Portland General Electric, Clerk's File #5687. – Joe Fennimore

- Written comments of support from Bill Fujii, Salem, Oregon, were entered into the record.

**Summary of presentation:**

- Senior Planner Joe Fennimore presented a summary of case #ZC/CP/CU 14-003, Portland General Electric, Clerk's File #5687 (Attachment A).

**Board discussion:**

- Commissioner Cameron noted that after a citizen had contracted him about the issue he tried to contact Wendy Belize of Portland General Electric (PGE). Ms. Belize did not return his call.

TESTIMONY

Support:

Jim Riehl, Portland, Oregon:

- Project Manager for PGE Bethel Solar Project;
- Zone change/conditional use permit first major step in development of project;
- Site cannot be considered without zone change;
- Project in preliminary stage;
- If project goes through, PGE to work closely with county, keep neighbors informed and minimize disruptions in community.

Jeff Tross, Salem, Oregon:

- Land use consultant appearing on behalf of PGE;
- Project received positive recommendation from hearings officer:
  - PGE agrees with conditions of approval.

- Project is opportunity for county to provide renewable, sustainable source of electric power;
- Idea to enable power generation energy sources has roots in Marion County Comprehensive Plan:
  - Energy section recognizes that it would be necessary to develop alternative sources of energy; and
  - Energy Policy 2 states it is the county's intent to encourage use/development of alternative energy sources.
- Reviewed statewide planning goals 5, 9, 11, and 13 where the importance of energy facilities is recognized;
- Bethel Power Plant:
  - Power generation facility closed/dismantled in 1990s;
  - Currently power distribution sub-station owned/operated by PGE; and
  - Provides critical infrastructure for proposed solar power generator.
- Presented aerial photo of 52-acre subject property:
  - Solar array to occupy approximately 27 acres;
  - Currently zoned acreage residential (AR);
  - PGE acquired property in 1970's to prevent further development of home sites that could be impacted by noise from former Bethel Power Plant;
  - Should have originally been zoned public; and
  - Currently leased for farming; however, not zoned for farm use.
- Preliminary site design avoids impacts on wetland areas;
- Properties to south, east and west of the subject area zoned public or industrial;
- No farm use zoned property boarders subject property;
- Public zone designation appropriate:
  - Long-term ownership by utility company;
  - Proximity to Bethel Substation;
  - Existing power transmission lines; and
  - Relationship to surrounding area.

Kevin Whitener, Portland, Oregon:

- Bethel Solar Project lead engineer;
- Proposed solar photovoltaic generating plant typical of photovoltaic sites across county;
- Solar panels:
  - Designed to harvest sunlight/convert into electrical energy;
  - Lifespan 20 to 25 years;
  - Does not produce noise; and
  - Generates direct current (DC) electricity which needs to be converted into alternating current (AC) to put on grid.
- Proximity to Bethel Substation to convert power justifies economics of project;
- Inverters:
  - PGE to use state of the art engineering/design/equipment to mitigate electrical hum; and
  - Noise in 50 decibel (dB) range; however, hundreds of feet from nearest property line.
- Noise level constraints/mitigation:
  - Oregon Administrative Rules states noise must not increase ambient noise levels more than 10 dBs;
  - Baseline noise study to be conducted by third party consultant;
  - 8 to 10 foot sound barrier to be erected in front of inverter;

- Aftermarket louvers/parts drop sound levels another 10 dBs; and
- Solar inverters do not operate at night.
- Crossing railroad addressed through easement later in project.

**Board discussion:**

- Distribution lines to be buried underground;
- Electromagnetic generation:
  - Level similar to home microwave oven;
  - Sources:
    - Inverter cabinet; and
    - Underground lines; however, levels imperceptible because lines are in electrical conduits/incased in concrete.
- Oregon Renewable Portfolio Standard:
  - PGE on track to deliver 15 percent of its electricity from renewable resources by 2015;
  - Bethel Solar Project would go towards 20 percent by 2020 mandate; and
  - Hydro-electric facilities do not qualify; however, low-impact hydro-electric facilities count towards percentage.
- Reflective light:
  - Solar concentration plants use mirrors which are hazardous to birds; and
  - Bethel Solar Project is not a solar concentration camp.
- Power Generated:
  - Solar plant in Salem, Oregon has capacity factor of approximately 14 to 15 percent;
  - Bethel Solar Plant has nameplate capacity rating of 4.5 megawatts; and
  - Reviewed formula to convert megawatts of nameplate capacity into households powered.

**TESTIMONY:**

**Opposition:**

Joanne Collins, Salem, Oregon:

- Lives on Hampden Lane;
- Has longest boundary boarding PGE's property;
- Concerns:
  - Vandalism to solar panels that may contain dangerous materials;
  - Plant security;
  - Plans for decommissioning plant when solar panels' lifespan expires;
  - Impact on wetlands/water flow;
  - Loss of trees/vegetation to increase sunlight;
  - Pending easement to cross rail line; and
  - Effects of electromagnetic force on residents.
- Hampden Lane:
  - Requested all distribution lines be buried;
  - Widening gravel section/centering on existing paved section:
    - Will lose ability to use power equipment to mow ditch; and
    - Requested road be widened on PGE's side which is flat.
  - Security:
    - Individuals park on dead end road;

- PGE unable to respond when called; and
- Would like reassurance about security plans to address issues.
- Willing to work with PGE on good neighbor solution on clearing south property line; and
- Photographs of Hampden Lane submitted for record.

## TESTIMONY

### General Comments:

#### Michael Johnson, Salem, Oregon:

- Chair of East Salem Suburban Neighborhood Association (ESSNA);
- Supports alternative energy sources;
- Suggested board approve conditional use to establish solar power generating facility if conditions are met; however, if not met, no zone change;
- Neighbors request 25 acres not being used for solar panels be used for agriculture;
- Requested security fencing plan to keep trespassers out;
- Concerned about condemnation being used to cross rail line on private property;
- Asked if additional acreage on Bethel Solar Project will eventually be used for additional solar array to meet 20 percent by 2020 mandate; and
- Would like PGE's sound mitigation included in design plan.

#### Jeff Tross, Salem, Oregon:

- Land use approval is a prerequisite to project design.

#### Kevin Whitener, Portland, Oregon:

- Photovoltaic solar panel:
  - No liquid;
  - Stays intact when broken, similar to laminated windshield;
  - All chemicals are inert/non-hazardous; and
  - Guaranteed for 25 years.
- Security Fence:
  - Plan includes fence on all sides;
  - Seven foot chain link fence:
    - Written in specification for black vinyl coating; and
    - "Bird wire" on top to deter birds/trespassers.

#### Jeff Tross, Salem, Oregon:

- Clarified Condition C of hearings officer's recommendation refers to gate across Hampden Lane right-of-way and not site perimeter security fencing; and
- Clarified solar site will be completely enclosed within fencing.

#### Kevin Whitener, Salem, Oregon:

- PGE has not worked on rail line easement; and
- Additional acreage at proposed site not good for photovoltaic generation due to overhead lines/shading. Area to be used for 10 foot roadways for PGE service utility truck access.

### Board discussion:

- Tree removal/wetlands:

- Shading study showed trees to south of project will not have to be removed; however, trees may be trimmed to increase energy output; and
- No drainage change to property.
- If application approved and project does not move forward:
  - Property could remain vacant/leased for farming; or
  - PGE could request zone change back to AR and develop 26 two-acre home sites.
- Hearings Officer listed screening/permanent landscaping around perimeter of solar project site as a condition; however, at this public hearing PGE has indicated they intend to install fence. Requirement could be added as a requirement;
- Other requirements:
  - Building, structural and road improvement permits;
  - Cannot block historical drainage ways, and
  - Cannot increase amount of run-off on property over a set level.
- Project development steps:
  - Application process;
  - PGE works with Public Works to develop more specific plan; and
  - Plans reviewed in detail.
- Modifying language in condition regarding gravel portion of roadway to be centered on existing paved section;
- Commended Hearings Officer Ann Gasser for thorough reports/improving process.

**MOTION:** Commissioner Carlson moved to close the public hearing and approve the zone change comprehensive plan amendment/conditional use, case #ZC/CP/CU 14-003, Portland General Electric, Clerk's File #5687 with the conditions as listed in the hearings officer's report and modification of condition D for more flexibility and adding the fencing requirement, and direct staff to bring back an ordinance with the appropriate language for board approval. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Commissioner Brentano read the weekly calendar.

Commissioner Brentano adjourned the meeting at 10:58 a.m.

Attachments: (A) Summary - Case #ZC/CP/CU 14-003, Portland General Electric, Clerk's File #5687

CHAIR

COMMISSIONER

COMMISSIONER

**This board session can be viewed on-line at <https://www.youtube.com/watch?v=kBOR83laE7c>.**



**For the record this Joe Fennimore. The item before you today is an application to change the comprehensive plan designation from Rural Residential to Public, change the zone from Acreage Residential to Public, and a conditional use to establish a solar power generating facility on a 52-acre parcel in the 5200-5400 block of Auburn Road NE**

**Properties north, west and east are zoned AR and developed with residential homesites. Properties west and south are zoned P and developed with ball fields and an electrical substation. Industrial zoned property is located to the southeast and contains a wrecking yard.**

**The Hearings Officer held a public hearing on this application on July 2, 2014 and issued a recommendation that the board approve the request subject to conditions. The conditions include right-of-way dedication and improvements, removal a fence in the right of way, stormwater management, installing and maintaining a vegetative buffer and submittal of a sound study.**

**At the hearing issues were raised regarding property values, security, noise, traffic, pesticide and herbicide use, light pollution, glare, wetland and groundwater protection, and habitat loss. The hearings officer addressed each of these concerns and found that with the recommended conditions of approval the proposed facility is compatible with the existing residentially zoned development in the area.**

**In addition, the hearings officer determined that not all of the uses listed in the P zone were appropriate for the property and recommends a limited use overlay be applied. The hearings officer analyzed all the uses permitted out right or conditionally in the P and determined which of those are appropriate on this property. The permitted uses include farm and forest uses, farm buildings including a dwelling, utility facilities necessary for public service and police and fire stations. All other uses listed in the P zone would require a conditional use.**

**I will be happy to any questions?**

