

Union County Board of Commissioners Meeting  
November 29, 2017

Present: Commissioner Steve McClure  
Commissioner Jack Howard  
Commissioner Donna Beverage

Commissioner McClure opened the meeting at 9:00 a.m. and the pledge of allegiance was given with all three commissioners present.

**Public Comments**

**Economic Development Public Comment**

Robert Strobe, City of La Grande City Manager, requested to schedule a joint work session with the Commissioners to discuss economic development. He stated that efforts must have a unified regional approach, support the entire county and use limited resources wisely. One partnership idea includes The City of La Grande/Urban Renewal Agency (URA) assuming the role as the lead economic development entity for Union County through an Intergovernmental Agreement. The URA would use funds from the County and the City that had been budgeted for Union County Economic Development Corporation (UCEDC). The City would hire an additional staff person to work under the City's Economic Development Director. An updated county-wide economic development plan would be created in conjunction with County Commissioners and elected officials from cities in Union County. The City funds economic development with Urban Renewal funds, which limits the City's efforts due to restrictions that those funds must be spent inside the Urban Renewal District footprint. Assuming the County were to provide funding, those dollars could free up time and resources in other areas. Work session discussions could also include the potential of establishing a port district.

Commissioner McClure stated that it is fundamental to include mayors from all the cities at the joint work session. Commissioner Beverage concurred.

Mr. Strobe stated that bringing in money from outside of La Grande would be an advantage and change the approach to economic development. It could provide paid, trained, professional staff that are well-resourced and are not limited to boundaries inside the city limits.

Commissioner Howard agreed that it was a great idea to have a county-wide economic development effort. He felt that it would be most practical to delay scheduling a joint work session between the City of La Grande and the County at this time because it runs the risk of separating the County from other cities and entities that could be helpful. A work session in April or May would provide time for the County to consider a county-wide plan that is not specifically driven by the City's requests. He would like the County to spearhead that effort and include all constituents. He stated that he was concerned about general comments regarding post-UCEDC, but UCEDC remains a valuable partner. He commended Mr. Strobe for bringing his ideas to the Commissioners.

Commissioner Howard stated that there are some discussions about how the URA is working and it may be premature to talk about funding efforts in association with the URA

because of some legal implications about whether or not the City of La Grande is properly constituted to be the URA committee. There is a mixed identity having the La Grande City Council as the URD agency head and that may need to be addressed at some point. Mr. Strobe stated that the URA is an appropriately formed organization and the La Grande City Council has been legally and accurately designated as the agency and they are operating correctly.

Commissioner Beverage concurred with Commissioner Howard in delaying a joint work session so that the County can take its time and include all the communities in the county, Chamber of Commerce, Small Business Administration, Northeast Oregon Economic Development District and other entities that are already working on economic development. The County should not rush into it and it may take a year. She likes the idea of working together towards a common goal.

Commissioner Howard claimed point of personal privilege and stated he and Commissioner Beverage were not in complete agreement. He stated that one year would be too long; having a target date before budget time without a list of guaranteed participants made sense.

Commissioner McClure stated that all the issues need to be put on the table and if the URD is a concern then it needs to be addressed. There have been questions about how the City manages the District and if everyone is adequately notified. It is uncertain if the investment is working when it improves street beautification but not the county as a whole. Economic development is a challenge on this side of the mountain when other counties have all the electricity they need to attract businesses. He was in favor of holding the work session in February or March 2018.

Mr. Strobe stated that there had been significant returns on URD investments, evident through a comparison of property values within the district, increased business activity, job creation and retention since the inception of the grant program.

Commissioner McClure stated that to improve economic development, more money needs to be brought in from outside the community. It is about more than just property values and should address other serious issues such as poverty and electricity limitations. The conversation needs to continue and include anyone that wants to be involved.

Mr. Strobe would like the work session to take place in time for all the entities to consider during their budget process. If the smaller communities contribute, then it would encourage ownership and reduce fragmentation.

#### B2H Public Comment

Irene Gilbert, 2310 Adams Avenue, La Grande, shared concerns about the B2H transmission line. She stated that B2H would affect local resources with no benefits and they have not addressed the issue of need. OTEC is serving the area quite well and there is no problem keeping the lights on. Oregon creates more energy than it uses. If B2H is sited here, it will create an energy corridor that will make it easier for other utilities to site here. It would have an effect on forest land and property values. The information that Idaho Power is sending out is questionable and they are approaching forest owners with unfair land

contracts for less money than the owners are entitled to. She encouraged the County to step to the land owners' defense in having a resolution stating that it will provide information and support to the citizens. She would also like the County to notify citizens that it is not in their best interest to sign contracts right now. When citizens get ready to sign a contract, they need an attorney or the assistance of the County Commissioners.

Commissioner Howard stated that there was notification regarding questions about the County's legal counsel's involvement prospectively in B2H. He stated that it is being looked into and researched. He was not sure that he wanted to pursue it at this time.

Commissioner McClure stated that there may be issues with the County legal counsel representing people on a legal basis and recommended that more investigation be done.

Commissioner Beverage asked that the topic be placed on the next work session agenda.

#### Chamber of Commerce Public Comment

Bob Kavanaugh, Union County Chamber Director, 207 Depot Street, provided an update on to the Commissioners. The Hot Lake property development is moving forward; AquaDyne is actively seeking financing outside of our area and are committed to the project. Jim Whitbeck is facilitating a leadership group of city mayors for networking benefits, not for policy making. Mr. Kavanaugh has been meeting with OTEC, who has assured him that they have enough power to support new businesses. OTEC is very supportive of economic development; they have expressed interest in coming to the table more often and could be helpful at the joint work session.

Commissioner Howard stated all of these discussions will be up in the air until Bonneville Power Administration rate change negotiations are final.

#### **Elected Officials, Department Head & Employee Comments**

##### 2014 Fund Exchange Agreement #29890 Amendment and 2015 Fund Exchange Agreement #30604 Amendment

Doug Wright, Public Works Director, presented for the Commissioners' consideration two amendments for time only.

Mr. Wright stated that he would like to see a change in how fund exchanges are delivered that is more streamlined. The current process results in not receiving the money until the project is completed as well as required amendments, such as those presented today. It makes no sense to come back to the Commission with amendments for time only. This does not allow for him to plan; he has to bank three years' worth of funding.

Commissioner Howard asked if legal counsel had reviewed the amended agreements. Mrs. Burgess stated that they were reviewed by legal counsel.

**Commissioner Howard moved approval of amendments for Fund Exchange Agreement #29890 and Fund Exchange Agreement #30604. Commissioner Beverage seconded.**

Commissioner McClure asked Mr. Wright how he would change the current process. Mr. Wright stated that he would utilize OASIS and its agreements that already include the necessary language.

Commissioner Howard asked Mr. Wright if he would need to go through OASIS. Mr. Wright stated that it would be the appropriate channel to take. Commissioner Howard asked if the County's attorney should be engaged in the process. Mr. Wright stated that once details are available, it could be sent back to legal counsel.

**Roll call on approval of amendments for Fund Exchange Agreement #29890 and Fund Exchange Agreement #30604: Commissioner Beverage, yes. Commissioner Howard, yes. Commissioner McClure, yes. Motion carried unanimously.**

ConnectOregon Grant Agreement #30156

Doug Wright, Public Works Director, stated that he submitted a draft of the Airport Master Plan, but the Federal Aviation Authority (FAA) is slow in having it returned. He added that Jason Richie from FAA has indicated that the Master Plan is in for internal review and should be kicked back out soon. Because of the delay a change order for the ConnectOregon grant was necessary to extend the completion date.

**Commissioner Howard moved approval of ConnectOregon Grant Agreement #30156. Commissioner Beverage seconded. Motion carried unanimously.**

Consent Agenda

**Commissioner Beverage moved approval of the Consent Agenda, which included Claims Journals for November 1, 2, 8, and 9; Commission Meeting Minutes from October 4, 11, 18, and November 1. Commissioner Howard seconded. Motion carried unanimously.**

Administrative Matters

Court Order 2017-47, Transfer of Outstanding Warrants and Checks

Shelley Burgess, Administrative Officer, stated that ORS 98.304 requires the County to transfer any unclaimed funds that are more than two years old to the State Treasurer. This court order includes those unclaimed funds as identified by the County Treasurer.

**Commissioner Howard moved approval of Court Order 2017-47. Commissioner Beverage seconded. Motion carried unanimously.**

Resolution 2017-16, Poverty Call to Action

Shelley Burgess, Administrative Officer, presented this resolution to participate in the Poverty Call to Action through the National Association of Counties Rural Impact County Challenge.

**Commissioner Howard moved for the adoption of Resolution 2017-16 with leave to amend the record for its full introduction at a subsequent time. Commissioner Beverage seconded. Motion carried unanimously.**

Commissioner Howard stated that he is excited about what this may represent in terms of opportunities for people that are traditionally underrepresented.

#### Snow Removal Equipment Authorization

Shelley Burgess, Administrative Officer, stated that she was seeking authorization to spend funds for the purchase of a tractor to address snow removal. Snow removal was a challenge last year due to the type of winter, the additional responsibility of maintaining K Avenue, and the equipment available. The four-wheeler that has been used in the past is not adequate and is not currently functioning. This purchase was not budgeted in the facilities budget and therefore request approval of the tractor purchase from the Vehicle Reserve Fund where there is an appropriation. She stated that she was also seeking authorization to purchase a tractor from the Oregon Cooperative Procurement Program. Dennis Ferguson, Facilities Maintenance Lead, researched options to determine what type of equipment was needed and felt that it was important to have the ability to have more than one speed as well as adequate lift and torque.

**Commissioner Howard made a motion for the expenditure of an amount up to and not exceeding \$26,625.95 from the Vehicle Reserve Fund. Commissioner Beverage seconded. Motion carried unanimously.**

#### **PUBLIC HEARING: Community Development Block Grant (CDBG) Housing Program**

Margaret Davidson, Community Connection Executive Director and Kale Elmer, Community Connection Weatherization and Housing Manager made a presentation about the CDBG Housing Program. Mr. Elmer stated that Community Connection would request \$400,000 from the grant program and they anticipate that it will serve 18 to 24 homes across the counties. Community Connection has operated this program for some time and has had success making loans to low income families for home repairs. 44% of homes in Northeast Oregon were built before 1970, compared to 35% statewide. Community Connections is asking Union County to apply for a grant to continue the program; loans carry no interest and no payments are due until the home is sold. When loans are repaid, the money goes back into the program.

Commissioner McClure stated that he is on the Community Connections Board of Directors; the Commissioners sit as the governing body for this function. Counties take turns applying for the grant and this is Union County's turn.

Commissioner Beverage stated that she used to work at Community Connection. The grant program is a good project and Community Connections does a good job of managing it.

Commissioner Howard asked if performance metrics were available. Ms. Davidson stated that there have been periodic loan defaults and one instance where Community Connection took ownership of a home when a borrower passed away and the heirs had no interest in the property.

Commissioner Howard asked if there were problem areas and areas of greater need. Ms. Davidson stated that the demand exceeds the availability of funds.

Commissioner Howard asked what an ideal budget would be. Ms. Davidson stated that \$5 million would come close to making the program self-supporting and they are half way to that amount.

Commissioner Howard asked if there were any existing partnerships or targeted areas. Mr. Elmer stated that there are some properties that are not eligible for the program, but there are other programs for renters. They have also partnered with USDA Rural Development on some projects. Commissioner Howard noted that there is potential for groups to communicate.

Mr. Elmer stated that the public notice must be read aloud as a requirement of this public hearing. Mrs. Burgess read the public notice in its entirety.

Commissioner McClure opened the public hearing.

#### Public Comment

John Lackey, 701 Penn Avenue, La Grande, asked about program eligibility criteria and if qualified applicants would include apartments. Commissioner McClure stated that the home must be owner occupied; the program is advertised and applications are accepted. Commissioner McClure added that the program is designed to repair houses and defer loan payments until the home is sold. Mrs. Burgess provided Mr. Lackey with documents detailing the program.

Commissioner McClure closed the public hearing.

**Commissioner Howard moved approval of the 2017 Union County Regional Housing Rehabilitation Project application designated as Community Development Block Grant application. Commissioner Beverage seconded. Motion carried unanimously.**

#### **PUBLIC HEARING: Appeal of Planning Commission Decision – Luke Hines of LJH Construction**

Scott Hartell, Planning Director, provided a staff report to the Commissioners which included details about the property tour taken by himself, Public Works Director Doug Wright, Commissioner Beverage, and Commissioner Howard on November 28, 2017.

Commissioner Howard asked if this would be a de novo hearing; Commissioner McClure stated that was correct.

Mr. Hartell stated that the property tour included existing conditions on Landmark Lane. The Baum Industrial Park standards allow for 50 foot curb cuts and three curb cuts were offered to the property owner. The property owner is requesting a bar ditch; this would be a swell area that could be driven over and allow full access to the property.

Commissioner McClure opened the public hearing.

### Public Comment

Luke Hines, 62235 Landmark Lane, La Grande, stated that the site plan for his property was approved by the City of La Grande and Union County before building permits were issued. The site plan included parking in front of the building. Landmark Lane stopped at one point before the building was constructed. The road and ditch were built along his property by the County after his building was constructed, which has resulted in no parking access in front of his building.

Commissioner Beverage asked about the length between the building and the road; Mr. Hines stated that it was 20 feet.

Commissioner McClure asked Mr. Hines if his request was to keep the curb open; Mr. Hines stated that was correct.

Commissioner Howard noted that Mr. Hines referenced his request by stating “to keep this parking” and asked if parking was already present. Mr. Hines stated that it was not currently used as parking because the ditch made parking inaccessible.

Mr. Hines stated that he was requesting a small swell. Mr. Hines stated that HNS is able to drive across most ditch areas on Commerce Lane. Commissioner Beverage stated that those areas were looked at and were intended to catch rain, but Mr. Hines’ property is in the flood zone from the river.

Commissioner Howard stated that no decision was made after the property tour and would only be made after the hearing. Commissioner Beverage concurred. Commissioner McClure stated that it is appropriate to state observations that took place during the property tour.

Commissioner McClure asked if the complaint was that the plan included parking space but it cannot be accessed since the road was installed. Mr. Hines stated that was correct.

Mr. Hines stated that someone told him that buildings that are to the south of Landmark Lane have no drainage ditch. If there were ditches in those locations, it would wipe out access to their buildings and parking. He was told that those buildings were existing before the road was constructed, but his building also existed before the road was constructed. Commissioner Beverage stated that she indicated that those locations were grandfathered in but will have to have 50 foot curb cuts eventually; the only way to change it is through an ordinance.

Mr. Hines stated that he would be fine with 50 foot curb cuts and a gap in the middle of them, but would like to have more than three 50 foot curb cuts. The front of his building is 108 feet long. Commissioner McClure noted that at 108 feet, it would be 8 feet short of having two culverts. Mr. Hines stated that he would like to have five curb cuts if possible.

Commissioner McClure asked Mr. Hines where he would place the other two curb cuts. Mr. Hines showed the Commissioners on a map where he would place the curb cuts.

Commissioner McClure stated that Mr. Hines wanted more access to his property and asked Mr. Hartell if that was allowable in the ordinance. Mr. Hartell stated that there is no

restriction on the number of curb cuts allowed on the property, but the ordinance limits them to 50 feet long. That number of curb cuts would create issues with maintaining the public right of way.

Mr. Hines stated that he was told the maximum number of culverts allowed was three. Mr. Hartell stated that more than three 50 foot curb cuts could be done. Mr. Hines stated that this situation was no one's fault, but communication had been wishy washy from the beginning. He was offered three curb cuts, but did not care for that option. He was not told that there was no maximum number of curb cuts allowed. Mr. Hines stated that he knew that the street was proposed at that location but did not know about the ditch.

#### Public Comment

Kevin Johnson, LJH Construction, 62235 Landmark Lane, La Grande, stated a maximum 50 foot culvert would create a sloughing off on each side and 6 feet would be lost on each side. That would reduce the access point to 38 to 40 feet for a 40/20 truck.

#### Public Comment

Lori Hines, 62235 Landmark Lane, La Grande, stated that a site plan can be approved before the construction of a building and then later put in a ditch; that may have changed their decision in where to locate their building. The situation is no one's fault, but they have spent all this money and now this has happened. She has been told by others that they could not enter that access point with a low boy. Drivers have to drive in the other lane and driveway to enter that space when curb cuts are restricted to 50 feet.

Commissioner McClure asked if this was about a 50 foot culvert or curb cut. Mr. Hartell stated that this was about a 50 foot curb cut and the width of the opening. Commissioner McClure asked if the bulkhead was prohibited and if trucks could turn into that space; he noted that the engineers at Anderson Perry say that you can.

Mr. Hines stated that he came to the hearing under the impression that there was a maximum of three curb cuts allowed, but now there is new information that changes the situation. 50 foot openings would be tight and he is currently swinging wide on other property to approach his property. He would prefer to have the first culvert ten to twenty feet longer, but understands that it would be difficult to clean. Someone told him that the State cleans culverts up to 200 feet long at a time. It would be helpful in an industrial park to pull into the property with more room.

#### Public Comment

Doug Wright, Public Works Director, stated that the County does not want to limit access to the property. Any changes to the plan would need to go back to the engineer to determine if the culvert size is correct for adequate flow of water. The County cannot clean culverts in the same fashion as the State due to a lack of equipment that the State uses in the process. If the property owner agreed to maintain that, it could raise questions later if the property is sold and could set precedence for all property owners in the Baum Industrial Park. Installing curb cuts larger than 50 feet would make maintenance difficult; at least 20 feet in between curb cuts would be needed and it would create a slope. He stated that the County wants to provide Hines what they need, but the County needs to be able to service it.

Mr. Hines suggested that one option would be to forgo the culverts and utilize a ditch with a swell that would allow vehicles to access the property. It would still drain water and avoid maintenance problems.

Commissioner McClure stated that creating unlimited access off of a county road is not a good thing because it becomes unclear where the road is; he would rather define specific access to the property. Creating a swell would have to be re-engineered and someone would have to give up some land for that. This is industrial property and the County should try to give access.

Commissioner McClure asked if the plan went through the City or County first. Mr. Hines stated that it is reviewed by the County Planning Department and then the City. Mr. Hartell stated that the City of La Grande had no involvement in this application aside from siting utilities.

Commissioner McClure asked Mr. Hartell if the three access points were talked about during the review. Mr. Hartell stated that the site plan was submitted October 2015 and at that time there was no road construction activity.

Commissioner McClure stated that this is a tough situation because all of the intentions were good, but the County needs to try to correct it to the best of its ability.

Commissioner Howard stated that he was surprised that some of the discussion stepped away from the criteria he was expecting to hear and base his decision on, such as Baum Industrial Park Development Performance and Maintenance Standards Document part 4(6)(c)(2). He had questions about how that criteria may be interpreted and was interpreted by the Planning Commission. He was not sure there was enough information in the document submitted to make him feel comfortable knowing if the criteria were properly addressed by the Planning Commission.

Commissioner McClure stated that the curb cut came up only after the road was built. Commissioner Howard stated that he was looking at how the criteria was applied and anything written would be useful in making a decision. He wondered if there was an issue of estoppel in part because of the plans.

Commissioner McClure stated that the criteria may need to be reviewed if users are saying they can't access their property with their equipment.

Commissioner Beverage asked Mr. Hines if he would support having five 50 foot curb cuts with 20 foot gaps. Mr. Hines stated that he would agree to that from the front of building.

Commissioner Howard stated that the criteria needed to be addressed or it should be referred back to the Planning Director instead of the Commissioners involving themselves in discussions about long term development options. He did not see how that related to the criteria.

Commissioner Beverage asked Mr. Hartell if the option of having five 50 foot curb cuts would fit the criteria. Commissioner Howard stated that he was concerned about Mr. Hartell

answering that question. Mr. Hartell stated that there is no standard on the number of curb cuts and could not regulate it; he added that it may be a problem and need to be addressed in the ordinance.

Commissioner McClure asked Mr. Hartell about the basis of his suggestion to have three cuts. Mr. Hartell stated that it was one for each side of the building along the roads and that the limitation of three cuts was a misunderstanding.

#### Public Comment

Lori Hines stated that the 20 gap in between 50 foot curb cuts should not reduce the driveway entrance.

Commissioner Howard stated that he wanted a specific answer to the estoppel issue in regards to the plans being approved and suggested rescheduling the public hearing for a later date. Commissioner McClure stated that was fine.

Commissioner McClure stated that culverts would need to match anticipated flow. The County does not have a lot of industrial land, but it needs to have reasonable access that controls traffic and accommodates the vehicles' ability to enter the area.

Commissioner McClure stated that the hearing could be taken up again at a later date after sending back to the Mr. Hartell for more information. Mrs. Burgess stated that there have been occasions when the Commission has stopped the decision time clock, but the applicant would have to approve it.

Commissioner McClure stated that the Commission must make a decision within 120 days of the application and asked Mr. Hines if he would be in favor of stopping the clock so that more information could be collected. Mr. Hines stated that he was in favor of stopping the clock.

Commissioner Howard stated that this was a good conclusion.

The hearing was continued to take place at 10:00 a.m. on December 13, 2017.

#### Next Meeting and Location

The next regular Commission meeting is scheduled to take place at the Joseph Annex Building on December 13, 2017 at 9:00 a.m.

#### Adjournment

Commissioner McClure adjourned the meeting at 11:06 a.m.

Respectfully Submitted,

Lorcinda Johnston  
Sr. Dept. Specialist II