

# AGENDA

## LANE COUNTY BOARD OF COMMISSIONERS



Public Service Building, 125 East 8th Avenue, Eugene, OR 97401

Phone (541) 682-4203

Web site: [www.lanecounty.org](http://www.lanecounty.org)

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### Legend

**PM**-Previous Material

**NBA** - Notice of Board Action

#- Sign-Up Sheets Available at Entrance

The meeting location is wheelchair-accessible. Anyone needing special accommodations (deaf, people with hearing loss, language translation, chemical sensitivity needs, and large print copies of agenda), please make your request at least 48 hours prior to the meeting.

Find out about more Lane County events at [www.lanecounty.org/Calendar](http://www.lanecounty.org/Calendar) [twitter.com/LaneCountyGov](https://twitter.com/LaneCountyGov)

*\*Note: Complete Copy of Agenda Packet Material is available for review in the Commissioners' Office\**

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### **TUESDAY, NOVEMBER 28, 2017 – BOARD OF HEALTH MEETING**

(9:00 a.m.)

(Harris Hall)

#### 1. **ADJUSTMENTS TO THE AGENDA**

#### 2. **#PUBLIC COMMENTS**

(Expected maximum time 10 minutes: Speakers will be taken in the order in which they sign up and will be limited to 3-minutes per public comments. If the number wishing to testify exceeds 10 speakers, then additional speakers may be allowed if the chair determines that time permits or may be taken at a later time.)

#### 3. **COMMISSIONERS' RESPONSE TO PUBLIC COMMENTS AND/OR OTHER ISSUES AND REMONSTRANCE (2 min. limit)**

#### 4. **EMERGENCY BUSINESS**

#### 5. **HEALTH & HUMAN SERVICES**

- A. **REPORT/** Semi-Annual Board of Health Report. (Karen Gaffney, Director and Public Health Administrator; Dr. Patrick Luedtke, Public Health Officer; Jocelyn Warren, Public Health Manager) (estimate 30 minutes) ([view material](#))

**Adjourn**

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### **TUESDAY, NOVEMBER 28, 2017 – REGULAR MEETING**

(Following Board of Health)

(Harris Hall)

#### 1. **ADJUSTMENTS TO THE AGENDA**

#### 2. **#PUBLIC COMMENTS**

(Expected maximum time 10 minutes: Speakers will be taken in the order in which they sign up and will be limited to 3-minutes per public comments. If the number wishing to testify

exceeds 10 speakers, then additional speakers may be allowed if the chair determines that time permits or may be taken at a later time.)

3. **COMMISSIONERS' RESPONSE TO PUBLIC COMMENTS AND/OR OTHER ISSUES AND REMONSTRANCE (2 min. limit)**
4. **EMERGENCY BUSINESS**
5. **EMPLOYEE RECOGNITION**
6. **CONSENT CALENDAR**

(All items listed here are considered to be routine by the Board of Commissioners and will be enacted by one motion in the form listed below. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.)

BEGINNING OF CONSENT CALENDAR \* \* \* \* (estimated 2 minutes)

A. ASSESSMENT & TAXATION

- 1) ORDER 17-11-28-01/ In the Matter of the Lane County Potential Refund Credit Report November 2017. (Mike Cowles, Assessor) ([view material](#))

B. COUNTY ADMINISTRATION

- 1) Approval of minutes: 11/7/17 ([view material](#))
- 2) ORDER 17-11-28-02/ In the Matter of Assigning Lane Council of Governments to Serve as Liaison for Lane County to the United States Census Bureau's Local Update of Census Addresses (LUCA) Program. (Jeff Kincaid, Management Analyst) ([view material](#))

C. COUNTY COUNSEL

- 1) ORDER 17-11-28-03/ In the Matter of Extending the Grant to Travel Lane County for Visitor Marketing and Tourism Promotion Through June 30, 2020. (James Chaney, Assistant County Counsel) ([view material](#))

D. HEALTH & HUMAN SERVICES

- 1) ORDER 17-11-28-04/ In the Matter of Approving the 2013-2017 Community Developmental Disabilities Program Carry-Over Funds Plan, Authorizing Signatures and Delegating Authority for its Submission by H&HS. (Karen Gaffney, Director) ([view material](#))

E. PUBLIC WORKS

- 1) ORDER 17-11-28-05/ In the Matter Accepting Bids Tendered at a Sheriff's Sale on November 3, 2017 for Surplus County Owned Real Property and Authorizing the Board Chair to Execute the Quitclaim Deeds. (Jeff Turk, Property Management Officer). ([view material](#))

#### F. SHERIFF'S OFFICE

- 1) ORDER 17-11-28-06/ In the Matter of Amending Lane Manual Chapter 60 to Revise Department of Public Safety Fees (60.839). (Debby Haller, Fiscal Manager) ([view material](#))
- 2) ORDER 17-11-28-07/ In the Matter of Delegating Contract Signature Authority to the County Administrator for a \$157,000 State Homeland Security Grant Award to the Sheriff's Office for the Purchase of an Incident Response Vehicle. (Captain Chris Doyle) ([view material](#))

END OF CONSENT CALENDAR \* \* \* \*

#### 7. HEALTH & HUMAN SERVICES

- A. ORDER 17-11-28-08/ In the Matter of Establishing a Pilot Program for Overnight Homeless Camping/Parking in the Urban Transition Zone with the Urban Growth Boundary (UGB) in the River Road/Santa Clara Area. (Karen Gaffney, Director; Steve Manela, Human Services Program Manager) (estimate 45 minutes) ([view material](#))

#### 8. COUNTY COUNSEL

- A. Announcements

#### 9. COUNTY ADMINISTRATION

- A. Announcements
- B. ORDER 17-11-28-09/ In the Matter of Approving the 2017-2019 Lane County Grant-in-Aid Budget and Community Corrections Plan, Delegating Authority to the County Administrator to Execute the Intergovernmental Agreement and Contracts, and Delegating Authority to the Staff of Public Safety Coordinating Council to Submit the Community Corrections Plan and Signed IGA to Oregon Department of Corrections. (Paul Solomon, PSSC Chair; Susan Sowards, PSSC Systems Analyst, LCOG Principal Planner) (estimate 20 minutes) ([view material](#))
- C. ORDER 17-11-28-10/ In the Matter of Approving the Contribution of \$200,000 per Year for Six Years for a Total of \$1.2 Million in County Transient Room Tax Funds for the Revision Florence Project. (Christine Moody, Budget and Financial Planning Manager) (estimate 15 minutes) (**11:00 a.m. Time Certain**) ([view material](#))

## **10. COMMISSIONERS' BUSINESS**

- A. Announcements
- B. Agenda Team Requests / Work Session Requests

## **11. EXECUTIVE SESSION as per ORS 192.660** (BCC Conference Room)

### **Recess**

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## **TUESDAY, NOVEMBER 28, 2017– REGULAR MEETING** (1:30 p.m.) (Harris Hall)

## **12. COUNTY ADMINISTRATION**

- A. ORDER 17-11-28-11/ In the Matter of Awarding \$50,000 to Regional Accelerator & Innovation Network (RAIN) To Be Distributed over Two Years. (Sarah Means, Community and Economic Development Manager) (estimate 20 minutes) ([view material](#))

## **13. PUBLIC WORKS**

- A. ORDER 17-11-28-12/ In the Matter of Providing Direction to Staff Whether to Proceed With Processing a Sale of a Tax Foreclosed Property Back to the Former Owner of Record, Map No. 19-01-08-00-03800, 38534 Dexter Rd. (Jeff Turk, Property Management Officer) (estimate 15 minutes) ([view material](#))
- B. ORDER 17-11-28-13/ In the Matter of Electing Whether or Not to Hear an Appeal of a Hearings Official Affirmed Decision Approving a Forest Template Dwelling in the Impacted Forest Lands Zone (F-2); Assessor's Map 17-01-32-30, Tax Lot 900. (File No. 509-PA17-05111/Harwood Farms) (Amber Bell, Associate Planner) (estimate 5 minutes) ([view material](#))
- C. FIRST READING AND SETTING THE SECOND READING / ORDINANCE NO. PA 1358/ In the Matter of Amending the Rural Comprehensive Plan to Redesignate Land from "Agricultural" to "Marginal Land" and Rezone That Land from "Exclusive Farm Use (E-40)" to "Marginal Land (ML/SR) With Site Review", Adopting Supplemental Findings to Address Deficiencies of County Ordinance No. PA1317 as Identified in the Land Use Board of Appeals Remand of the County Decision (Luba No. 2016-019) And Adopting Savings and Severability Clauses (File No. 509-Pa12-05208;Applicant, Iverson) (Second Reading and Public Hearing 12/12/17, estimate 45 minutes) (Deanna Wright, Associate Planner) (estimate 5 minutes) ([view material](#))
- D. FIRST READING AND SETTING THE SECOND READING / ORDINANCE NO. PA 1354/ In the Matter of Amending the Lane County Rural Comprehensive

Plan to Adopt an Updated Lane County Transportation System Plan; and  
Adopting Savings and Severability Clauses; and

**FIRST READING AND SETTING THE SECOND READING / ORDINANCE**

**NO. 17-06/** In the Matter of Amending Lane Code Chapter 15 to Update  
Roadway Performance Standards. (PM & NBA 02/09/16, 06/29/16 and 01/24/17)  
(Second Reading and Public Hearing 12/12/17, estimate 1 hour) (Becky Taylor,  
Senior Transportation Planner) (estimate 10 minutes) ([view material](#))

- E. **FOURTH READING / ORDINANCE 1353/** In the Matter of Amending the Rural  
Comprehensive Plan to Re-Designate a 1.95 Acre Property from ‘Residential’ (R)  
to ‘Industrial’ (I), and to Change the Zoning from ‘Rural Residential’ (RR-5) to  
‘Rural Industrial with Site Review’ (RI/SR), in Accordance with Lane Code  
16.252, Lane Code 16.400, Lane Code 12.050, Lane Code 16.292, Lane Code  
16.257, and OAR 660-004-0018. (Department File 509-PA15-05499; Applicant:  
Walsh) (PM & NBA 8/29/17, 9/12/17, and 10/31/17) (Rafael Sebba, Senior  
Planner) (estimate 10 minutes) ([view material](#))

14. **REVIEW ASSIGNMENTS**

15. **EXECUTIVE SESSION as per ORS 192.660**  
(BCC Conference Room)

16. **OTHER BUSINESS**

**Adjourn**

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**\*NOTE:** Next scheduled Board of Commissioners' Meetings are Tuesday, December 5,  
2017, and/or Wednesday, December 6, 2017.



## AGENDA COVER MEMORANDUM

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AGENDA DATE: November 28, 2017

PRESENTED TO: Board of County Commissioners

DEPARTMENT: County Administration

PRESENTED BY: Steve Mokrohisky, County Administrator  
Christine Moody, Budget & Financial Planning Manager

AGENDA TITLE: IN THE MATTER OF APPROVING THE CONTRIBUTION OF \$200,000 PER YEAR FOR SIX YEARS FOR A TOTAL OF \$1.2 MILLION IN COUNTY TRANSIENT ROOM TAX FUNDS FOR THE REVISION FLORENCE PROJECT

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### I. MOTION

MOVE APPROVAL OF ORDER #17-11-28-\_\_ APPROVING THE CONTRIBUTION OF \$200,000 PER YEAR FOR SIX YEARS FOR A TOTAL OF \$1.2 MILLION IN COUNTY TRANSIENT ROOM TAX FUNDS FOR THE REVISION FLORENCE PROJECT

### II. AGENDA ITEM SUMMARY

The City of Florence has requested financial support from the County in the amount of \$2 million dollars over the next six years to support the ReVision Florence project. The total cost of the project is estimated at \$7.4 million.

### III. BACKGROUND/IMPLICATIONS OF ACTION

#### A. Board Action and Other History

On May 17, 2017, the Board held a worksession at the Florence Events Center on the ReVision Florence project. The project will include highway beautification, streetscape, and safety improvements. It also includes landscaping, public art and pedestrian amenities. Following the end of the project, the Oregon Department of Transportation will pave the Florence section of Highway 101. That paving is not included in the total cost of the project. At the May 17<sup>th</sup> meeting, Florence requested financial support from the County for the project and the Board of Commissioners requested that staff report back on the possible available and allowable funding sources.

On July 6, 2017, County staff met with City of Florence staff to obtain additional details about the project to determine allowable funding sources. County staff requested additional specifics on the project itself in order to make a determination and on August 23, 2017, the City of Florence sent additional details. In October, 2017, County staff participated in a telephone conference with the City of Florence to obtain remaining project details specific to the allowable use of Transient Room Tax funds and on October 20, 2017, the City of Florence sent information which was presented to the Board of Commissioners on November 7, 2017.

The Board's discussion on November 7, 2017, focused on the potential use of Transient Room Tax and Road Fund – specifically the recently signed Transportation Revenue Package passed by the Oregon Legislature. Following the discussion and presentation from the City of Florence, the Board of Commissioners requested this follow-up item with a Board Order recommending a financial commitment from the County for the ReVision Florence project by November 30, 2017.

#### B. Policy Issues

The County does not have a policy on funding requests from cities within its boundaries. If a request comes to the County during the annual budget process, it is considered as part of the entire budget adoption. Requests made outside of the annual process are currently reviewed as received.

#### C. Strategic Plan

Lane County's Strategic Plan priorities include support of Vibrant Community that invest in a strong, diverse and sustainable regional economy and support and protect a vibrant natural environment.

The County is also committed to long-term financial stability through a structurally balanced budget, which is vital to Lane County's ability to enhance critical services to make our community safer, healthier and more vibrant.

#### D. Financial and /or Resource Considerations

Florence has requested \$200,000 in Transient Room Tax receipts per year for 6 years for a total request of \$1,200,000.

Florence has requested an additional \$800,000 from the County's Road Fund resources – specifically the recent Transportation Revenue Package which will provide funding to Oregon's cities and counties.

#### E. Health Implications

As presented by Florence, the ReVision Florence project is intended to improve safety and provide for highway beautification, improved streetscapes and increased walkability.

#### F. Analysis

### ***Transient Room Tax Allowable Usage***

The County imposes a Transient Room Tax pursuant to Lane Code 4.110(1). The Tax is disbursed pursuant to Lane Code 4.175(5) and 4.175(6).

The use of Transient Room tax is governed by ORS 320.350 and an Attorney General Opinion from 2008 that indicated “tourism-related facilities” within the meaning of ORS 320.350(5)-(6) is limited and the fact that roads and other infrastructure are used by tourists as well as locals does not mean they are “tourism-related facilities.”

As indicated at the November 7, 2017 Board meeting, County Counsel believes that up to approximately \$1.8 million of expenses for the ReVision Florence project could be eligible for Transient Room Tax.

### ***Available Transient Room Tax resources***

Lane County imposes a Transient Room Tax rate of 8%. When the tax is collected within the limits of a City, 3% of the 8% tax is paid to that City. Of the remaining 5% tax, 3% is distributed to Travel Lane County (TLC), the Lane County Historical Museum, Special Projects, and Rural Tourism. Funds from the Rural Tourism program are then distributed back to the Cities, including Florence. The final 2% of tax is distributed to the Lane County Events Center, Lane County Parks, and a Tourism Capital Fund to support projects within Lane County. The Tourism Capital Fund previously funded the Florence Events Center, which was paid off in FY 15-16.

The amount of the 5% portion of County Transient Room Tax collected within the City of Florence over the past 4 years, and the distribution by category is as follows:

#### **Florence Transient Room Tax Receipts**

	<b>5% County</b>	<b>=</b>	<b>3% to TLC, Museum, Special Projects, Rural Tourism.</b>	<b>+</b>	<b>2% to Lane Co Events Center, Lane County Parks, Tourism Capital Fund</b>
FY 13-14	\$356,080.00		\$213,648.00		\$142,432.00
FY 14-15	\$401,719.00		\$241,031.40		\$160,687.60
FY 15-16	\$447,307.00		\$268,384.20		\$178,922.80
FY 16-17	\$459,435.52		\$275,661.31		\$183,774.21

The Tourism Capital Fund is the only current source of County Transient Room Taxes that does not provide direct services to the community and therefore those funds are available for distribution by the Board of Commissioners without a service impact.

With expected growth in the Transient Room Tax receipts, there is funding available to allocate \$200,000 annually to the City of Florence for six years, beginning in the current fiscal year, for the Revision Florence project.

If the Board allocates this level of funds, it will limit the ability of the County to support other Tourism related projects that may be requested by other County cities or others.



### ***Road Fund Allowable Usage***

Usage of taxes on motor vehicles and motor vehicle fuel is restricted by Article IX, Section 3a of the Oregon Constitution and is generally limited to:  
“construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads, streets, and roadside rest areas in this state.”

### ***2017 Oregon Transportation Revenue Package***

House Bill (HB) 2017 increased Road Fund revenues for cities and counties across the State beginning in the current fiscal year. The Board of Commissioners held a worksession on the new funding on September 12, 2017 to establish priorities for the funds to be received under HB 2017. Priorities for the funding were determined to be:

- Transportation Safety Action Plan
- Road & Bridge Maintenance Performance Audit recommendations
- Capital Improvement Plan
- Seismic Vulnerability
- Territorial Highway / Delta Highway – Jurisdictional Transfer.

The funding from HB 2017 provides additional funding for County priorities, but does not fully fund the needs associated with the County's transportation system and assets. This limits any amount of funding available to allocate to other local jurisdictions without impacting County priorities.

In addition to the limited funds available, it is not clear where there are elements of the ReVision Florence project eligible for Road Fund usage that are not already being funded by Transient Room Tax or the Oregon Department of Transportation.

#### **IV. RECOMMENDATION**

County staff recommends that \$1.2 million in Transient Room Taxes be committed to the City of Florence for the ReVision Florence Project over the next six years. It is also recommended that details of the elements funded with Transient Room Tax be provided by the City to the County as those expenses occur to ensure compliance with ORS 320.350.

County staff does not recommend funding for the ReVision Florence Project from the Road Fund.

#### **V. TIMING/IMPLEMENTATION**

The City of Florence has requested a funding decision from the County prior to November 30, 2017 in order to meet the timeline of their project.

VI. FOLLOW-UP

County staff will enter into an Intergovernmental Agreement with the City of Florence to provide \$1.2 million to support the ReVision Florence project.

VII. ATTACHMENTS

**BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON**

**ORDER & RESOLUTION      ) IN THE MATTER OF APPROVING THE**  
**NO. 17-11-28-                ) CONTRIBUTION OF \$200,000 PER YEAR FOR**  
**) SIX YEARS FOR A TOTAL OF \$1.2 MILLION IN**  
**) COUNTY TRANSIENT ROOM TAX FUNDS**  
**) FOR THE REVISION FLORENCE PROJECT**

WHEREAS, the City of Florence has requested funding from the County to support its \$7.4 million dollar ReVision Florence project; and

WHEREAS, on May 17, 2017, the Board held a worksession at the Florence Events Center on the ReVision Florence project which includes highway beautification, streetscape, safety improvements and increased walkability and on November 7, 2017, the City of Florence presented a funding request to the Board; and

WHEREAS, County Counsel has indicated that up to \$1.8 million of the ReVision Florence Project complies with the allowable uses for Transient Room Tax in accordance with ORS 320.350 and Lane Code 4.172(6) and 4.175(6); and

WHEREAS, the Board of Commissioners recognize the high value of this project and desire to financially contribute to the project; and

NOW, THEREFORE, the Board of County Commissioners of Lane County ORDERS as follows:

1. Allocates the amount of \$200,000 per year for six years for a total of \$1.2 million in County Transient Room Tax Funds to the City of Florence for the ReVision Florence Project; and
2. Delegates authority to the County Administrator to enter into an Intergovernmental Agreement with the City of Florence.

ADOPTED this 28<sup>th</sup> day of November, 2017

APPROVED AS TO FORM  
Date \_\_\_\_\_

\_\_\_\_\_  
Pat Farr, Chair  
Lane County Board of Commissioners

\_\_\_\_\_  
LANE COUNTY OFFICE OF LEGAL COUNSEL