

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, October 2, 2019
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Kevin Cameron, Commissioner Sam Brentano, and Commissioner Colm Willis. Also present were Jan Fritz, chief administrative officer, Jane Vetto as county counsel, and Brenda Koenig as recorder.

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

PUBLIC COMMENT

None.

CONSENT

(Video Time 00:01:10)

PUBLIC WORKS

Schedule final consideration adopting administrative ordinance granting Zone Change/Comprehensive Plan Amendment/Conditional Use/Partition (ZC/CP/CU/P) Case #18-006/Marion Investment Group, LLC for October 9, 2019.

Approve an order for Conditional Use/Variance (CU/V) Case #19-010/Maddux

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

ACTION

(Video Time 00:02:12)

COMMUNITY SERVICES

1. Consider approval of an ordinance amending Marion County Code 3.35.020 to be consistent with Oregon House Bill 2053 (2019) and declaring an emergency. –Jason Schneider, Scott Norris, and Nick Harville

Summary of presentation:

- Oregon State Legislature passed House Bill 2053:

- This ordinance amends Marion County Code 3.25.020 to be consistent with the house bill.
- Two changes were made to the code:
 - Section 3.35.020(B)(4) was amended to read as follows:
 - “Employment of the applicant” means the number of employees working for the applicant a majority of their time in eligible operations at a location for which the applicant has submitted an application under this section;
 - The existing language based on the original statute required any operations that the employer had within the state needed to be a part of the employment of the applicant; and
 - It has been changed so that only the location pertinent to the application is identified.
 - Section 3.35.020(D)(6)(a)(iv)(B) was amended to read as follows:
 - As of a date certain agreed upon by the applicant and the governing body of the county, but in no event later than the end of the first property tax year for which the exemption is granted, the employment of the applicant may not be less than the greater of;
 - The existing language in the original statute was no later than the date on which the application was submitted;
 - The amendment changes the time at which the employment of the applicant is relevant; and
 - It gives more flexibility to both the applicant and the county for measuring the employment of the applicant.
- The ordinance has an emergency clause request:
 - If approved the ordinance will take effect immediately.
- Two applications have already been brought before the board at a prior meeting requesting an rural industrial tax exemption:
 - The first application is for a manufacturing application for a company near the City of Gervais:
 - It is estimated that the project expense will be between \$4 million and \$5 million;
 - The applicant had a scheduling setback due to a fire at another facility; and
 - The applicant’s workload has been extremely busy.
 - The second application is for a cold storage facility near the City of Hopmere.
- Two more applications are anticipated for submission in October, 2019.

Board discussion:

- The county is focused on the business and employment opportunities that will be available to companies if the ordinance is approved;
- Commissioner Brentano stated for the record that one of the applications that this ordinance will impact is for a business owned by a family member:
 - The application has no direct relevance with this ordinance; and
 - Legal Counsel clarified that it could be a potential conflict not an actual conflict.

- In addition to the county, applicants are required to get support from other taxing districts;
- The commissioners' hope to incentivize individuals to make investments in Marion County:
 - The applicants' property tax dollars will be a future benefit for the county.
- The county has been awaiting a decision on Oregon House Bill 2053 (2019) in order to clarify Marion County Code 3.35.020; and
- An emergency will be declared so that businesses can proceed with the application process.

MOTION: Commissioner Willis moved that the chair read the ordinance by title only twice. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

The chair read the ordinance by title only twice.

MOTION: Commissioner Willis moved to approve an ordinance amending Marion County Code 3.35.020 to be consistent with Oregon House Bill 2053 (2019) and declaring an emergency. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:11:24)

DISTRICT ATTORNEY'S OFFICE

2. Consider approval of a proclamation declaring October as Domestic Violence Awareness Month in Marion County. – Paige Clarkson, Susana Escobedo, and Jayne Downing, Center for Hope and Safety

Summary of presentation:

- The District Attorney's Office works in partnership with the Center for Hope and Safety (CHS) to assist victims of domestic violence;
- Statistics show that one in three women in Oregon have been victims of the following:
 - Domestic violence;
 - Sexual assault; or
 - Stalking.
- Holding perpetrators accountable is the most effective response to domestic violence;
- Resources help to support victims so that they can rebuild their lives;
- CHS had over 30,000 contacts in their program last year;
- Wraparound services are provided for the victims of domestic violence and include some of the following:
 - Walk-in services;
 - A 24-hour hotline in English and Spanish;
 - Community education;
 - Community outreach; and
 - Support groups;

G:\BOARD SESSIONS\BOARD SESSION MINUTES\2019\10-2-2019

- CHS had over 900 women attending support groups.
- There has been an increase in victims seeking services:
 - The rising percentage rate means victims are aware of the services and the resources that are provided by the county.

Board discussion:

- A walk to raise awareness for domestic violence will be held at the Oregon Department of Public Safety Standards and Training facility;
- CHS has received funding to assist with the following:
 - Housing;
 - Emergency shelter; and
 - Payment assistance for the following:
 - Fees;
 - Deposits; and
 - Rent.
- CHS is reaching out to students in schools regarding domestic violence:
 - Students are urged to speak with their friends and fellow students regarding the issue and discuss the options that are available to them.
- Domestic violence reflects on the communities:
 - It is important for the county to have zero tolerance for the issue.
- Future discussions in regards to jail capacity will take into account perpetrators of domestic violence; and
- Hope Plaza will be a new facility that CHS anticipates opening in 2022 that entails the following:
 - One floor will house businesses that partner with CHS services;
 - Two floors will be used for low income housing for victims;
 - The new facility will free up beds at the shelter; and
 - Services will be provided that include some of the following:
 - Wraparound services;
 - Budgeting classes; and
 - A Marion-Polk Food Share pop-up pantry.

MOTION: Commissioner Brentano moved to approve a proclamation declaring October as Domestic Violence Awareness Month in Marion County. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

The commissioners read the proclamation.

(Video Time 00:38:27)

HEALTH AND HUMAN SERVICES

3. Consider approval of Amendment #2 to the incoming funds Intergovernmental Agreement with the Oregon Health Authority to add \$348,919 for a total of \$2,519,856 for the financing of public health services through June 30, 2021. –Cary Moller and Katrina Rothenberger

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Summary of presentation:

- The Amendment adds funding to two program elements:
 - Element #1, the State Support for Public Health Program, adds \$315,603 in funds:
 - Investigates reportable communicable diseases; and
 - Includes funding for disease nurses and epidemiologist.
 - Element #13, the Tobacco Prevention and Education Program, adds \$33,316 in funds:
 - It is temporary funding that will expire in November, 2019;
 - The Indoor Clean Air Act is enforced through the program; and
 - Work will be focused on the following:
 - Creating tobacco free communities;
 - Promoting tobacco cessation; and
 - Working with health care partners.
- Incoming funding were delayed due to the following:
 - The beginning of a new biennium; and
 - The pending approval of the state budget.
- The county is anticipating a change to the funding formula in the upcoming winter months:
 - The old funding formula will be extended while terms are negotiated for the new funding formula.

MOTION: Commissioner Willis moved to approve Amendment #2 to the incoming funds Intergovernmental Agreement with the Oregon Health Authority to add \$348,919 for a total of \$2,519,856 for the financing of public health services through June 30, 2021. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:41:20)

4. Consider approval of Amendment #3 to the Contract Purchase Order with Cardinal Health 411 to add \$150,000 for a total of \$730,000, to purchase opioid treatment medications and extend the State Price Agreement Purchase Order through January 31, 2020. –Cary Moller

Summary of presentation:

- The Amendment increases the funding needed to purchase medications for individuals in recovery who have addictions to the following:
 - Opioids;
 - Prescription drugs; and
 - Illicit substances.
- Medication plays a significant role in assisting individuals with their recovery;
- The contract aligns with the State Pricing Agreement; and
- It extends the term of the agreement through January 31, 2020.

Board discussion:

- The state is working on a system that requires physicians to input drug information into a Prescription Drug Monitory (PDM) program:
 - All physicians will be able to view the PDM to determine an individual's prescription history before prescribing an opioid.
- The county has supports and services in place that assist individuals with their recovery;
- Oregon has one of the highest rates in the country for prescription drug and opioid addiction:
 - Over 1 billion prescription pain drugs were prescribed to individuals in Oregon from 2006 through 2012; and
 - In Marion County over 91 million drugs were prescribed from 2006 through 2012.
- Communities in the state have assembled some prescribing guidelines;
- The Oregon Health Plan has set limits for the following:
 - The health conditions that can be treated with opioids;
 - Reducing the prescription time frame for opioids; and
 - Prescribing drugs that are not opioids for a health condition.
- More exercise is being incorporated into a patient's treatment instead of prescribing a drug.

MOTION: Commissioner Brentano moved to approve Amendment #3 to the Contract Purchase Order with Cardinal Health 411 to add \$150,000 for a total of \$730,000, to purchase opioid treatment medications and extend the State Price Agreement Purchase Order through January 31, 2020. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

PUBLIC HEARINGS

9:30 A.M.

(Video Time 00:49:51)

PUBLIC WORKS

A. Public hearing to consider Zone Change/Comprehensive Plan (ZC/CP) Case #19-001/Chris Clements, for property owned by the State Grange of Oregon Patrons of Husbandry. –Brandon Reich

Summary of presentation:

- The applicant is requesting the following, on a 1.5 acre parcel located in the City of Silverton:
 - To change the zone from Exclusive Farm Use (EFU) to Acreage Residential (AR); and
 - To change the Comprehensive Plan Designation from Primary Agriculture to Rural Residential, with an exception to Statewide Planning Goal 3.
- The property was developed with a grange hall that has discontinued use;
- Surrounding properties are zoned EFU and consist of the following:

G:\BOARD SESSIONS\BOARD SESSION MINUTES\2019\10-2-2019

- Small rural residential home sites; and
 - Parcels used for farming.
- The hearings officer conducted a public hearing on July 10, 2019;
- On August 14, 2019, a recommendation was issued that the request be granted;
- The property is subject to Statewide Planning Goal 3, Agricultural Lands:
 - Approval of the request requires the applicant to justify an exception to Planning Goal 3:
 - The applicant believes the land surrounding the property is developed to such an extent that the property is irrevocably committed to uses other than farming.
- The hearings officer conducted a detailed review of the following:
 - Applicable goals;
 - Criteria;
 - Goal exception criteria;
 - State administrative rules;
 - Land use planning goals;
 - Marion County Comprehensive plan policies; and
 - Zone change criteria.
- The hearings officer identified no additional items requiring more information, and recommended the request be approved without conditions; and
- The board has the following options:
 - Continue the public hearing;
 - Close the public hearing and leave the record open for additional information;
 - Close the public hearing and approve, modify, or deny the request; or
 - Remand the matter back to the hearings officer.

Board discussion:

- Justifications for the property to be considered irrevocably committed include the following:
 - The property is a 1.5 acre parcel that contains a large quantity of trees;
 - A grange hall is located on the property that has been closed for several years; and
 - Surrounding properties are being used for residential and other uses not related to farming or forestry.

Testimony:

Support:

Chris Clements, applicant:

- Mr. Clements would like to use the property for a single family residence that he would live in; and
- He believes his application provides both the legal and reasoned argument for changing the zoning on the property.

Motion: Commissioner Willis moved to close the public hearing and approve the hearings officer recommendation for Zone Change/Comprehensive Plan (ZC/CP) Case #19-001/Chris Clements, for property owned by the State Grange of Oregon Patrons of Husbandry. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:58:19)

B. Continuation of a public hearing to consider amendments to the Marion County Urban and Rural Zone Codes, adopting revised floodplain maps for the area near the City of Turner, and amendments to comply with the National Flood Insurance Program (NFIP). –Brandon Reich

Summary of presentation:

- The City of Turner requested the reevaluation of the flood maps for the city and the surrounding land after experiencing flooding in 2012:
 - The city worked with a consultant to develop a new flood study; and
 - County staff has been participating in the remapping process.
- The study applied more accurate topographic information and determined the following:
 - Floodways and floodplains will widen in some locations and narrow in other locations; and
 - Base flood elevations will generally increase.
- Local Floodplain Management Regulations are based on local floodplain maps that are provided by the Federal Insurance Administrator;
- On April 18, 2019, the Federal Emergency Management Agency (FEMA) notified the county to advise of the new flood insurance rate maps that would go into effect on October 18, 2019;
- Marion County citizens and property owners participate in the National Flood Insurance Program (NFIP):
 - Continued participation in the program requires the county to:
 - Adopt the revised maps provided by FEMA; and
 - Regulate development to the new maps.
- Marion County and the City of Turner have partnered together to provide the public with information related to the new requirements:
 - Public meetings have been held;
 - Notices have been mailed to property owners;
 - Notices have been published in the newspaper; and
 - Work has been done with individual property owners:
 - Helping individuals to understand the new requirements; and
 - Providing individuals with different options to consider:
 - Individuals who purchase flood insurance before the new maps go into effect may receive a grandfathered rate on their premiums.
- FEMA has required a number of amendments be incorporated into the county floodplain code in order to maintain compliance with the minimum standards for participation in the NFIP:
 - Amendments to comply with NFIP insurance standards;

G:\BOARD SESSIONS\BOARD SESSION MINUTES\2019\10-2-2019

- Amendments to incorporate administrative duties;
- Amendments to reflect continued coordination with building codes;
- Amendments to the wording of standards; and
- Substantive amendments related to accessory structures:
 - Small structures are no longer exempt from the floodplain code;
 - A recreational vehicle can be used as a hardship dwelling in the floodplain if the safety standards for a manufactured home is met; and
 - All structure sizes are limited to the following:
 - Residential properties are limited to 200 square feet;
 - Properties greater than two acres are limited to 400 square feet; and
 - Nonresidential structures are limited to 120 square feet if located inside the floodplain.
- Planning recommends the board approve the amendments and direct staff to return with an ordinance reflecting the decision.

Board discussion:

- The ordinance will be ready to adopt on October 16, 2019;
- The revised maps provided by FEMA go into effect on October 18, 2019;
- The Public Works Department has been working on the floodplain issue for several years:
 - Multiple public meetings have been held;
 - Town hall meetings have been held in the evenings;
 - Outreach has been offered from the following entities:
 - The state;
 - The City of Turner; and
 - Marion County.
 - Letters have been mailed to property owners; and
 - Detailed instructions related to insurance rates have been issued.
- Property owners have the option to implement the following before the revised maps go into effect:
 - The purchase of flood insurance; and
 - Acquiring elevation certificates for their property.

Motion: Commissioner Brentano moved to close the public hearing and approve amendments to the Marion County Urban and Rural Zone Codes, adopt revised floodplain maps for the area near the City of Turner, adopt amendments to comply with the National Flood Insurance Program, and direct staff to return with an ordinance that incorporates the amendments. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

Commissioner Willis read the calendar.

Commissioner Cameron adjourned the meeting at 10:16 a.m.

CHAIR

COMMISSIONER

COMMISSIONER

Board Sessions can be viewed on-line at

<https://www.youtube.com/playlist?list=PLSUQ1gg6M78UsBE3q6w4rdf59Z5rXkEi5>