

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, February 17, 2016  
9:00 a.m.

Senator Hearing Room  
555 Court Street NE  
Salem, OR 97301

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

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

**PUBLIC COMMENT**

*(Video Time 00:04:00)*

Tim Edelblute:

- Neighbor of proposed solar farm;
- Feel like they deserve an appeal of the Conditional Use permit;
- All of the neighbors are concerned with the solar farm;
- Concerned with wildlife and trees that will be destroyed putting in the solar farm;
- Concerned with groundwater and erosion by removing trees; and
- Feel like the concerns are not addressed.

**PRESENTATION**

*(Video Time 00:06:37)*

Santa Central Results – Lisa Miller, Stacy Vrooman and Kimberly Moore

***Summary of presentation:***

- Sunshine Committee manages the program;
- County employees donated \$10,000 dollars of gifts and money;
- Supported 96 families and 386 children;
- Extra toys and donations allows to help children coming into the foster care program; and
- Use for birthday gifts too.

## CONSENT

*(Video Time 00:12:26)*

### BOARD OF COMMISSIONERS

Consider approval of an order recommending the renewal of Oregon Liquor Control Commission applications.

### INFORMATION TECHNOLOGY

Approve an order to adopt new policy #705, Remote Access.

### TAX OFFICE

Approve an order authorizing the property tax refund to First Republic Bank in the amount of \$84,241.67.

### TREASURERS OFFICE

Approve an order of distribution of the Chapter 530 timberlands revenues as required by ORS 530.115.

### PUBLIC WORKS

Receive hearings officer's recommendation to approve Zone Change (ZC) Case 15-003/Smith.

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

## ACTION

*(Video Time 00:13:53)*

### BUSINESS SERVICES

1. Consider approval of Amendment #7 to the Master Professional Services Contract with Solarc Architecture and Engineering Inc to add \$102,600 and construction administration for the Health Services Building Renovation Project. - Colleen Coons-Chaffins

#### ***Summary of Presentation:***

- Modifies the contract;
- \$99,000 of the monies is allotted for construction administration in accordance with the standard of care:
  - Standard of care is defined as those things required to protect health, welfare and care of the building and people.
- Contract was in a holding pattern a year ago;
- The contract will also fix any redundancies between companies Marion County contracts with; and
- The money is coming from the Project Contingency fund.

**MOTION:** Commissioner Carlson moved approval of Amendment #7 to the Master Professional Services Contract with Solarc Architecture and Engineering Inc to add \$102,600 and construction administration for the Health Services Building Renovation Project. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

*(Video Time 00:17:15)*

## PUBLIC WORKS

2. Receive and consider appeal of hearings officer's decision approving Conditional Use (CU) 15-035/Northwest Energy 16, LLC and Coates. – Joe Fennimore

### ***Summary of presentation:***

- Conditional Use application to establish a photovoltaic solar array power generation facility on a 44.13 acre parcel in a SA zone at 6221 Coates Drive SE, Salem;
- The request was originally approved by the planning director;
- Decision was appealed by the hearings officer;
- Hearings officer conducted a public hearing on November 4, 2015;
  - Issued a decision approving the request on January 22, 2016. and
  - Hearings officer's decision was appealed to the board on February 7, 2016.
- Three issues were raised in the appeal:
  - The property is in a Sensitive Groundwater Overlay (SGO) Zone:
    - SGO only applies to development permits for new land uses that rely on water from exempt wells; and
    - The proposed facility does not use water; the provision in the overlay zone does not apply.
    - The proposal will not have significant adverse impact on groundwater;
    - The appellant argues that the water will be used during construction; and
    - Impacts on groundwater recharge from the aquifer from grading, soil compaction, soil hardening, runoff and erosion soil should be evaluated in order to determine whether there will be a significant adverse impact on groundwater.
  - The appellant argues that multiple neighbors in the surrounding areas believe the industrial use will be an eyesore:
    - The proposed facility is unacceptably incompatible with the neighborhood and that this location is unsuitable.
  - The facility will have a negative impact on wildlife habitat.
- The appellants state that should the board choose to approve the conditional use, conditions be added requiring vegetative screening to reduce the visual impact on neighbors:
  - A water study of the area by a registered geologist to evaluate the impact of the facility on the aquifer and existing wells; and
  - More of the old oak trees throughout the property to be preserved.

### ***Board Discussion:***

- The appellants are not willing to sign the 150 day extension;
- The 150 day extension is still an option but it comes with consequences:

- If the county does not make a decision within 150 days, then the applicant can go to court and the judge can then decide the use because the decision wasn't made in a timely matter;
  - Exposure for attorney fees; and
  - Not have local control over conditions.
- The 150 day deadline is March 16, 2016;
- If the board were to accept the appeal and if the applicants have not challenged the erosion calculations in the previous hearing, they can challenge it in the public hearing:
  - The hearing is de novo, everything is challengeable.
- The facility will be fairly passive:
  - It will not emit smells;
  - Will not be moving;
  - Will be some sound; and
  - There is not dust generated.
- Based on the information the hearings officer was given, there is not enough evidence that the area is sensitive groundwater;
- Birds are not part of big game and wildlife habitat;
- The applicants did not state that they would preserve as many trees as possible;
- The property is zoned SA which allows farming:
  - A dwelling requires a separate review.
- There is additional evidence that could be presented at a hearing;
- Interested in the groundwater issue;
- Would like to consider the conditions that were discussed around screening the area;
- The letter from the hydrogeologist and the biologist are new information obtained after the hearing took place; and
- Would like to see some of the oak trees saved.

**MOTION:** Commissioner Carlson moved approval of an appeal of hearings officer's decision approving Conditional Use (CU) 15-035/Northwest Energy 16, LLC and Coates with a suggested hearing date for March 16, 2016. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

## **PUBLIC HEARINGS**

### **9:30 A.M.**

None.

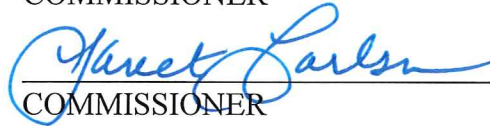
Commissioner Cameron read the weekly calendar.  
Commissioner Cameron adjourned the meeting at 9:54 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

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