



MARION COUNTY BOARD OF COMMISSIONERS

Management Update Minutes

Monday, May 21, 2018, 9:00 a.m.

Courthouse Square, 555 Court St. NE, Salem
5th Floor, Suite 5232, Silverton Conference Room

ATTENDANCE:

Commissioners Janet Carlson, Kevin Cameron, and Sam Brentano, John Lattimer, Jan Fritz, Jane Vetto, Alan Haley, Jeff White, Brandon Reich, Joe Fennimore, Warren Jackson, Joe Miller, Matt Knudsen, Tom Hogue, Annette Jensen, Cary Moller, Barb Young, Brian May, Lisa Trauernicht, Jolene Kelley, and Kristy Witherell as Recorder.

John Lattimer called the meeting to order at 9:00 a.m.

INFORMATIONAL:

Solar Array Workgroup Update

- Joe Fennimore

Summary of presentation:

- Looking to have an initial meeting with the group the second week of June to lay down ground rules and expectations;
- Expecting the Oregon Department of Land Conservation and Development (LCD) to start rule making on the issue and Marion County wants to get ahead of it;
- This is on Association of Oregon Counties agenda as well; and
- The commissioners want Joe Fennimore to invite Jonathan Sandau from the Oregon Farm Bureau to attend the workgroup.

Discuss the City of Donald Urban Growth Boundary (UGB) Expansion

- Brandon Reich

Summary of presentation:

- The expansion is approximately 88 acres:
 - 70 acres are single family;
 - Eight acres are multifamily; and
 - 11 acre parcel for the existing stormwater detention facilities.
- The city is using the traditional UGB review method:
 - The components leading up to identifying the potential land to bring in was already acknowledged by the LCD before the cutoff time.
- The city's planning commission has approved the expansion;
- The city council held the first vote on the expansion;
- Identified that there is interest to develop the area;
- Donald is surrounded by high value and prime soils;
- The expansion will be at the southeast side of the city;

- Sewer lagoons will need to be expanded;
- Friends of French Prairie are worried about more traffic on Ehlen Road:
 - The city conducted a traffic study, which showed no adverse impact on the road.
- Would double the population of Donald.

Urban and Rural Zone Code Update

- Brandon Reich, Joe Fennimore

Summary of presentation:

- Every couple of years, staff tries to bring forward updates to the Urban and Rural Zone Code as needed;
- A lot of the changes are cleaning up verbiage;
- Adding language to the zone that aligns with what has passed in the legislature;
- Complied with requirements for Accessory Dwelling Units;
- There are a lot of dwellings in a portion of Lyons that is zoned commercial land:
 - Once the homeowner refinances, the lenders won't finance because it is a residence in a commercial zone;
 - Lyons does not have staff resources to update the zone code; and
 - Staff will add a provision into the commercial zone that allows for a residence on the property.
- The board asked the planning commission for a recommendation without a hearing:
 - Change in code will allow the planning commission to give recommendations to the board without a hearing.
- If a farmer divides his property, a site evaluation has to be done:
 - If the partition is more than 10 acres, a site evaluation is not required.
- The board is requesting a zone code update.

Discuss Manufactured Homes on Properties on Little Road in Aumsville

- Joe Miller

Summary of presentation:

- There are three properties on Little Road in Aumsville that have been subject to numerous complaints over several years;
- The vast majority of complaints have been inhabited RV's on the property;
- There were more recent complaints, which included two additional properties in the area;
- Code enforcement went out last week to see what the issues were;
- The two properties that had complaints had no violations;
- The board is working with the three previous properties that had complaints:
 - One property has resolved the inhabited RV on their property, however they are now having a solid waste issue;
 - The property owner is unwilling to take action on the solid waste issues while the other property still had inhabited RV's; and
 - Each property is pointing the finger at each other as to why they aren't in compliance.
- One of the properties has a hardship permit:

- All are family members in the RV's; and
 - That property is not in compliance, but has been amicable.
- The other property has people living in a RV that are seasonal workers and their RV is too old to be put in a RV park;
- Initiating a traditional code enforcement on the property with solid waste:
 - Three letters before a citation is given.
- Code enforcement issued a letter to the property with family members inhabiting the RV's asking to provide the county with a plan for resolving the issues.

Board discussion:

- The homelessness hardship clause was not instituted by the board;
- If there is a medical condition, a homeless hardship can be implemented;
- The legislature was not interested in allowing RV's on properties;
- The board wants to enforce the code, but wants to make sure it's done right;
- Need to treat people fairly;
- The board wants legal counsel to make property owners aware of what the code is;
- Legal counsel will work with the two properties that have RV's and let them know that Marion County will seek the traditional code enforcement process; and
- The commissioners want this agenda on Management Update on a regular basis.

Municipal Stormwater Permit Renewal Update

- Matt Knudsen

Summary of presentation:

- The permit expired in 2012;
- It is a five year permit;
- Requires post construction run off:
 - Construction erosion; and
 - Operation of best management practices.
- The Oregon Department of Environmental Quality (DEQ) is currently trying to update the permit:
 - It has been continued for six years.
- The DEQ has been receiving public feedback;
- Issues:
 - Water quality standard:
 - New language; and
 - If there is a discharge that doesn't meet the state water quality standards, then Marion County is in violation of the standards.
 - Septic system assessments:
 - Marion County did not have any septic system component within the permit; and
 - Potentially requires that Marion County do onsite review of septic systems.
- Will have feedback from DEQ within a month;
- Scheduled a work session for June 21st for an update;

- New requirements:
 - Public education and outreach;
 - Public involvement and participation;
 - Stewardship opportunities;
 - Illicit discharge detection and elimination;
 - Construction erosion and post construction erosion; and
 - Prioritizing green structures.
- This is informational for the board prior to the work session for a baseline knowledge of the issue; and
- DEQ wants this permit to be in place by January 1, 2019.

Board discussion:

- More administrative costs;
- More documentation requirements;
- Mandatory inspections;
- The permit is for construction related activities; and
- The DEQ issues the permits.

Discuss Rural Industrial and Brownfield Cleanup Tax Exemption Program

- Tom Hogue, Scott Norris

Summary of presentation:

- Two proposed ordinances granting tax exemptions for brownfield cleanup and rural enterprise investments;
- Will be on board session June 6th and June 20th;
- The ordinance has a 90-day wait period; and
- AC Foods are interested in the tax exemption program.

Review Financing Quotes for \$5,000,000 Capital Loan

- Jeff White

Summary of presentation:

- The only two banks of consideration are:
 - Cashmere Valley Bank; and
 - Columbia State Bank.
- Columbia State Bank is who the county has used in the past and have been satisfied with their process;
- Cashmere Valley Bank came back with a cost savings proposal for the county:
 - Lower interest rate; and
 - No loan fees.
- City of Bend had a great experience with Cashmere Valley Bank; and
- Cashmere Valley Bank has their office in Washington, which is not an issue.

Board discussion:

- The commissioners agree to use Cashmere Valley Bank.

Discuss Approval to Obtain a Writ of Assistance to Take Possession of Tax Foreclosed Property ID #R15557

- Jeff White, Cary Moller, Annette Jensen

Summary of presentation:

- Foreclosed on this property;
- There was an elderly disabled woman in the home with several family members who assisted with her care;
- Board asked for Finance to find services to help the woman with housing assistance:
 - Health and Human Services Department has been working for a couple of years to find housing;
 - Working to try and keep the family together;
 - St. Vincent De Paul had an opening for property;
 - After many resources provided, the family has secured the unit.
- Recommending the board provide a formal letter to the property owner to have the remainder of the family vacate the property.

Review the Oregon Garden Foundation Memorandum of Understanding (MOU)

- Jane Vetto

Summary of presentation:

- Legal Counsel was asked to prepare a MOU outlining the county's conditions for forgiving its loan to the Oregon Garden Foundation;
- Attended the last Oregon Garden Foundation meeting and received the terms that the city of Silverton and Moonstone are willing to give to the garden;
- The county wants to forgive the debt, but make sure that the garden is left in a position where it can become self-sustained;
- The county will waive the debt and file a satisfaction of the debt;
- The city will allow unsecured creditors priority for repayment;
- The head lease and the sub lease will terminate upon extinguishment of the debt, but the foundation will hold a 99 year master lease with the city;
- The county will record it in the deed;
- The remaining parties will amend the second restated management services agreement;
- Remove the county as a party;
- Will acknowledge the waiver of the debt;
- The county will update the legal description of the Oregon Garden lot lines;
- The foundation agrees to use the savings from the debt forgiveness to pay their remaining creditors;
- The city agrees to extend its current rate of payment of the TOT tax through 2027:
 - That should allow the foundation to pay off their debt.
- Moonstone agrees to remit to the foundation and the city each \$.25 per paid attendee for public events until a completion of the debt can be made;
- Moonstone will give the foundation staff office space and enter into the third restated management agreement; and
- Once the management agreement is completed, the county will file a satisfaction of the debt.

Communications Update

- Jolene Kelley
- Ms. Kelley gave a brief update of events happening in the community that the commissioners will be attending.

ACTION:

OTHER:

COMMISSIONERS' COMMITTEE ASSIGNMENTS AND UPDATE

Sam Brentano:

- Attended O&C Counties meeting.

Janet Carlson:

- Attended Behavioral Health Integration Taskforce;
- Attended Faith Leaders Luncheon;
- Justin Hopkins is the new director of the Behavioral Care Network;
- Attended System of Care Executive Meeting;
- Attended Jobs Council; and
- Northwest Seniors Disabilities Services Budget Committee.

Kevin Cameron:

- Attended the Catholic Community Services Grand Opening of their single mothers apartment complex;
- Attended Economic Development Advisory Board;
- SEDCOR Economic Development Breakfast;
- Attended French Prairie Forum;
- Attended Stayton Breakfast;
- Attended Salem Breakfast;
- Attended Salvation Army Appreciation Dinner; and
- Attended Marion-Polk Medical Society Annual Meeting.

Meeting dismissed at 10:41 a.m.

COMPLETED BY: **Kristy Witherell**

Reviewed by: Sherry Lintner