

Morrow County Board of Commissioners Meeting Minutes
June 21, 2017
Port of Morrow Riverfront Center, Sand Hollow Room
Boardman, Oregon

Present

Chair Melissa Lindsay
Commissioner Don Russell
Commissioner Jim Doherty
Jerry Sorte, Administrative Officer
Richard Tovey, County Counsel
Roberta Lutcher, Executive Assistant

Call to Order and Pledge of Allegiance: 9:01 a.m.

City and Citizen Comments: No comments

Open Agenda Requests: Hold the two Planning Department Public Hearings immediately following Consent Calendar items

Update on Sick Leave as an Unfunded Mandate Litigation

Richard Tovey, County Counsel

Mr. Tovey explained there are multiple counties participating in the litigation spearheaded by Linn County. Of those, four counties actually paid out sick leave; the remainder, including Morrow County, did not but instead allowed sick leave to accrue. Mr. Tovey said the lead attorney, Nathan Rietmann, is asking the counties that did not pay out to agree to dismiss their portions of the lawsuit. Mr. Rietmann plans to go forward with the strongest aspect of the case, meaning the four counties that did pay out sick leave. If the case makes it through the appeal process, Mr. Tovey said Morrow, Jefferson, Polk, Sherman, and Malheur Counties could still see a favorable result even though they are no longer part of the litigation. Mr. Tovey said he and Co-County Counsel Justin Nelson recommend agreeing to be removed.

Commissioner Russell moved to accept the recommendation of County Counsel and agree that Morrow County be dismissed from the sick leave unfunded mandate litigation. Commissioner Doherty seconded. Unanimous approval.

Consent Calendar

Commissioner Russell moved to approve the following items in the Consent Calendar:

- 1. Accounts Payable dated June 22, 2017 in the amount of \$180,361.17; and the AOC County College Meals manual check dated June 15, 2017*
- 2. Board of Commissioners Executive Session Meeting minutes dated June 7, 2017; City-County-Port Meeting minutes of June 7, 2017*
- 3. Oregon Youth Authority, Juvenile Crime Prevention Basic Services Intergovernmental Agreement #13796, and authorize Chair Lindsay to sign on behalf of the County*

4. *Oregon Health Authority (OHA) 2017-2023 Intergovernmental Agreement #154659 for Environmental Health Services, and authorize Chair Lindsay to sign on behalf of the County*
 5. *OHA 2017-2019 Intergovernmental Agreement #154124 for the Financing of Public Health Services, and authorize Chair Lindsay to sign on behalf of the County*
- Commissioner Doherty seconded. Unanimous approval.*

9:10 a.m. Opened Public Hearing

AZ-112-17 Zoning Ordinance Amendment – Article 2 Updates

Carla McLane, Planning Director

Stephanie Loving, Planner I

Chair Lindsay called for abstentions or conflicts of interest – Commissioner Russell: none; Commissioner Doherty: stated he attended a previous Planning Commission meeting on this topic but it won't affect his decision today; Chair Lindsay: said she was on the Planning Commission when this amendment process began, but that does not present a conflict with her decision making ability.

Chair Lindsay called for the Staff Report

Ms. Loving's report consisted of the following –

This Public Hearing is to consider the Planning Commission recommendation to adopt an update to Article 2 of the Morrow County Zoning Ordinance related to Zone Designations. It removes use zones no longer in use and adds new zones that have been added to the Zoning Ordinance over the past several years.

Ms. McLane noted the updates do not affect any property as they are text amendments only.

Chair Lindsay asked for a review of the changes to Section 2.010, Identified Zone Designations, which was provided by Ms. McLane.

There were no responses to Chair Lindsay's calls for proponents and opponents to speak.

9:20 a.m. Closed Public Hearing

Commissioner Doherty moved to approve the proposed Morrow County Zoning Ordinance Article 2 Updates and authorize Planning staff to prepare the necessary adoption documents. Commissioner Russell seconded. Unanimous approval.

9:21 a.m. Open Public Hearing

AZ-110-17 and AZM-111-17 Zoning Ordinance and Map Amendment – Farm and Forest Use Model Code Update

Carla McLane, Planning Director

Ms. McLane noted this update process spanned several years and took considerable effort on behalf of Planning staff and the Planning Commission. She said it involved changing the area zoned as Small Farm 40 to Exclusive Farm Use, and the only place in Morrow County with that designation is found around Boardman. The proposed changes include the following:

- Add and modify definitions that apply to land use, farm use, development standards, building specifications, and agricultural equine structures
- Update permit approval procedures and similar use determinations; more clearly define dwelling approvals on farm land
- Regarding the Exclusive Farm Use and Farm Use Zones – revise conditional use permit review criteria; add hardship variances to the list of conditional uses; clarify land division and parcel creation criteria
- Create opportunities to allow guest ranches; agritourism and commercial events on agricultural lands as defined in Oregon Revised Statute and Oregon Administrative Rule
- Modify and update farm stand, home occupation, land dimension and site development standards

Ms. McLane said the Planning Commission unanimously recommended the County adopt the proposed changes.

Chair Lindsay called for abstentions or conflicts of interest – Commissioner Doherty: Stated he attended an earlier Planning Commission meeting but did not find that to be a challenge; Chair Lindsay: Also stated she attended earlier Planning Commission meetings but had no conflict of interest; Commissioner Russell: Declared he resides in an area designated as Small Farm 40 but it does not materially affect him and he didn't have a conflict of interest.

Chair Lindsay asked Ms. McLane if the change from Small Farm 40 Zone to Exclusive Farm Use Zone impacts the ability of those landowners to use their property. She replied it would not, and that they remain identical with the exception of the purpose statement.

Chair Lindsay called for opponents to speak: no reply; proponents: no reply; neutral parties or questions:

Gerry Arnson, Heppner

Mr. Arnson asked if the changes will affect the ability of people who live on farmland or forestland from running their businesses out of their homes. Ms. McLane said it's part of those operations and wouldn't be a problem.

9:44 a.m. Closed Public Hearing

Commissioner Russell moved to approve the proposed amendments to the Morrow County Zoning Ordinance and Zoning Map, specifically the approval to adopt the following Articles or Sections of the Morrow County Zoning Ordinance:

- 1. Article 1 Introductory Provisions*
- 2. Article 3 Use Zones Section 3.010 Exclusive Farm Use and Section 3.020 Forest Use*
- 3. Article 6 Conditional Uses*

4. *Article 7 Dimensional Adjustments, Variances, Special or Temporary Permits and Non-Conforming Uses*

And authorize the removal of Article 3 Use Zones Section 3.042 Small Farm and amend the Zoning Map, rezoning the areas currently zoned Small Farm to Exclusive Farm Use; and include an Emergency Clause within the Adopting Ordinance making the Adoption effective at the conclusion of the appeal period or 21 days after the Notice of Decision is mailed to affected parties. Commissioner Doherty seconded. Unanimous approval.

Business Items

Review Responses to Asphalt Bid Requests

Burke O'Brien, Public Works Director

Matt Scrivner, Assistant Road Master

Sandi Putman, Public Works Management Assistant

Mr. Scrivner reviewed the two bids to provide asphalt and tack oil for small paver patching jobs throughout the County:

1. Granite Construction Company total: \$731,250
2. Pioneer Asphalt, Inc. total: \$688,350

He said he recommended accepting the bid from Pioneer Asphalt. Mr. O'Brien said staff analyzed all costs associated with driving the extra distance to Pioneer Asphalt and it still calculates out as the lowest bid.

Commissioner Doherty moved to accept the recommendation from Public Works and award the bid for Asphalt Hot Mix and Tack Oil to Pioneer Asphalt, Inc. Commissioner Russell seconded. Unanimous approval.

Oregon Department of Transportation (ODOT) Intergovernmental Agreement #32141, Materials & Equipment Storage in County Right-of-Way near the North Transfer Station

Burke O'Brien, Public Works Director

Mr. O'Brien said ODOT will be applying salt to roads this winter on Interstate 84 from Boardman to the Idaho border and needs a place to store the salt and equipment. He said the County and ODOT already share space and sand at this location and it's been a good arrangement. ODOT will construct a pre-fabricated membrane-covered storage structure on the County's right-of-way, he said. Brief discussion.

Commissioner Russell moved to approve Intergovernmental Agreement #32141 with ODOT for Salt/Equipment Storage on the County Right-of-Way, near the North Transfer Station, 69900 Frontage Lane, Boardman. Commissioner Doherty seconded. Discussion: Chair Lindsay noted the County does not plan to use salt on roads. Unanimous approval.

Rock Quarry Agreement with Brian Thompson

Sandi Putman, Public Works Management Assistant

Ms. Putman said the rock will be crushed and stockpiled at the location off Lunceford Canyon Road. The County will pay the landowner \$200 a year to stockpile the rock and .25¢ per solid yard of rock extracted.

Commissioner Russell moved to approve the Rock Quarry Agreement with Brian Thompson for a period of five years commencing May 2017 and terminating May 2022 with optional one-year renewals for stockpile purposes up to 10 years. Commissioner Doherty seconded. Unanimous approval.

Public Works Miscellaneous

Commissioner Russell asked the Public Works personnel about the timeline for completion of the Wilson Lane and Laurel Lane Road intersection improvements. Mr. O'Brien explained the extenuating circumstances and Mr. Scrivner added the plan is to work there on July 5th and 6th, to be followed by paving on July 10th. Commissioner Russell said when people have complained to him about the progress, he's reminded them there is a large irrigation pipe there and the County was unable to do anything during the growing season.

Commissioner Doherty said he recently learned the Navy hauled the rock it used for new roads on the Bombing Range from outside of Morrow County. This is somewhat contradictory to what Major Russ Gibson with Oregon National Guard indicated on May 17th during the update with the Navy and other agencies. At that meeting when Commissioner Doherty asked if the raw materials were being sourced from a Morrow County business, Major Gibson replied they use local (providers) as much as possible, but as a State agency they have to follow State purchasing rules. Major Gibson added it is cheaper to source locally than haul from elsewhere.

Commissioner Doherty requested Ms. McLane follow up with the Navy's Community Planning and Liaison Officer on this matter.

Break: 10:18 a.m. **Resume:** 10:29 a.m.

Letter of Support for Fitness Park Grant Application

Kim Cutsforth, Executive Director, Howard & Beth Bryant Foundation

Commissioner Russell moved to approve signing the letter in support of the Heppner Fitness Park grant application to the Oregon Community Foundation. Commissioner Doherty seconded. Unanimous approval.

Fitness Park Lot Line Adjustment Request

Kim Cutsforth, Executive Director, Howard & Beth Bryant Foundation

As background, Ms. Cutsforth recapped the discussions at the County Court meeting on October 26, 2016. (Tentative agreement was given for the lot line adjustment application, pending legal documents from the City of Heppner.)

Commissioner Doherty moved to approve the Bargain and Sale Deed that Morrow County grants, bargains, sells and conveys unto Willow Creek Park District the tract of land as described in Exhibit A, for true consideration of \$0.00. Commissioner Russell seconded. Unanimous approval.

Gilliam-Bisbee Building Use Proposal

Kim Cutsforth, Executive Director, Howard & Beth Bryant Foundation

Ms. Cutsforth began by saying the ideas presented today are for consideration only and she does not yet expect action from the Board. She said during the County Budget Committee meetings in April, there was discussion to tear down the building.

Commissioner Doherty clarified he suggested \$250,000 be set aside to demolish the building, but the Board decided to take one year to seek options for removing it from County ownership.

Ms. Cutsforth continued by saying the communities in south Morrow County do not have a place to hold large events. Her idea is to turn the main floor into an area for holding large events, and eventually make the upstairs similar to a hostel where, on a short-term basis, people rent individual sleeping rooms but share common living and kitchen facilities.

Ms. Cutsforth said a tour of the building with County Building Official Brett Cook showed the building to be in “great” shape but in need of improvements to meet codes. She said it needs a fire suppression system, which is approximately \$200,000. She said if the County could budget around that number to bring it up to code, it would allow her a blank slate to start the process of changing it into an event center.

Commissioner Russell said it may be less expensive for the foundation to install the fire suppression system because the County would be required to pay prevailing wage. The County could pay the foundation to take the building, he said, with the understanding the foundation would take care of the fire suppression system. Ms. Cutsforth said the savings could be as much as 25% and she would obtain bids.

Ms. Cutsforth further stated the building would belong to the community in perpetuity as it is the foundation’s objective to provide things the community needs but cannot afford. The budget for this endeavor also includes funds for a part-time employee to manage and promote the event center, she said.

After discussion of the estimated project timeline, the Commissioners were in favor of designating money in the 2018/2019 budget for the Gilliam-Bisbee Building proposal.

Business Items

Use of County Easement Agreement – Heppner-Lexington Pipeline, LLC

Commissioner Russell moved to approve the Consent and Agreement Regarding Use of Easement with Heppner-Lexington Pipeline, LLC dated June 21, 2017. Commissioner Doherty seconded. Unanimous approval.

Columbia Basin Electric Cooperative, Inc. Request to Install Blank Conduit in County Right-of-Way in Same Area as Heppner-Lexington Pipeline, LLC

Gerry Arnson, CBEC Board of Directors, Vice President

Mr. Arnson requested the same use of the County's easement for CBEC that was just granted to the Heppner-Lexington Pipeline, LLC. After discussion, the Board agreed, adding the same line locating and mapping stipulations that were required of Heppner-Lexington Pipeline, LLC will also be required of CBEC.

Commissioner Russell moved to approve the request from Columbia Basin Electric Cooperative, Inc. to install blank six-inch conduit in the County's easement and direct staff to draw up the necessary documents. Commissioner Doherty seconded. Unanimous approval.

Reading and Adoption – Ordinance No. ORD-2017-2: Amending Morrow County Code Regarding the Approval Process for Public Works Permits

Jerry Sorte, Administrative Officer

Mr. Sorte said County Counsel advised him the Ordinance can be adopted with a single reading by title, with the emergency clause, if there is a unanimous vote of the Board. He said this would be his recommendation to the Board.

Commissioner Doherty moved to approve a single reading by title of Ordinance No. ORD-2017-2, which includes an emergency clause. Commissioner Russell seconded. Unanimous approval.

Commissioner Russell provided the reading by title of Ordinance No. ORD-2017-2:

“In the Matter of Amending Chapter 8 of the Morrow County Code Pertaining to the Approval of County Permits for Construction Work in County Road Right-of-Ways”

Commissioner Doherty moved to adopt Ordinance No. ORD-2017-2: In the Matter of Amending Chapter 8 of the Morrow County Code Pertaining to the Approval of County Permits for Construction Work in County Road Right-of-Ways; and noted the inclusion of Section 3 – An emergency is declared and this ordinance is effective immediately upon passage. Commissioner Russell seconded. Unanimous approval.

Invitation to Ribbon Cutting Ceremony for the Recreation Center in Boardman

Karen Pettigrew, Chair, Boardman Park & Recreation District

Ms. Pettigrew extended an invitation to the Commissioners to attend the ribbon cutting and grand opening of the new Recreation Center on Saturday, July 1st from 11:00 a.m. to 2:00 p.m. Chair Lindsay remarked the Rec Center will have a positive impact on livability in this area. Ms. Pettigrew also reported the membership drive is going very well and some employers set up

payroll deductions so employees can deduct the dues from their paychecks. She added any entities that have public funds can provide the same option.

Commissioner Reports

- Commissioner Doherty provided a report on the County College he and Chair Lindsay attended on the topic of health and human services. He also discussed the meeting on the Blue Mountains Forest Plan Revision Process that was held in Pendleton, also attended by Chair Lindsay.
- Commissioner Russell said he met with PGE's Public Policy/Local Government Affairs Representative Wendy Veliz and Brad Jenkins, PGE Vice President, Power Supply Generation. The two were in Heppner to speak at the Heppner Chamber of Commerce luncheon. Commissioner Russell informed the other Commissioners he met with Irrigon resident, Sue Oliver, about the concerns she expressed at a recent Board meeting. He also outlined his upcoming meeting schedule.
- Chair Lindsay said she attended the Heppner Chamber luncheon where the PGE representatives spoke and subsequently received calls from providers in the area wanting assurances the County would push the new owners of Wheatridge Wind Energy (NextEra Energy) to use local contractors. Chair Lindsay also met with Oregon State University Extension personnel Julie Baker and Mary Corp regarding Extension's plans to form county service districts in Morrow and Umatilla Counties. They would like to present additional information to the Board on July 19th.

Adjourned: 11:55 a.m.