



MARION COUNTY BOARD OF COMMISSIONERS

Management Update Minutes

OREGON

Monday, February 4, 2019, 9:00 a.m.

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

ATTENDANCE:

Commissioner Kevin Cameron, Commissioner Sam Brentano, Commissioner Colm Willis, John Lattimer, Jane Vetto, Jason Myers, Cary Moller, Brian Nicholas, Colleen Coons-Chaffins, Tamra Goettsch, Jeremy Landers, Laura Pekarek, Scott Norris, Bruce Armstrong, Justine Flora, Kevin Burton, Tom Hogue, Kent Inman, Brandon Reich, Joe Fennimore, Katrina Rothenberger, Danielle Gonzalez, Cindy Johnson, Barb Young, Lisa Trauernicht, Jolene Kelley, and Joanna Ritchie as Recorder.

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

INFORMATIONAL:

Review Proposed Clean Up Report and Estimated Cost of 36th Avenue Property

- Sheriff Myers, Laura Pekarek

Summary of presentation:

- The county was awarded receivership of the property through the code enforcement process on October 31, 2018;
- Significant work has been done on the property:
 - Most of the metal has been removed and taken for recycling:
 - Public Works waived the fees at the recycling center.
 - Results of the asbestos testing were negative; and
 - Eliminated human waste issues.
- Estimated costs for the remainder of the clean-up project are:
 - \$13,000 for the removal of the solid waste drop boxes;
 - \$4,000 for excavation fees:
 - K&E Excavating is only charging for their operator hours to run the equipment.
 - Between \$1,600 and \$1,700 for clean wood boxes.
- There are several piles of solid waste intermixed with top soil;
- The top soil will be spread throughout the property and then an inmate work crew will go through and remove any solid waste from the soil:
 - The estimated cost for the work crew is around \$1,400; and
 - There is some wood and metal debris in the soil.
- Ms. Pekarek provided background information on the property for Commissioner Willis.

Board discussion:

- The commissioners wanted to know what the property was zoned and what could be done with it;
- Ms. Pekarek responded it is zoned UT (Urban Transition), and Mr. Fennimore stated it is designated residential and if annexed to the city several houses could be built on it;
- The property is about one acre and the value is currently \$134,000;
- A lien will be put on the property for the cost of the clean-up;
- Property taxes are current;
- The total cost for the clean-up is between \$20,000 and \$30,000;
- The money would come from the General Fund;
- The property could be foreclosed upon as soon as the lien is recorded;
- The commissioners stated there are many properties in the county that are similar to this property, and inquired how Code Enforcement distinguishes between which properties are enforced and which ones are ignored;
 - Ms. Pekarek stated they received a complaint on this property as well as a signed petition from the Tanglewood Neighborhood Association;
 - The complainants are actively involved in this case; and
 - Most properties are in foreclosure and there is no property owner so they cannot proceed with enforcement action.
- Sheriff Myers added there are several properties throughout the county that are in a similar condition as this property:
 - They are a magnet for homeless people;
 - It is a bigger problem out in rural areas;
 - Neighbors call in complaints; and
 - There can be criminal activity on the property.
- Mr. Lattimer stated an ongoing list of properties is needed and a policy for how to deal with them;
- Sheriff Myers agreed adding that they need a strategy on how to deal with the properties because there could be significant clean-up costs and livability issues;
- Properties for enforcement action should affect the health and welfare of people, not just be unsightly; and
- Mr. Lattimer suggested setting up a work session.

Review 2019 Public Works Planning Division Special Projects

- Brandon Reich

Summary of presentation:

- The planning department provides a list to the board every year of the special projects it is working on;
- Projects that were completed last year include:
 - Urban Growth Boundary (UGB) changes for the cities of Donald and Sublimity, adding about 80 acres into their boundaries; and
 - Four zone code amendments.
- Upcoming projects include:
 - Work with the board on identifying housing opportunities;
 - Coordinating with cities on UGB or comprehensive plan updates;

- Participate in development of Brooklake Interchange Study and development of Cordon Road Study;
- Participate in Community Rating System 5 year Cycle Visit;
- Coordinate with Turner on regional floodplain map update;
- Working in Mill Creek area on floodplain development strategies;
- Coordinating with Department of Geologic and Mineral Industries (DOGAMI) on new hazard maps:
 - Will have new information on geologic hazards in the county; and
 - The board will have to consider and implement changes in the code.
- Coordination with Community Services on:
 - Update to Brooks-Hopmere Community Plan;
 - Participate in countywide land inventory; and
 - Development of regional industrial land program.
- New rules have been developed regarding solar siting and Mr. Fennimore can bring those to the board for consideration.

Board discussion:

- The board directed Mr. Reich to set up a work session on the new hazard information from DOGAMI.

Discuss Gervais Urban Growth Boundary Expansion

- Brandon Reich

Summary of presentation:

- The City of Gervais is proposing an UGB expansion for half an acre;
- A property owner made the request to the city last year;
- The city approved the request;
- The matter will come before the board at the March 20, 2019, board session:
 - The board would have to initiate the amendment;
 - Call up the request; and
 - Schedule a public hearing.
- There was no public testimony received at the city's hearing; and
- This is a combination quasi-judicial and legislative matter.

Discuss Requests Received from City of Aurora for Permit Related Information, Amendments to Airport Agreement, and Changes to Comprehensive Plan

- Jane Vetto, Brandon Reich

Summary of presentation:

- In October 2018, Commissioner Cameron and Marion County Legal Counsel attended a joint Aurora City Council and Planning Commission meeting;
- As a result of the meeting, legal counsel received a written request from the city for additional information regarding activities at the airport:
 - Building permits;
 - Public Works projects valued at \$10,000 or more; or
 - Any changes to the configuration of runways or taxiways.

- The City of Aurora also discussed adding the City of Wilsonville and Clackamas County as parties to the three-party Intergovernmental Agreement (IGA) between the Oregon Department of Aviation, Marion County, and the City of Aurora;
- The City of Aurora is currently proposing amendments to their comprehensive plan that would severely limit the development that occurs in the urban area until annexation:
 - Would limit uses in the farm zone;
 - Is not consistent with the current zone of Urban Transition; and
 - Some amendments also relate to the Aurora Airport and are consistent with what was agreed to in the IGA.
- Staff recommends waiting to see what the city asks the county to do with the comprehensive plan amendments;
- It is possible the city will not submit the amendments to the county;
- If the city submits the amendments to the county, the county has to hold a hearing, but does not have to agree to the amendments:
 - If the county agrees, the county may have to amend the UT zone or adopt a special UT zone specific only to the City of Aurora's UGB.
- Staff would recommend that the county not concur in the amendments;
- The city or county could request a joint meeting to resolve differences if the proposal is not adopted;
- The city can annex the land into the city limits at any time and the issues would become moot; the IGA could be revised for lands brought into the UGB in the future; and
- The county may receive three quasi-judicial land use applications related to the airport in the future:
 - A proposal for a zone change to expand the public zone adjacent to the existing public zone;
 - A proposal to expand the existing runway; and
 - An application to place a navigation beacon on farmland outside the airport boundary.

Board discussion:

- Commissioner Cameron stated that what he gathered from the meeting was that Aurora wants more jurisdiction regarding things that are happening at the airport;
- Ms. Vetto stated that she received a letter from the city requesting permit information relating to airport activities:
 - Permits are available online;
 - The city does not want to read through the applications, they would like special notification;
 - There is no way to give them the information without manually pulling out the specific information requested;
 - Currently building inspection provides a report to the surrounding fire districts for permits in their jurisdiction; and
 - They can provide the same report to the City of Aurora.

- Ms. Vetto further stated that the proposed changes to the city's comprehensive plan make it seem like the city is trying to restrict what the county can do;
- Mr. Reich said that there are different interpretations on how things are managed and discussions have not been strong amongst city and county planning staff:
 - There are a host of issues that are complex and there is no way to deal with one without dealing with the other; and
 - It would be a good idea to sit down to discuss what the city and county want.
- Mr. Reich provided a draft response letter for review addressed to Ms. Wakeley commenting on the city's proposed comprehensive plan changes;
- The commissioners directed Mr. Reich to send the letter to Ms. Wakeley; and
- The commissioners directed staff to provide the City of Aurora with the permit information that is given to the Aurora Fire District.

Discuss Green Energy Solar Requirements

- Colleen Coons-Chaffins, Bruce Armstrong, Kevin Burton

Summary of presentation:

- Seeking clarity on solar energy requirement process;
- Applies to any new building construction totaling \$1 million or more or any renovation project totaling \$500,000 or more:
 - The county is required to make a determination if solar or green energy is appropriate;
 - Initial determination is submitted to the Oregon Department of Energy (DOE);
 - DOE performs a technical review and provides feedback to the county;
 - The county makes a final determination whether to include solar or green energy in a project; and
 - If included must spend 1.5% of total project cost.
- There is no statutory obligation to expend funds on a solar or green energy project;
- Do not have to carry forward the 1.5% obligation on to future projects if state funding was not included:
 - Must still go through determination process with DOE.
- Options for board consideration:
 - Delegate authority to the Chief Administrative Officer on process to make determination, with input from Business Services and updates to the board; or
 - Continue to bring in front of the board at board session.
- Ultimately the county decides whether or not to include 1.5% in a project for solar or green energy;
- Ms. Coons-Chaffins stated that the Public Safety Building did have 1.5% set aside for a solar project:
 - A carport with solar energy panels was initially going to be built:
 - The bid for the project was \$170,000; and
 - The project increased to \$300,000 because the carport was structurally unable to hold the solar panels.

- Another option was to build a solar array on a berm at the back of the property.
- Ms. Coons-Chaffins recommends not moving forward with the solar project at the Public Safety Building;
- There is still funds available for a solar project that could be applied to the Juvenile Services Building:
 - Do not see a need for solar on the building;
 - Does not recommend putting in roof penetrations, have had issues in the past;
 - There is a lot of ongoing maintenance on the panels; and
 - Technology is only good for five to ten years.
- Looking for board direction on moving forward with process with DOE and possibly delegating authority to the Chief Administrative Officer.

Board discussion:

- Mr. Lattimer wanted to know if the funds were still being carried forward from the Courthouse Square building remediation and Ms. Coons-Chaffins responded yes;
- Mr. Armstrong added a detailed letter was sent to DOE and they responded that cost is not a factor in the determination:
 - DOE only gives a recommendation;
 - The board determines if it is appropriate; and
 - Transit received state funding at the end of the remediation.
- There are two options for building a solar array, on land versus a carport:
 - The berm would take 66 panels to meet the requirement;
 - The carport would be a larger project and would also house the Sheriff's Office duty vehicles;
 - The difference in cost is approximately \$100,000; and
 - There is still funding available.
- The board delegated authority to the Chief Administrative for the determination process and Mr. Armstrong will prepare an order.

Proposed Vacation of Phipps Lane Update

- Kent Inman

Summary of presentation:

- The board's direction at the last meeting was to move forward with the vacation without holding a public hearing;
- If the county initiates the vacation a public hearing is required with a 30-day notice;
- Options to consider:
 - Proceed with the vacation as directed and include a public hearing;
 - Suggest that the adjacent property owners file a petition which does not require a public hearing:
 - There is a filing fee associated with the petition; and
 - The county could consider waiving the fee.
- At the previous the board asked for information regarding the cost of the fencing, and Mr. Nicholas provided that information:
 - The cost estimate for the fencing is approximately \$3,700;

- This includes fencing at the entrance on the north and south side of the property as well as the division fencing of the properties at the east and west side;
- If the dividing fence is removed the cost would be about half; and
- There would be a cost to survey the property to determine the property lines.

Board discussion:

- The board directed Mr. Nicholas to proceed with the vacation and schedule a public hearing; and
- The board directed to only fence the north and south end.

Marion County Benefit Plan Rules Document Update

- Justine Flora

Summary of presentation:

- The rules were last revised in 2012;
- There have been a number of regulatory changes since that time:
 - The Affordable Care Act was not in place.
- The document outlines the eligibility plan rules of the county's benefit program;
- Ms. Flora provided a red lined version of the rules:
 - A summary of the edits are on page 26; and
 - A clean version starts on page 28.
- Ms. Flora would like direction on the next steps:
 - Schedule a work session; or
 - Go directly to board session.
- Most of the updates include regulatory changes, clean up of procedures, and the language in the document.

Board discussion:

- The union will receive notification; and
- The board directed Ms. Flora to schedule a work session.

LEGISLATIVE UPDATES

Health and Human Services – Cary Moller

- HB 2600 Training for Administrators of Long-Term Care Facilities on Outbreak Prevention
 - Following up on questions from the last meeting;
 - This is a revision of the existing rules and statutes regarding inspection of food serving facilities:
 - Extends to long-term care facilities; and
 - Residential treatment facilities.
 - There is a section regarding reimbursement to the county for performing the inspections;
 - The Department of Human Services is responsible for the oversight of the health care facility:
 - They license the facility from the medical or treatment aspect.

- Oregon Health Authority (OHA) delegates to the county the inspections of the treatment facilities;
- Anticipates that this would mirror the other inspections that the county currently performs:
 - Restaurants; and
 - Child care facilities.
- Also provides technical assistance in reporting outbreaks;
- To provide full facility inspections it would require a 1.0 FTE; for only the food component it would be only .5 FTE; and
- The commissioners directed Ms. Moller to watch the bill:
 - Keep them posted on any amendments; and
 - They would be supportive if the bill was narrowed down to just the food component.

CourtCare Program – Barb Young

- An amendment to the bill has been drafted asking for funding for one year to extend the program;
- Last session legislation was passed for Polk and Marion counties as a pilot program to provide day care services for the courts for families;
- Marion County was awarded \$100,000 total and contracted with the YMCA for \$50,000 per year, for two years;
- Representative Boyles' office has the amendments ready to go;
- The commissioners directed Ms. Young to gather additional signature in support of the bill; and
- A report is due by September, 2019.

Committee on Carbon Reduction – Barb Young

- Two concerns with the new LC 894 draft:
 - Currently the highway trust fund revenue is split 50/30/20:
 - 50% to the state;
 - 30% to the counties; and
 - 20% to the cities.
- The new bill does not honor the proportions:
 - The money would be put into grant funding; and
 - Will oppose with help from the Association of Oregon Counties.
- There is an exception for the Covanta Waste to Energy Facility.

COMMUNICATIONS

Update

- Danielle Gonzalez
- Ms. Gonzalez stated that there were three minor errors in an article that appeared in the Statesman Journal about the report "The Value of Water":
 - Her title was incorrect;
 - The cost of the report was \$70,000 and Marion County contributed \$5,000; and
 - The value of water of the North Santiam River, the numbers for the different topics (irrigation, agriculture, etc.) was not handled separately as the economist suggested.

- There will be a meeting to discuss the document and she will send an invitation to the commissioners as well as the final draft of the document.
- Jolene Kelley
- Ms. Kelley gave a brief update of upcoming scheduled events for the month, upcoming stories that will be posted on social media, and provided an updated printed editorial calendar.

COMMISSIONERS' COMMITTEE ASSIGNMENTS AND UPDATE:

Kevin Cameron:

- Toured Marion County Housing Authority housing projects;
- Attended a work session on the housing initiative;
- Attended the Keizer Chamber Legislative Lunch update;
- Attended a work session for the Marion County Fair;
- Attended the Marion County Public Safety Coordinating Council 2019 Legislative Roundtable; and
- Attended the Governor's Reentry Business Implementation Team meeting:
 - Visions for next year; and
 - Reentry breakfast.

OTHER:

Meeting adjourned at 10:54 a.m.

COMPLETED BY: **Joanna Ritchie**

Reviewed by: *Cindy Johnson*