

**POLK COUNTY BOARD OF COMMISSIONERS**  
**MINUTES August 6, 2014**

**1. CALL TO ORDER & ATTENDANCE**

At 9:03 a.m., Commissioner Pope declared the meeting of the Polk County Board of Commissioners to be in session. Commissioner Wheeler and Commissioner Ainsworth were present. A CD of the proceedings is on file in the Board of Commissioners' Office.

Staff present:           Greg Hansen, Administrative Officer  
                              Morgan Smith, County Counsel  
                              Sam Thomas, Assistant Planner  
                              Austin McGuigan, Community Development Director

**2. ANNOUNCEMENTS**

Regular meetings of the Board of Commissioners are held on Tuesday and Wednesday each week. The Tuesday meeting is held in the Board of Commissioners' Office Conference Room, 850 Main Street, Dallas, Oregon. The Wednesday meeting is held in the Courthouse Conference Room, 850 Main Street, Dallas, Oregon. Each meeting begins at 9:00 a.m. and is conducted according to a prepared agenda that lists the principal subjects anticipated to be considered. Pursuant to ORS 192.640, the Board may consider and take action on subjects that are not listed on the agenda.

Department Head/staff meetings with the Board of Commissioners are held on Monday, Thursday, and Friday. The meetings are held in the Board of Commissioners' Office Conference Room and are conducted between 9:00 a.m. and 5:00 p.m. The principal subjects anticipated to be considered are on-going, upcoming, and new matters bearing on County operations. Pursuant to ORS 192.640, the Board of Commissioners may consider and take action on subjects not listed within this announcement.

The Polk County Fair will be August 7-10, 2014 at the Polk County Fairgrounds, 520 S. Pacific Hwy. West, Rickreall, OR 97371.

**3. PUBLIC COMMENTS**

Aaron Felton announced that members of the DA's office will be attending the Oregon District Attorney's Summer Conference training in Bend August 13-15. One Deputy District Attorney will be staying in the office to cover court cases.

**4. APPROVAL OF AGENDA**

**MOTION: COMMISSIONER AINSWORTH MOVED, COMMISSIONER WHEELER  
                              SECONDED, TO APPROVE THE AGENDA.**

**MOTION PASSED UNANIMOUSLY.**

**5. APPROVAL OF CONSENT CALENDAR**

**MOTION: COMMISSIONER AINSWORTH MOVED, COMMISSIONER WHEELER  
                              SECONDED, TO APPROVE THE CONSENT CALENDAR.**

**MOTION PASSED UNANIMOUSLY.**

**6. APPROVAL OF MINUTES OF JULY 30, 2014**

**MOTION: COMMISSIONER WHEELER MOVED, COMMISSIONER AINSWORTH  
SECONDED TO APPROVE THE MINUTES OF JULY 30, 2014**

**MOTION PASSED UNANIMOUSLY.**

**7. PUBLIC HEARING - ZONE CHANGE 14-01**

Sam Thomas, Assistant Planner, presented the staff report. This applicants, James and Penny Marr, are requesting a Zoning Map amendment for an approximately 7.5-acre portion of property located at 875 S. Pacific Hwy West, Monmouth, Oregon. The property consists of two separate parcels: Parcel 1 is 15.9 acres zoned Suburban Residential (SR). Parcel 2 is 10.3 acres zoned Light Industrial (IL). Both parcels are designated Urban Reserve on the Polk County Comprehensive Plan map. The application is proposing to change the zoning of 7.5 acres of Parcel 1 from Suburban Residential to Light Industrial, the remaining 8.4-acres of Parcel 1 would remain Suburban Residential. If approved, an approximately 2.0-acre portion of South Pacific Highway West (State Highway 99W) right-of-way would also be rezoned to Light Industrial that is not calculated as part of the subject property.

This property is located in the Urban Growth Boundary (UGB) of the City of Monmouth. The City of Monmouth went through a Comprehensive Plan Amendment Process to re-designate the Comprehensive Plan designation of this property from Residential to Industrial. The County has a Urban Growth Management Agreement with the City of Monmouth, which states that the City is responsible for designating the Comprehensive Plan on properties that are within the UGB. The County has a generic Comprehensive Plan designation called Urban Reserve for these properties. The County is required to apply an appropriate zoning to implement the City's Comprehensive Plan. In this situation, the applicant is requesting Light Industrial, which is the same zoning as the property located to the south of the applicant property, which is also within the UGB.

The purpose of this application is to bring the zone in to conformance with the City of Monmouth's Comprehensive Plan Designation of Industrial and allow the property owners to relocate the existing retail sales portion of their wood products processing and recycling business to the approximately 7.5-acre portion of the property to be rezoned. A public hearing was held with the Hearings Officer on July 8, 2014, and the Hearings Officer issued a recommendation of approval. Based on the findings and the Hearings Officer recommendation, Staff is recommending the Board adopt the proposed amendments.

Chairman Pope opened the public hearing.

Land Use attorney Wallace W. Lien, 3265 Liberty Rd. S, Salem, OR 97302, is representing the applicants James and Penny Marr. Mr. Lien testified on the City of Monmouth process. The City Council adopted an Industrial Comprehensive Land Designation prior to coming before the Board. This land designation was appealed to LUBA. After reviewing the case, LUBA upheld the City's designation.

Mr. Lien explained that this zone change would allow the retail sales of bark to be moved further south, which would eliminate the cross traffic of retail sales clients from the wholesale operation that has heavy large truck traffic that also uses the same area for access, thereby improving the safety of the operation. This zone change would also allow designated parking for equipment at the location where the current retail sales are located. To the east of the proposed zone change, there is 550 feet vacant area that will continue to be zoned Suburban Residential, in addition to a 15-ft burm with vegetation that creates a buffer between the residential and proposed industrial zones.

Eric Olson, 1520 Gwinn St., Monmouth, OR 97361, is the Real Estate Developer of the 88 acres of the Edwards Addition in Monmouth, which borders the Marr property to the east and part of the north. Mr. Olson testified that the development and planning of this subdivision was guided by the surrounding property. This property in question has a reversionary clause built into the Land Use Approval that this property is supposed to be returned to a residential property once the facility stops being used for the bark dust operation.

Mr. Olson does not object to the zone change, but expressed concern with the compatibility issue of having an industrial area next to a residential area. Mr. Olson would like the Board to address these concerns by either imposing conditions of approval and restrictions on future use limiting the property to retail sales, or creating a new land use zone.

For rebuttal, Mr. Lien explained that the City's decision found that the two zone uses are compatible, and LUBA upheld the findings of the City. In addition, the County cannot create a new zone; it is a legislative matter. The Marrs have an annexation agreement with the City that if any time in the future the business operation applies for a building permit to add a structure on the 7.5 acres, the structure would have to be annexed.

Hearing no further testimony, Chairman Pope closed the Public Hearing. Each member of the Board testified that they know the Marrs personally, but none have a financial interest in the outcome of the decision and none have spoken to the Marrs about this application. The Board proceeded to deliberate on the proposed zone change.

**MOTION: COMMISSIONER WHEELER MOVED, COMMISSIONER AINSWORTH SECONDED, TO ADOPT ZONE CHANGE 14-01.**

**MOTION PASSED UNANIMOUSLY.**

#### **8. JAIL INSPECTION FACILITY BIENNIAL REPORT**

Morgan Smith, County Counsel presented the report from the jail inspection that was conducted Wednesday, July 30, 2014.

**MOTION: COMMISSIONER WHEELER MOVED, COMMISSIONER AINSWORTH SECONDED, TO APPROVE THE JAIL INSPECTION REPORT.**

**MOTION PASSED UNANIMOUSLY.**

At 9:40 a.m., County Counsel announced that the meeting was recessed to Executive Session to deliberate with persons designated to carry on labor negotiations pursuant to ORS 192.660(2)(d). Although the public is excluded, no vote may be taken in executive session. Written minutes from the meeting are on file in the Board's office, but are confidential under ORS 192.660.

Commissioner Pope called the meeting back into regular session.

**BY CONSENSUS, THE BOARD DIRECTED STAFF TO PROCEED AS DISCUSSED IN EXECUTIVE SESSION.**

Commissioner Pope adjourned the meeting at 10:45 am.

The following items were approved by Motion under **5. APPROVAL OF CONSENT CALENDAR:**

**(a) HEALTH SERVICES - CONTRACT NO. 14-135**

Approve Contract No. 14-135 with Multnomah Education Service District for Medicaid Administrative Claiming.

- (b) HEALTH SERVICES - CONTRACT NO. 14-136**  
Approve Contract No. 14-136 with Mid Valley Behavioral Care Network for Rental Assistance and Housing Costs for clients.
- (c) HUMAN RESOURCES - CONTRACT NO. 14-137**  
Approve Contract No. 14-137 with NEOGOV to provide applicant on-boarding services.
- (d) BEHAVIORAL HEALTH - CONTRACT NO. 14-138**  
Approve Contract No. 14-138 with Ann Marie Bandfield for after hours crisis on call services.
- (e) BEHAVIORAL HEALTH - CONTRACT NO. 14-139**  
Approve Contract No. 14-139 with Wendy Wan for Psychiatric Services and Consultations.
- (f) SHERIFF'S OFFICE - CONTRACT NO. 14-140**  
Approve Contract No. 14-140 with the Willamette Humane Society for impounded dog housing.

**POLK COUNTY BOARD OF COMMISSIONERS**

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Craig Pope, Chair

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Jennifer Wheeler, Commissioner

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Mike Ainsworth, Commissioner

Minutes: Heather Merrill  
Approved: August 13, 2014