

Board of Commissioners Meeting  
May 15, 2013

Present: Commissioner Mark D. Davidson  
Commissioner Steve McClure  
Commissioner William D. Rosholt

Chairman Davidson opened the meeting with all three Commissioners present.

Public Comments

Building Department Budget

David Kloss, Building Official, came to the Commissioners to provide them with an update on the Building Division activity. He stated that the inspection levels have declined. The average wait time for the plan reviews is up but they are still within the acceptable parameters under the current operating plan which states that there are 10 days to have the review completed.

Commissioner Davidson stated that the cash on hand has been spent down by a couple hundred thousand dollars in the last three budget cycles and there has been a corresponding drop in permit revenues across those years. He asked David if he has made staff reductions in an effort to slow the reduction of funds. David explained that there were a few individuals that were used on a part-time basis that they are no longer using. Through an IGA they also had services of an inspector that would come from Baker City. Last year, the service went from 4 days a week to 2 days a week. He discontinued that service this year all together. The resources that they have been using are being reduced and not Building Department staff.

Commissioner Davidson stated that the ending fund balance is down \$361,000 from 2011 to the proposed levels for 2014. David stated that is accurate. The ending fund balance of approximately \$277,000 with the contingency and there is approximately \$50,000 in the motor pool fund that is set aside for new vehicles when that time arrives.

Commissioner McClure asked what the estimated amount is reflecting on the budget. David explained that they are what the department is estimating the numbers will be at the end of the budget year. He feels that the revenues will be a little higher than expected this year but until June 30 they do not know what the revenues will be.

David explained that there is a 30% increase in the fees from the 2013 budget. Commissioner McClure asked if they have adopted the fee increases. David explained that they have not yet been adopted. David explained that the State has to be notified at least 45 days in advance of any fee increase. They also have to advise the State as to when the public hearing will be held on that process. The public hearing is scheduled for July 17<sup>th</sup> to go before the City Council. He explained that any fee increase can be appealed within 60 days after its adoption.

Commissioner McClure stated that the County and City have a contractual relationship and any time the City has increased the fees the County has to increase them as well. He asked if it is not being done that way this time. David explained that he was not aware of that process. Commissioner Davidson explained that the County will not recognize the fee increase unless the County approves it. David apologized and explained that he didn't realize that the fee increase had to go through the County as well as the City Council.

#### Planning Commission Bylaws

Resolution 2013-05, In the Matter of Adopting Planning Commission Bylaws, was presented for consideration. Hanley Jenkins II, Planning Director, explained that this is a continuation of a discussion on the Planning Commission Bylaws from a previous meeting. The Commissioners asked about the appeal process and who may appeal a decision of the Planning Commission. He explained that there are three parties that are identified in the Bylaws that can appeal a decision; the applicant, the people entitled to personal notice, and other persons that demonstrate to the Commission that the proposed action affects a substantial right of those persons. The Commissioners asked who the last group of people are defined. Hanley went back and looked to see if that was included in a County Ordinance or if it was in the Administrative rules that could not be changed. He explained that the County Ordinance is similar to the Administrative rule in the definition of person. He explained that the court decisions have said that if a local jurisdiction does not have a clear definition of who has standing than generally when you are defining who is affected it is anyone who participates in the process. So if someone provides written or oral testimony on a land use decision and by participating you are affected by what the courts are saying. If you participate in the process you are affected and have a right to appeal a decision.

Commissioner McClure asked if that would still be the case if the testimony that is received has nothing to do with what is in front of the Commission. Hanley explained that there is an opportunity in the process to challenge the criteria by which an application is being reviewed.

Commissioner Davidson feels that it still implies that the Commission can determine whether a party or person, that wants to be party to the proceeding, substantial rights are affected by the project. Even if the implementation of it now is not restrictive it implies that it could be restricted by the Commission determining that they don't think they are affected. Hanley will change the wording to read, "other persons who have participated in the application process" and leave it at that. The Commissioners agreed that the new wording would take the subjectivity out of the statement.

**Commissioner McClure moved approval of Resolution 2013-05 as amended.  
Commissioner Rosholt seconded. Motion carried unanimously.**

Ellis Road Bridge Bid Award

Doug Wright, Public Works Director, brought the Ellis Bridge Bid Award to the Commissioners for consideration. Doug explained that he is coming to the Commissioners to ask them to award the bid for the North Powder River Ellis Road Bridge. This project is being funded by the remainder of the OTIA III funding from the Oregon Department of Transportation. Anderson, Perry and Associates are the consulting engineers on the project. The Public Works Department went out to bid on May 1, 2013 and the apparent low bidder is D.L. Edmondson Inc. in the amount of \$368,292.50. **Commissioner McClure moved to award the Ellis Bridge project to D.L Edmondson Inc. as presented contingent on no protests received. Commissioner Rosholt seconded. Motion carried unanimously.**

Consent Agenda

**The May 2 and May 6 claims journals; and the May 8 Public Works claims journals; and the February 20 Board of Commissioners Meeting Minutes were approved as presented on the consent agenda.**

STF/STO Grant Recommendations

Shelley Burgess, Administrative Officer, presented the STF/STO Grant Recommendations for the Commissioners consideration. She explained that the STF advisory committee met and reviewed the two applications that were received for the STF and STO funding through Oregon Department of Transportation Public Transit Division. The Advisory Committee is recommending to fund Center for Human Development \$5,000 for each of the upcoming two fiscal years and Community Connections \$35,188 for the FY13-14 and \$38,512 for FY14-15 for the STF grant funds. The STO Grant Funds are recommended to fund Center for Human Development \$5,000 for each fiscal year and Community Connections \$10,000 each fiscal year. **Commissioner Rosholt moved approval of the STF Advisory Committee recommendations as presented. Commissioner McClure seconded. Motion carried unanimously.**

Appointment to Union County Fair Association Board of Directors

Court Order 2013-21, In the Matter of Appointment to the Union County Fair Association Board of Directors, was presented for consideration. Shelley explained that there was an application from Katie Thomas from Community Bank who was interested in serving on the Board but lives in Haines, OR. The Commissioners had asked previously if it was allowable for her to serve on the Board since she lives outside of the County boundary. Shelley explained that in the statute it states that one member of the Board may be appointed that is a resident of an adjoining county which makes her eligible. **Commissioner Rosholt moved approval of Court Order 2013-21 as presented. Commissioner McClure seconded. Motion carried unanimously.**

Wolf Depredation Compensation Grant

Shelley Burgess explained that the County had previously submitted an application for funding for preventive methods to reduce livestock and wolf interaction since there were

no documented losses in Union County. The County received notification of an award of \$1200 for that purpose. She received a call from the Director of the program and they increased the award to \$1,575. She asked the Commissioners to accept the grant and give her authorization to sign the documents for the County at the increased amount.

**Commissioner Rosholt moved approval of the Wolf Depredation Compensation Grant at the increased amount and authorized Shelley Burgess, Administrative Officer, to sign the grant as an agent of the County. Commissioner McClure seconded. Motion carried unanimously.**

Vacation of a Portion of Airport Lane – Public Hearing

Court Order 2013-25, In the Matter of Vacating a Portion of Airport Lane, was presented for consideration. Hanley Jenkins, Planning Director, explained that the County was involved in extending a runway at the Airport which resulted in the need to reroute Airport Lane. It was rerouted to the South and the segment of the previous right of way for Airport Lane is proposed for vacation. The County initiated the vacation process on February 21<sup>st</sup>, 2013. The statutory process was followed for the segment of the road vacation. Notice was given to Doug Wright, Public Works Director, requesting his participation in determining whether that segment should be vacated. They received a letter from Doug in support of the vacation request.

Commissioner Davidson opened the public hearing for testimony. The public hearing was closed with no testimony received.

Commissioner McClure explained that this vacation is required by FAA because it is in the safety zone at the Airport and there cannot be a road or a right of way for a road within that zone.

**Commissioner McClure moved approval of Court Order 2013-25 as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

City of La Grande Plan/Text/Map Amendments – Public Hearing

Ordinance 2013-02, In the Matter of Amending the Union County Zoning/Partition/Subdivision Ordinance to include the City of La Grande Ordinances 3208, 3209 and 3210 series 2013, was presented for consideration. Hanley Jenkins explained that there is a joint management agreement between the City of La Grande and Union County for the area that lies between their city limits and the urban growth boundary. In that agreement the County will allow the City to administer their Land Use Regulations inside the urban growth area. In order for the City to administer those rules the County has to adopt the land use regulations for the area and the areas will develop based on City standards rather than County standards so they don't have to develop and then re-develop. Historically, the County has adopted the City land development codes for the urban growth area so that they are administering their regulations and in order to make changes to the City land development codes or regulations that apply inside the urban growth area. Hanley explained that there are several changes for the Commissioners to approve that affect the urban growth area including amendments to

the City's park master plan, amendments to the public facilities plan and the transportation plan as well as the amendments to the urban growth boundary. The County has participated in a process that has resulted in urban growth boundary changes for heavy industrial land and had adopted some changes that are now being amended.

Hanley explained that the changes that are most relevant to what the County participated in is the change to the urban growth boundary where the land will be taken out of the urban growth boundary because it was in a flood plain or a wetland designation as well as adding land west of the Airport that would be available for heavy industrial use. In order to do the urban growth boundary expansion there is a specific process that has to be addressed under Oregon statewide planning goals, administrative rules and statutes.

The relevant goal is goal 14 and it has been an issue of consideration for a number of years. Essentially when you are expanding an urban growth boundary there is a process that has to be followed as well as a consideration of different types of land. The concern was that the County include the most urbanizable lands and the lands that have the least amount of value for resource production as possible inside the urban growth boundaries. There was a hierarchy of lands that are identified in goal 14 that has to be addressed. That hierarchy starts out with lands that have been identified in an urban reserve designation. It is an area that would be beyond the 20 year growth horizon. The City of La Grande has not identified urban reserves. Since La Grande doesn't have any urban reserves identified the next step is to look at lands that are in an exception area which is an area that the County identifies as no longer being available for commercial agriculture or forest production. These lands have to be identified before other lands can be considered. The very last type of land that can be taken in is high value agricultural soil. There are a number of exception areas in the southeast corner of La Grande that have been in industrial zones for some time. The livestock sale yard, eagle truck and the crane operators have all been in a heavy industrial zone in the County. The County went through a built and committed exceptions process to include them in a heavy industrial zone as well as to provide them with sewer and water service. Sewer is considered a urban service and if you are going to provide it outside of an urban growth boundary there has to be an exception. The truck stop is in an interchange commercial zone. In order to get the 200 acres that is north of the post and pole operation and west of the Airport the County had to identify the other exception areas first, take them in to justify taking in the agricultural land. It was not the most desirable thing for those land owners or for the City to take in those existing uses it was necessary as a part of the statewide process in order to include them first before being able to take in the agricultural land that could ultimately be used for heavy industrial use. The City is proposing to add all of those lands into the urban growth boundary. They are proposing in the application to identify the area for the heavy industrial uses to be in the City heavy industrial zone.

There was an analysis done between the City's heavy industrial zone and the County's heavy industrial zone and the uses are very similar. Hanley explained that this is a continuation of a process that the City conducted. The City has adopted the changes by Ordinance. Once the Ordinance is approved by the County they will become part of the County's land use regulations and comprehensive land use plan so that the City can administer the regulations for the County.

Commissioner McClure asked if the overlay zone is in the Ordinance. Mike Boquist, City of La Grande Planner, stated that it is in the Ordinance. He explained that it is an overlay zone that makes reference to the goal 9 chapter of the comprehensive plan.

Commissioner Rosholt asked to help him understand annexation after this process. Hanley explained that annexations have to be contiguous. In order for the City to include within the City limits they have an annexation process both in their Ordinance as well as at the State level for the ability to progressively annex property within the urban growth boundary. It has to be within the urban growth boundary before it can be annexed. There is only one way that the City can annex a property without land owner consent which is if the property is surrounded. Hanley explained that the annexation will be progressive and will require land owner consent. The City can extend services within their urban growth boundary. The rate at which they charge for those services can be different.

Mike Boquist showed the Commissioners a map of the area and explained that any property owner within the urban growth boundary that wants to receive City services the City will be annexed or attempt to annex the property in order to receive those services. If the property cannot be annexed the council would then have the option of providing those services in exchange for signing a consent to annex agreement to commit to a future annexation once the boundary reaches them.

Commissioner Davidson asked Mike if the County wanted to convert the basement in the law enforcement building back to a work release area or minimum section would it be considered a permitted use. Commissioner Davidson believes that if the County was not changing the footprint of the existing building that it would be a permitted use. Mike agreed and added that even if the footprint was changed but the use is the same with the same impact it would still be considered a permitted use.

Commissioner Davidson opened the public hearing for testimony. The hearing was closed with no testimony received.

**Commissioner McClure moved approval of Ordinance 2013-02 as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

The second reading was scheduled for July 10<sup>th</sup> at 10:30 a.m.

FY 2013-14 Transient Tax Allocation Presentations

Judy Hector, CEO of the Union County Chamber of Commerce, explained that the proposal for the Blue Mountain Conference Center is seeking funding of \$10,000. She stated that the Center was rented for 84 events in the last fiscal year and 21 of those events lasted for 2 days or more. The facility is also used locally by caterers for events at the Conference Center and for off-site catering.

Judy explained that the Union County Chamber of Commerce is seeking funding in the amount of \$14,070. Those funds support the "shop locally" campaign and help to promote the local communities. In the past year they did a cooperative project that includes a billboard near Ontario and a website and brochures to direct people through North Powder and take the back roads into the La Grande area. She feels that their role as a partner in the Community is important and strong and helps give businesses a voice in the area.

Commissioner Rosholt asked who represents the County on the Chamber Board.

Commissioner McClure asked why the changes were made in the Board to not include the County. Judy explained that the Board realized that the Bylaws were out of date and needed some revisions. One of the items reviewed was who the ex-officios are on the Board. There was some discussion as to where to draw the line. The Board felt that they should draw the line with no one. The Board voted on it and it was then implemented. Commissioner McClure asked how the City Manager is on the Board. Judy explained that the City Manager ran for the Board and does serve on the Board.

Commissioner Rosholt asked what the City of La Grande's contribution is to the Chamber. Judy explained that it is \$172.50.

Commissioner McClure wonders what the Board is saying about the \$14,000 that the County gives the Chamber. Judy stated that she understands that the Commissioners are displeased with the change in the Board membership and she will take their thoughts to the Board but it was their decision and changing it will also be their decision.

Judy explained that the Tourism Promotion Program is requesting funding in the amount of \$40,000. She explained that they have spent a lot of effort on leveraging the internet and using that in the best way they can. There are still some printed material and she feels that print advertising is still important. They saw an increase in the calendar year in transient logging tax. They are getting the word out and they are seeing more traffic coming through.

Dan Stark, Executive Director of Union County Economic Development Corporation, explained that his proposal to the Commissioners this year is requesting \$32,500 for the operation budget which funds 25 hours of his time and 27 hours of the office staff time. There are some operation increases such as insurance and utilities. He explained that UCEDC has been engaged in business recruitment and retention. They are working on

their marketing efforts for the next fiscal year. He will be going to a woodworking fair and will have marketing material to hand out on the Baum Industrial Park. He currently has six active files open with businesses that have made contact and are at various stages.

Dan explained that UCEDC is also requesting \$23,719 for the supplemental contract which is 10 hours of Dan's time and 8 hours of the office staff time to pick up some of the economic activities of the County.

He explained that he also has a third request of \$7500 for the business recruitment program support. This request will come at a later date but he suspects that the amount will be the \$7500 which was the last requested amount.

Commissioner McClure asked what services are provided through the MOU with the City of La Grande. Dan explained that it provides that they do management and marketing of the business park.

Commissioner Davidson stated that the City of La Grande has one-third of the Board plus holds UCEDC accountable for services through the Memorandum of Understanding but the County appoints one-third of the Board and if the County wants services it costs more money. He asked if that seems equitable. Dan stated that he looks at the operation budget as a third City, a third County and a third UCEDC as part of the collaborative relationship of the three entities that are working together to develop economic development within the County. The MOU is an element of that collaboration. The Board sets the work plan for UCEDC and that is where those hours go toward that work effort. The County has contracted additional time to spend on economic development activities that the County was previously doing that are not being covered by staff at this time.

Shelley Burgess explained that she provided the Commissioners with a summary of the collections of the Hotel/Motel taxes showing when it began being collected to the current year. She also showed the expenditures that have been made through the years. Ten years ago the County began looking at a five year average rather than changing the amount every year on the allocation. It helps the entities that the fund is supporting to be able to plan budget wise. The five year average shows that the fund can support the amount requested with the exception of the increase requested by UCEDC.

Commissioner Davidson asked what her suggestion would be to fund the requests. Shelley explained that she is uncomfortable increasing the funding amount given that last year the collections were down. She suggested that the Commissioners reduce the discretionary grants to \$15,000 and fund the other requests that were received and be within the collection totals.



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**Commissioner McClure moved to reduce the discretionary fund to \$15,000 and accept the funding requests as presented. Commissioner Rosholt seconded. Motion carried unanimously.**

Adjournment

The meeting was adjourned at 11:40 a.m.

Respectfully Submitted,

Ashley Wilhelm  
Sr. Dept. Specialist II