

Board of Commissioners Meeting
November 18, 2014

Present: Commissioner Steve McClure
Commissioner William D. Rosholt

Chairman McClure opened the meeting at 9:00 a.m. with two Commissioners present. Commissioner Davidson was out of town, attending the Association of Oregon Counties Conference.

Commissioner McClure stated that this is a special meeting, with the purpose being to approve the appeal of the city of La Grande's conditions on the courthouse site.

Hanley Jenkins II, Planning Director, stated that the city of La Grande issued an administrative decision by the Planning Division on November 7, 2014 which was a conditional approval for the Site Plan Application on the Circuit Court Building site. The conditional approval included a number of conditions. Most of the approval conditions are tasked for either Rick Robinson, County Surveyor, who prepared the Site Plan, Mike Becker, contractor, or Anderson, Perry and Associates, Inc. who did the work for the county on the K Street vacation request. He has talked with each of them and asked them to address those approval conditions as required by the city. They are working on those things and they will be addressed prior to submitting a building permit application. However, one of the conditions in the conditional approval identifies a requirement that the commissioners have expressed concern about. It relates to being able to back-fill the space that is currently occupied by the Circuit Court in the Joseph building. There is a limitation through this condition that would not allow the county to utilize the space, even for storage. Because of the concern expressed by the commissioners individually, he felt it appropriate to discuss whether or not the commissioners wanted to pursue an appeal of this administrative decision. The appeal would go to the city council, because the city does not currently have a quorum of their Planning Commission. He has talked with Mike Boquist, City Planner, about when that appeal would occur. Mike indicated the earliest it could be scheduled would be January 14, 2015. Hanley put together an appeal application, addressed the city's appeal criteria, and a letter of transmittal that states the county is willing to state a 120 day time clock for 34 days, which is the time period between the original date, which is December 10, 2014 that they thought the appeal could be heard, and the new date, which is January 14, 2015. He also asked the city to waive the \$75 appeal fee, pursuant to mutual agreement between the city and the county. The criteria required that the county identify with specifics the decision that is being appealed, which he did in the appeal notice to the city that we are the applicant so we have standing in the application, and grounds are that the county has complied with the city's parking standards and all other site plan requirements. We have created 41 new parking spaces through the ongoing process with the site plan application and argued

that we will end up with less employees as a result of this change than what we have right now, and that we don't believe there will be a greater need for additional parking, even if the county back-fills the space currently occupied by the Circuit Court. Those are the arguments presented to the city. The commissioners need to decide if they want to advance the appeal or not. If so decided, Hanley will hand-deliver it to Mike Boquist today in order to make sure this is on the January 14, 2015 City Council agenda.

Commissioner McClure stated it is appropriate to appeal and that the requirement is a bit onerous. He asked Hanley if filing the appeal will jeopardize the ability to build the court house. Hanley stated that no, it would not, because the site plan is a process for determining *how* you are going to site the Circuit Court but not *whether* you will site the Circuit Court. The Circuit Court building is an out-right use in the public facility zone that the city has this property identified for. What the county is doing here is asking the city to reconsider a requirement that they have placed on our campus, not on that building. If the city denies the appeal, then the city administrator's decision will stand. Commissioner McClure said that was important to him and he wanted to make sure we had that understanding. **Commissioner Rosholt moved to approve the Appeal of #2 of the Conditions of Approval sent out by the City of La Grande. Commissioner McClure seconded. Motion carried unanimously.**

Irene Gilbert, 2310 Adams Avenue, La Grande, Oregon. She stated that she wanted to remind the commissioners that this is a fiscally conservative community, and the base for the county commissioners is fiscally conservative. Having this council continue to throw money in terms of staff time towards things like appealing this study is not going to hold well with their base. There have been other opportunities available to consider different options which she stated the commissioners have failed to do. She also said she would just remind the commissioners that continuing down this path, when there are other options available that do not include things like appeals is probably not a good long-term decision. She said that she recently overheard a strong republican community member say that at the next election if they want further changes in our elected representatives, that all the opposition would have to do is put a candidate on the ballot and use the magic words of Shelter from the Storm. She encouraged the commissioners to go back and consider options.

Commissioner McClure stated that we received \$2,000,000 from the State of Oregon. You don't get \$2,000,000 from the State without strings, and the strings are that the courts and the judges get to pick where the court house goes and what it is. So when she is threatening the commissioners, she is threatening the wrong people. For the community to get the \$2,000,000, we have to work with our judges and judiciary here in the community to get their approval. He also said that for her to come in and threaten him, he doesn't have control. Russ West is the chief judge in this community, and he will work with the State Court facility people to make that decision. We have to get their approval, and we are

very close to getting it. She's welcome to say whatever she wants to say, and we will go forward from there, but she needs to understand what this process was about. This has been explained many times to people and the newspaper and it is a decision that has been made. He never intended to tear down the Shelter from the Storm. Russ West testified that he showed the two-story building just to get the money and that he would then build what he wants. This was under sworn testimony, and he said he would rather stay where he's at than move into another two-story building. He told Irene that she can beat on the commissioners as long as she wants to, but those are the facts that we have to live with. Either we do it in compliance with what the state's going to allow, or we can't do it.

Irene stated she will go back and look at the standards, because she does not believe that the standards said that the judges got to decide. Commissioner McClure said that we have a contract with the state and she is welcome to read it. It's not the judges, it's the department, but the department will follow the lead of the judges. Irene stated that the judges are not mentioned in the contract, which Commissioner McClure stated that the department is, but they're not going to do anything unless the judges approve it. Irene stated that is a local decision, which Commissioner McClure stated it is not, it is the judges that make the decision.

Meeting adjourned.

Respectfully submitted,

Annette Powers
Department Specialist