

Board of Commissioners Meeting
July 10, 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

Forest Management Plan Approval

Sean Chambers, Parks Coordinator, brought the Forest Management Plan for MERA to the Commissioners for consideration. He explained that the MERA property was purchased in 2008. The Master Plan was adopted in December of 2010. The Master Plan identifies several management plans that need further development. The Forest Management Plan was selected as the highest priority by the MERA Advisory Committees. Union County requested the services of the Blue Mountain Chapter of the Oregon Society of American Forestry to develop the Forest Management Plan for MERA. The focus of the plan is for the growth and harvest of trees. The County will develop more in depth management plans for grazing, weeds, wildlife, trails, fire management and other items. The Plan was completed in the Summer of 2012. The Plan was then recommended for approval by the MERA Advisory Committees at the June 18, 2013 meetings. He explained that most of MERA has been harvested over the past five years and is in need of continued management. The Plan identifies several activities that will ensure that resource values are preserved and resource goals are met.

Commissioner McClure moved approval of the MERA Forest Management Plan as presented. Commissioner Rosholt seconded. Motion carried unanimously.

Hangar Demolition Bid

Doug Wright, Public works Director, brought bids for the hangar demolition for consideration. He explained that they requested bid quotes to remove tile that contain asbestos material from the white hangar at the Airport. The approximate amount of material that will be removed is 4466 sq. ft. There were five invitations to bid sent out to DEQ qualified contractors. There was one bid received which was from Cascade Insulation in the total of \$10,450. **Commissioner Rosholt moved to accept the bid from Cascade Insulation as recommended. Commissioner McClure seconded. Motion carried unanimously.**

Consent Agenda

The June 20 and 27 claims journals; the June 19 and 26 Public Works claims journals; the May 1 Board of Commissioners Minutes were approved as presented on the consent agenda.

Juvenile Crime Prevention Intergovernmental Agreement

Shelley Burgess, Administrative Officer, brought the Juvenile Crime Prevention Intergovernmental Agreement to the Commissioners for consideration. She explained that this agreement is between Union County and the State of Oregon Youth Authority. It is for the Juvenile Crime Prevention basic services funding. It is a biennial agreement. It funds a portion of the detention that is utilized.

Commissioner Rosholt moved approval of the Juvenile Crime Prevention Intergovernmental Agreement as presented. Commissioner McClure seconded. Motion carried unanimously.

ODOT Agreement – STF/STO Program

Shelley Burgess brought an ODOT Agreement for the STF/STO Program to the Commissioners for consideration. She explained that this agreement is between Union County and ODOT Public Transit Division. It is a biennial agreement for \$113,700. The Commissioners had previously approved the distribution of the funding. **Commissioner Rosholt moved approval of the ODOT Agreement as presented. Commissioner McClure seconded. Motion carried unanimously.**

Appointment to Northeast Area Commission on Transportation

Court Order 2013-29, In the Matter of Appointment to the Northeast Area Commission on Transportation, was presented for consideration. Shelley Burgess explained that this would replace Gary Beiberdorff on the Commission with Doug Wright. **Commissioner McClure moved approval of Court Order 2013-29 as presented. Commission Rosholt seconded. Motion carried unanimously.**

USDA Cooperative Service Agreement (Predator Control)

Shelley Burgess brought a Cooperative Services Agreement between Union County and USDA Wildlife Services to the Commissioners for consideration. She explained that this is the overall framework that will allow for the Predator Control Program. It is a five year cooperative service agreement from July 1, 2013 thru June 30, 2018. It allows the County to participate in a program. Each fiscal year there is a workplan and a budget that is signed. This master agreement has to be in place in order to continue with the program. **Commissioner Rosholt moved approval of the USDA Cooperative Service Agreement as presented. Commissioner McClure seconded. Motion carried unanimously.**

Uncollectable Personal Property Taxes

Court Order 2013-28, In the Matter of Cancellation of Uncollectable Personal Property Taxes, was presented for consideration. Shelley Burgess explained that this comes from the Assessor/Tax Collector office. It is to cancel personal property taxes that have been deemed uncollectable in the amount of \$203.95. **Commissioner Rosholt moved approval of Court Order 2013-28 as presented. Commissioner McClure seconded. Motion carried unanimously.**

Wildhorse Foundation Grant Agreement

Shelley Burgess brought a Wildhorse Foundation Grant Agreement to the Commissioners for consideration. She explained that the Ambulance Advisory Committee had requested that the Emergency Services Department submit an application for training on behalf of the volunteer ambulance services. They were awarded a \$7500 grant. **Commissioner Rosholt moved approval of the Wildhorse Foundation Grant Agreement as presented. Commissioner Davidson seconded. Motion carried.**

Legalizing a Portion of Pierce Road – Cont.

Court Order 2013-24, In the Matter of Legalizing a Portion of Pierce Road, was presented for consideration. Hanley Jenkins, Planning Director, explained that there was an application received to legalize a section of Pierce Road. They typically use the legalization process as a way to fit the road surface to a right of way. They have to identify some deficiency in order to go through the process. There were three deficiencies identified with the description of Pierce Road. There was no width identified, the road wasn't built where it was surveyed, and it is by definition a public road easement. They followed the legalization process and gave notice. There was a public hearing on May 1, 2013. There was evidence and testimony received at that time. There are no improvements on properties in the identified legalization right of way. He explained that Sheri Rayburn met with Anderson and Perry and talked about an issue with Sheri's fence in the right of way. There are no improvements but there is a mechanism in Statute that the County can grant an easement for things such as the fence to the land owner. Hanley explained that if Ms. Rayburn is interested they can create an easement for her fence. It is a new fence and will be there for a while. Since the surveyors and the Public Works Department have identified that there are no intended improvements within 2 to 5 feet there is no reason why they couldn't grant the easement. The legalization process would fit the description of the right of way to the road and has been done on other roads throughout the County.

Commissioner Davidson asked Sheri if an easement would be satisfactory to her to solve the issue of her fence being in the right of way. She agreed.

Carol Barnes asked if the right of way would be pulled away from their well. Mike from Anderson and Perry explained that the well was closer to a barn structure on their property and the right of way was away from that structure.

Commissioner Davidson closed the public hearing.

Hanley explained that he feels there should be a commitment on record to work with Ms. Rayburn to develop an easement for the portion of her fenced area that is in the right of way.

Commissioner Rosholt moved approval of Court Order 2013-24 as presented. Commissioner McClure seconded. Motion carried unanimously.

Commissioner McClure moved approval of an easement for Ms. Rayburn's property as discussed. Commissioner Rosholt seconded. Motion carried unanimously.

City of La Grande Plan/Text Map Amendments – Cont.

Ordinance 2013-02, In the Matter of Amending Union County Zoning/Partition/Subdivision Ordinance to include the City of La Grande Ordinance 3208 series 2013, was presented for consideration. Ordinance 2013-03, In the Matter of Amending the Union County Zoning/Partition/Subdivision Ordinance to Include the City of La Grande Ordinance 3209 series 2013, was presented for consideration. Ordinance 2013-04, In the Matter of Amending the Union County Zoning/Partition/Subdivision Ordinance to Include the City of La Grande Ordinance 3210 series 2013, was presented for consideration. Hanley Jenkins explained that the City of La Grande and the County went through a process to expand the Urban Growth Boundary. There have been some alterations to that because of how flood plains impact development opportunities. They have re-identified additional lands for industrial expansion. The City was at the same time developing some changes to their Parks Master Plan, their Public Facilities Plan and Transportation System Plan. They also wanted to make some adjustments to their Land Development Codes. The City has identified three Ordinances that they processed and have presented to the County. The reason they are presenting them to the County is because there is a joint management agreement with the City of La Grande for their Urban Growth Area. In that Agreement the administrative authority for land use actions has been delegated to the City. The County will adopt their Ordinances so that the area develops under City standards. They initially proposed to adopt this through one Ordinance. At the last meeting there was the first reading of that Ordinance. There was a request to break it out so it is similar to what the City adopted which was three separate Ordinances. That has been done so there would need to be a new first reading of all three Ordinances.

Commissioner McClure wanted some explanation on how the original Ordinance that was presented to the Commissioners has now become three Ordinances. Hanley explained that the original Ordinance was just the three City of La Grande Ordinances combined. They have all the same content. Commissioner Davidson stated that he thinks it is less complicated to have the Ordinances broken out because he has some issues with a few of the items but the issues only pertain to certain items. He has some serious reservations about the location for industrial land and its suitability for large lot heavy industrial land and the types of uses that would be attracted to this area. The industrial site near the airport is in the overlay zone and within the 5000 foot distance that there is an outright

prohibition on any water impoundments. When he thinks about true heavy industrial uses that need large lots there are a large number that not having a water impoundment as an option to process their water and storm water would be a serious deficiency. The plan amendments states that there is an assumption that the new large lot heavy industrial uses and the expansion and exchange area will have average strength process waste water in compliance with the current sewer rate Ordinance and it is not the City's intent for industries with large waste water flows to be located on these lots. Any industries proposed to build on these lots that have high strength waste water or flows that exceed the anticipated flows outlined herein will need to have preapproval from the City and may be required to provide separate pre-treatment prior to discharge into the City system or their own privately owned treatment and disposal reuse system. He is not sure how to accomplish the latter of the choices without impoundments being available to them.

Commissioner McClure asked Charlie Mitchell if there is not enough capacity in the City's sewer system. He asked if that is what this statement is about. Charlie stated that he is not prepared to answer that question. He explained that there is always going to be limitations but he does not know to what degree those limitations are. He feels that they are trying to protect the City from having to make major investments into the system.

Commissioner Davidson explained that in the Plan it talks about storm water having to be managed on site which isn't that unusual but given the impoundment restriction it makes it difficult. It states that the new large lot industrial area should be required to retain and infiltrate evaporate storm water run off for all storm events up to and including the 25 year 24 hour design storm. He has questions on whether the improvements that would be needed to manage that kind of storm water event would clear FAA's approval. There are some things that the County needs to give some further attention to. He asked to split the Ordinance into three to give attention on the two that there are not many questions about but the other issue they can further study and address the questions.

Commissioner McClure explained that he can contact FAA and see if they would allow an impoundment within the overlay zone. He feels that the questions need to be asked of FAA because there are grant assurances that are made. Commissioner Davidson explained that all the large lot industrial land that is occupied have impoundments. The land that is being added needs to have the least amount of restrictions so it can be attractive to as many types of industries as possible. Commissioner McClure explained that the questions need to be asked before the process is continued.

Commissioner McClure explained that the County is told that the biggest advantage the City of La Grande has in attracting businesses is their water

system. He asked if the sewage is a problem. Charlie stated that he doesn't think it is a problem today but he is not prepared to answer questions about their sewer capacity.

Commissioner Davidson explained that he is not sure that it has been given proper consideration that large lot industrial land is the proper use for that area for the community. He wants to make sure it is given the proper consideration before the decision is made.

Commissioner McClure explained that the reason it ended up in that location was because of DLCD and the low value farm land. Hanley explained that in order to expand the Urban Growth Boundary there is a prioritization of lands. In that prioritization of lands the best agricultural lands have to be avoided.

Commissioner McClure asked if this land cannot be used due to FAA restrictions can the priority of lands be looked at again. Hanley explained that in going through and evaluating alternative sites the issues associated with the prioritization of land has to be balanced. Once they are able to go outside of an existing Urban Growth Boundary the City has shown that there is a need and that they cannot meet that need inside the Urban Growth Boundary. Then, the prioritization of sites is done. There are several steps before agricultural lands can be considered. When looking at agricultural lands the poor agricultural lands have to be looked at first. One of the considerations that have to be evaluated is the extension of services and in this case the service would be the Airport. The impact would have to be looked at and if the ability to provide pre-treatment is prohibited because of the five hundred foot prohibition in the Airport Overlay Zone then that is a public facility limitation on that property just like the flood plain was a limitation on the previous property that was included.

Commissioner Davidson asked if the land that was added to the Urban Growth Boundary in 2009 was low value farm land. Hanley explained that it is not low value but it is not high value crop land soils. The land gets a higher ranking if it is irrigated.

Commissioner Rosholt asked Hanley for more details on the height restrictions. Hanley explained that the water impoundment and height restrictions come from the County's Airport Overlay Zone. The County is required by FAA to adopt an overlay zone. It goes beyond the airport. There is a 7 to 1 ratio for height limitations to avoid any impediments into the air space for the aviation traffic. The concern lessens the further from a runway it is. The overlay zone requires that any changes within the overlay zone require notice to the FAA and State Aeronautics. Commissioner McClure asked if notice was given for this process. Hanley explained that he did and he didn't receive a response so it is assumed that they have no issues.

Commissioner McClure asked in order to maintain the 5,000 feet overlay zone is it going to make the use of that property so restrictive that it doesn't make sense to do large lot industrial on it. Hanley explained that a question could be to the FAA on what their prohibition means and what they would allow in terms of storm water retention. Another question would be to find out what kind of heavy industrial businesses would be prohibited from being sited in there if there could not be an open water impoundment. Commissioner Davidson stated that he agrees with Hanley but he feels that the cost effectiveness for the business needs to be considered as well and whether it limits the competitiveness to site businesses in this community.

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

Commissioner Rosholt moved approval of Ordinance 2013-02 as presented. Commissioner McClure seconded. Motion carried unanimously. Commissioner Rosholt moved approval of Ordinance 2013-03 as presented. Commissioner McClure seconded. Motion carried. Roll Call: Commissioner Rosholt: yes, Commissioner McClure: yes, and Commissioner Davidson: no. Commissioner Rosholt moved approval of Ordinance 2013-04 as presented. Commissioner McClure seconded. Motion carried unanimously.

The next hearing will be held on August 7th at 10 a.m.

Adjournment

The meeting was adjourned at 11:13 a.m.

Respectfully Submitted,

Ashley Wilhelm
Sr. Dept. Specialist II