

Morrow County Board of Commissioners Meeting Minutes
May 30, 2018
Bartholomew Building Upper Conference Room
Heppner, Oregon

Present

Chair Don Russell
Commissioner Jim Doherty
Commissioner Melissa Lindsay
Darrell Green, Administrator
Karen Wolff, Human Resources Director
Justin Nelson, County Counsel

Call to Order and Pledge of Allegiance: 9:00 a.m.

City and Citizen Comments: No comments

Open Agenda: Chair Russell requested a discussion on the status of the County's Chronic Nuisance Ordinance.

Consent Calendar

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

- 1. Accounts Payable dated May 31st in the amount of \$143,739.66; Payroll Payables – Immediates & Electronic dated May 22nd in the amount of \$154,742.62*
- 2. Minutes dated May 16th and May 23rd (with a minor correction to May 16th noted by Commissioner Lindsay)*
- 3. Purchase Pre-Authorization Requests from the Sheriff's Office for vehicles to be purchased in Fiscal Year 2017-2018 Budget, and advance order for FY 2018-2019 Budget*
- 4. Purchase Pre-Authorization Request from Public Works for a Caterpillar 420F2*

Commissioner Doherty seconded. Unanimous approval.

9:05 a.m. Public Hearing: AC-121-18 Goal 3 Exception for Solar Facility – Request from OneEnergy Renewables/HARP Solar to amend the Comprehensive Plan by taking a Goal 3 Exception to allow development of a solar photovoltaic energy generation facility and associated equipment on land zoned Exclusive Farm Use

Chair Russell called for abstentions or conflicts of interest. Each Commissioner replied there were no reasons to abstain and no conflicts of interest. He then called for the Staff Report.

Planning Director Carla McLane outlined the request and noted Conditional Use Permit #CUP-N-331 was approved by the Planning Commission at its April 24th meeting. She further stated the requested action of the Board involves the associated Goal 3 Exception - to determine if approving a use conditionally allowed on agricultural land, i.e. removing up to 99 acres from agricultural production, meets the requirements of the Agricultural Lands Element of the

Comprehensive Plan. She said the project may not even impact 12 of the 99 acres. It's up to the Board to determine if the County is balancing farmland protections with other Goals in the Comprehensive Plan such as Goal 9, Economic Element, and Goal 13, Energy Conservation Element, she added.

Chair Russell called for proponents to speak.

Representatives from OneEnergy Renewables/HARP Solar provided a PowerPoint presentation of the requested project being proposed on land owned by Bill and Rena Marquardt LLC, Lexington. OneEnergy's representatives were Ann Siqveland, Director, Project Development; and Blake Bjornson, Manager, Project Development. Elaine Albrich, Counsel with Davis Wright Tremaine LLP was also in attendance.

Ira Owen, Operations Manager for the Marquardts, said the land where the project would be sited has been in continuous wheat production since 1916 and is "getting tired." The ground needs to rest, he said. OneEnergy's project would allow the land to rest, while generating income at the same time, said Mr. Owen.

Chair Russell called for opponents to speak. There was no response. Additionally, there were no responses to calls for rebuttal and neutral parties to speak.

Ms. Siqveland reiterated the requested actions of the Board and asked that an emergency be declared when adopting the Ordinance. The emergency clause would remove the requirement for a second public hearing and allow the appeal process timeline to begin sooner.

Ms. McLane said with land-use decisions, Morrow County regularly incorporates an emergency clause to shorten the time between point of adoption and point of effectiveness. Chair Russell asked Ms. McLane if there was any opposition to this project. She said there was no opposition and all comments were supportive. Discussion.

9:55 a.m. Closed Public Hearing

Commissioner Doherty moved to accept the Planning Commission's recommendations to approve the Goal 3 Exception that will allow development of a solar photovoltaic energy generation facility and associated equipment on land zoned exclusive Farm Use, including changes to the Agricultural Lands Element and the creation of a new Exceptions Element; removing up to 99 acres from production; and incorporating by reference the Applicant's Narrative and Supplemental Findings submitted at the Planning Commission Hearing. In addition, the adopting Ordinance to approve the Comprehensive Plan amendment request will incorporate an emergency clause and be effective the same day as the first and second readings. Commissioner Lindsay seconded. Unanimous approval.

Break

Business Items

Temporary Adoption of Weed Lists as part of the Code Enforcement Ordinance

Dave Pranger, Weed Coordinator/Inspector

Carla McLane, Planning Director

Commissioner Doherty moved to approve Order No. OR-2018-4 – An Order Temporarily Amending the Morrow County Code Enforcement Ordinance, Appendix A, Noxious Weeds and Appendix B, Weeds of Economic Importance. Commissioner Lindsay seconded. Unanimous approval.

North Morrow Lot Fencing Project Request for Proposals - Award

Matt Scrivner, Public Works Director

Mr. Scrivner explained the fencing is for the new Public Works Yard just outside Boardman. One bidder replied to the Request for Proposals and Mr. Scrivner said this is a good bid based on an informal estimate by another contractor of \$90,000.

Commissioner Lindsay moved to award the North Morrow Lot Fencing Project to Farm City Fence, LLC in the amount of \$47,450. Commissioner Doherty seconded. Unanimous approval.

North End Transfer Station Scale Pit Foundation Project Request for Proposals – Award

Matt Scrivner, Public Works Director

Mr. Scrivner explained some time ago a scale was received free of charge, however, it required a foundation. The funds are in this fiscal year's budget, as well as next year's, he said.

Commissioner Doherty moved to accept the recommendation of Public Works and award the North End Transfer Station Scale Pit Foundation Project to Silver Creek Contracting LLC in the amount of \$31,805.40. Commissioner Lindsay seconded. Unanimous approval.

Order No. OR-2018-5: Adopting the Bylaws of the Morrow County Rodeo Board

Darrell Green, Administrator

As background, Mr. Green said the Rodeo representatives wanted to create their own entity but had to establish a non-profit, which they've now done. The non-profit will act as the fundraising arm of the Rodeo Board and those funds will be funneled there. The Rodeo will still be part of the County's budget process for the Video Lottery funds it receives, and the County will continue to work with them concerning the Bleacher Fund Project. The County now needs to adopt the bylaws, he said.

Commissioner Lindsay noted the names for the Rodeo Board members were not yet listed in the Order itself and requested a revised Order and Bylaws be listed on next week's Consent Calendar. County Counsel Justin Nelson said he would revise the Order.

Request to Modify Railroad Easement on County Property between Heppner Highway/Highway 74 and Riverside Avenue in Heppner

Kim Cutsforth, Director, Howard & Beth Bryant Foundation

Ms. Cutsforth's proposal involves establishing a legal description for the "floating" railroad easement that crosses County, Park District and Morrow County Grain Growers' property south of Fuller Canyon Road to Hinton Street. An easement "floats" until a utility is placed within it and Ms. Cutsforth proposed amending that requirement through a legal description to specify where the easement will be placed. She said by locking down and establishing the easement, it means planned projects in that vicinity can proceed without the fear of being disturbed in the future. The Foundation would incur the cost of the legal description and recording fees, said Ms. Cutsforth. Discussion. Chair Russell stated the proposal had the Board's approval and encouraged Ms. Cutsforth to move forward.

Chronic Nuisance Ordinance Discussion

Chair Russell recounted a recent law enforcement response to a property in Boardman that actually falls just outside the jurisdiction of the City of Boardman but within that of the County. He said the Boardman Police Department has responded numerous times to this property and perhaps it's time a Chronic Nuisance Ordinance be brought to completion. Ms. McLane said she would work with Mr. Nelson and Undersheriff John Bowles on the final staff review to make sure this piece moves forward.

Correspondence

- Letter from Finance Director Kate Knop to the Cities of Boardman, Heppner, Irrigon Ione, and the Town of Lexington informing them of the amounts they will receive from the Grants to Cities program. The letter states the only restriction is the funds must be used for infrastructure projects and can be saved for future improvements. It also asks that each entity provide a report at the end of the fiscal year as to how the funds were spent or saved.
- Notice for the Annual Morrow County Wheat League/Oregon State University Crop Tour & Social, Thursday, June 7th
- Letter to the Board of Commissioners from Janine Benner, Director, Oregon Department of Energy stating the Wheatridge Wind Energy Project will be reviewed under its Type A process, not the shorter Type B process requested by the Board.

Commissioner Reports

- Commissioner Doherty discussed the Western Interstate Region conference he attended. He said WIR leadership continues to ensure topics at the conference are pertinent to the western states.
- Commissioner Lindsay said she attended an Oregon State forum on Behavioral Health. She explained the forum as being an intersection between behavioral health and the justice system and how the state can improve how these situations are dealt with.

- Chair Russell discussed upcoming meetings such as the City County Port Meeting, Columbia River Enterprise Zone II Board Meeting, and the quarterly meeting of the Parks Committee.

Break

11:36 a.m. Executive Session: Pursuant to ORS 192.660(2)(f) - To consider information or records that are exempt by law from public inspection

11:51 a.m. Closed Executive Session: No Decisions

Adjourned: 11:55 a.m.