

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, April 22, 2009
Marion County Courthouse Square

9:00 a.m. Board Session
Senator Hearing Room

PRESENT: Commissioner Patti Milne, Commissioner Janet Carlson and Commissioner Sam Brentano. Also present were John Lattimer as chief administrative officer, Jo Stonecipher as legal counsel and Kim Hulett as recorder.

PRESENTATION

Volunteer Awards Ceremony and Annual Report – Glenis Chapin

Glenis Chapin, volunteer services coordinator, provided a summary PowerPoint presentation of the annual volunteer report. In 2008, 3,849 volunteers assisted with programs. The current active volunteer force is 1,159. The number fluctuates because there are often times people volunteer to help with one-time events. In 2008, volunteers contributed 187,077 hours to the county, which equates to the work of 90 full-time workers and is valued at \$3,346,474, based on the Oregon average.

Mikki Trowbridge, director of the Volunteer and Mentor Center of the Mid-Willamette Valley, provided information about services the volunteer center provides to residents of Marion, Polk and Yamhill Counties.

The commissioners thanked volunteers for their work in Marion County and presented volunteer awards.

PUBLIC COMMENT

David Cross, Salem, Oregon, talked about crime legislation before the Oregon Legislature. The following are related pieces of legislation: House Joint Memorial 19 that urges Congress to reimburse taxpayers for SCAAP funding, state criminal alien assistance plan; House Bill 2592 that directs the Oregon Attorney General to take all necessary steps to pursue reimbursement from the federal government for costs incurred by the state for incarceration of foreign nationals; House Bill 3364 and 3439, Rapid Repat which repatriates criminals after they serve half of their jail time also requiring that they self-deport and House Bill 3440 which deals with the sanctuary statute. House Bill 3440 requires jails to check the status of inmates. He requested the board of commissioners' support for the legislation.

CONSENT

BOARD OF COMMISSIONERS

OLCC APPLICATIONS – Recommend Approval

Santiam Steakhouse, Aumsville
T & C Hiway 99 Market, Woodburn

HEALTH

Approve a contract with Clear Paths, Inc. for \$147,000 to add them to the list of alcohol and drug providers delivering mental health, developmental disability, and addiction services through Marion County's 2007-2009 intergovernmental agreement with the Department of Human Services.

PUBLIC WORKS

Approve an intergovernmental agreement for grant funds in the amount of \$159,720 with the Department of Transportation for the rehabilitation of the Gallon House Bridge.

PUBLIC WORKS – PLANNING

Receive hearings officer's recommendation in vested rights case #M05-17, Laack, Clerk's File #5002.

MOTION: Commissioner Brentano moved approval of the consent calendar. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

ACTION

ASSESSOR

1. Consider approval of the 2009-10 Assessment and Taxation (CAFFA) Grant application for the amount of \$6,196,296. – Richard Kreitzer, Leslie Box

Marion County Assessor Richard Kreitzer said the grant consists of three parts with about \$180,000 worth of legislative appropriations, Oregon Department of Revenue collections of delinquent interest on property taxes distributed to counties based on their expense dedicated to assessment and taxation and recording fees. Marion County receives approximately \$500,000 for delinquent interest and about \$500,000 for recording fees. The numbers are forecasted for next year and may change due to the economy, recording rates, taxes paid, etc. The projected amount for 2008-2009 was approximately \$1.3 million. Due to the economy, it will likely be between \$1 million and \$1.1 million for 2009-10, based on \$6.196 million of expense to run the assessor and tax offices.

Commissioner Milne said the commissioners had questions about this earlier in the week that had been answered by Leslie Box.

Commissioner Carlson said the CAFFA grant is in flux right now. The county is using the best numbers available at this point. The timing of the grant makes this difficult, but the numbers match what the budget committee projects. Mr. Kreitzer said he is concerned that the expenses

can go up, but the revenues may go down. There is a current house bill that may require counties to contribute to cuts at the state level.

Commissioner Milne stated that property and personal property tax assessment values should be as accurate and current as possible with the taxing structure in Oregon. This helps protect the taxpayers and local government.

Commissioner Carlson indicated that it has been mainly industrial and commercial properties that have had fluctuation that has affected revenues. The residential property taxes are based on the value on January 1 of the previous tax year. Citizens pay on the assessed value of the property rather than the real market value and there is a gap between those two values based on a formula. It is structured so people pay less for property taxes rather than pay on the full value of the home. Mr. Kreitzer said the average difference between the assessed value and real market value is 38 percent for residential properties countywide.

MOTION: Commissioner Carlson moved approval of the 2009-10 Assessment and Taxation (CAFFA) Grant application for the amount of \$6,272,557. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

PUBLIC WORKS

2. Consider approval of two intergovernmental agreements with the State of Oregon to receive funds from the American Recovery and Reinvestment Act of 2009 for the following highway infrastructure improvements:

- 1) \$607,190 for overlay of 1.86 miles of county arterials and collectors inside of the SKATS boundary;
- 2) \$1,351,500 for overlay of 9.19 miles of county arterials and collectors outside of the SKATS boundary. – Cindy Schmitt, Karen Odenthal

Cindy Schmitt said that the public works staff has been working to find out what funding opportunities are available through the American Recovery and Reinvestment Act of 2009 for road projects in the county. The reinvestment act is intended for projects that can be built in a short-term time frame and put as many people to work as possible. It limits the number and type of projects eligible for funding under the program. Marion County would receive approximately \$2.5 million for overlay of various roads in the county and replacement of a failing traffic signal in the Salem area. The \$607,190 will be for overlays in the Salem and Keizer urban area and the remainder will be for roads within the county that are outside of the Salem and Keizer urban area and for replacement of the traffic signal. These are federal funds that will be allocated through the Oregon Department of Transportation (ODOT). Advertising will take place in June or July and the work would be completed in summer 2009.

Commissioner Brentano asked if there would be a traffic enhancement project on Auburn Road near the school. Ms. Schmitt said Marion County has been notified of approval to receive an enhancement grant for this section of Auburn Road from Baldwin (near the school) to Lancaster. The funds are not available until approximately 2012. The current agenda item includes a section of Auburn Road east to Cordon Road. It is a separate piece of Auburn Road and the hope is to include overlay of both sections of Auburn Road.

Commissioner Brentano asked about a signal for Winema Place. Ms. Schmitt said that that was included in a list for potential economic development projects, but the county has not heard a final status.

Commissioner Carlson commented this is about 11 miles and is a little less than \$2 million. She asked for an explanation for the cost for overlays. Ms. Schmitt answered the numbers are early estimates because numbers had to be put into the agreements. Paving is expensive work and the price of asphalt is fairly high. There are specific criteria that needed to be followed because of the federal guidelines. It costs more to do the work to federal standards than it does for Marion County standards. Overlay projects are in a 1R category, a federal term for light maintenance types of overlays for roads. This requires a full safety analysis of the road, meaning the entire road needs to be evaluated and may include additional upgrades to meet federal standards. It may include signing, guardrails and ditch slopes. She said the main focus when doing Marion County projects is to take care of the physical surface. The other thing that raises the cost is that these projects will all be run through ODOT, which adds more staff time and ODOT receives a portion of the costs.

Commissioner Carlson asked if the Cordon Road projects are included in this. Karen Odenthal said that is included in this funding, but it is a part that is within the City of Salem and will be done by the city.

MOTION: Commissioner Brentano moved approval of two intergovernmental agreements with the State of Oregon to receive funds from the American Recovery and Reinvestment Act of 2009 for the following highway infrastructure improvements: 1) \$607,190 for overlay of 1.86 miles of county arterials and collectors inside of the SKATS boundary; 2) \$1,351,500 for overlay of 9.19 miles of county arterials and collectors outside of the SKATS boundary. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

PUBLIC WORKS – PLANNING

3. Consider appeal of hearings officer's decision granting conditional use, case #CU08-053, Smith, Clerk's File #5612; suggested hearing date is May 20, 2009. – Joe Fennimore

Joe Fennimore, planning division, stated the item today is an appeal of an application to place a non-farm dwelling on a 28.5-acre parcel in a special agricultural zone, located at 13486 Parrish Gap Road SE, Jefferson. The hearings officer, after holding a public hearing, found the criteria were satisfied and approved the request subject to meeting certain conditions. The applicant appealed the decision, because the condition of approval will not allow a joint access with property to the northwest, located at 13456 Parrish Gap Road.

In order to satisfy one of the criteria, the hearings officer had to find that adequate rural services, including access, are available to the property. The applicant had applied for an access permit with public works. The property was determined not to be suitable for a dwelling and was denied. The applicant then turned to an existing access easement with the property to the north at 13456 Parrish Gap Road and applied for a permit to use the existing property for a joint access. It was determined that the driveway for the property does not meet standards and could not serve as access for the applicant's dwelling.

Public works was able to identify a suitable access location along the frontage of a neighboring property to the southwest at 13516 Parrish Gap Road. Based on this information, the hearings officer concluded that it was possible for the applicant to obtain adequate access and concluded that adequate rural services were available. To ensure that any access to a dwelling would be safe, the hearings officer attached a condition of approval #1 requiring the applicant to obtain necessary permits from public works.

In the letters of appeal, the applicant objects to condition #1 and requests a variance to enter and exit the property for a single-family dwelling. Access to properties is regulated through Marion County Driveway Ordinance #651 and is not part of the Marion County Zoning Ordinances. There is no provision in the driveway ordinance for obtaining a variance.

The board of commissioners can accept the appeal with a suggested hearing date of May 20, 2009, accept the appeal and remand it back to the hearings officer or deny the appeal and uphold the hearings officer's decision.

Commissioner Milne asked if the board of commissioners is taking action that 13456 Parrish Gap Road would be made adequate and asked if it is the original easement. Mr. Fennimore said the applicant has an existing easement for 13456 Parrish Gap Road, but the existing driveway does not meet standards. Because it exists, the current property owner is able to use it, but it does not allow this additional property to use the access.

Commissioner Carlson asked if it would need to be brought up to Marion County standards to be used as an access for the additional property. Mr. Fennimore said there are certain sight distance standards and the driveway does not meet those standards. Commissioner Carlson asked if the driveway could be made to meet standards if modifications were made that the applicant could pay for. Mr. Fennimore said it would be difficult to do because of the topography.

Commissioner Brentano said he would like to have a hearing to see if the applicants have a way to make it acceptable. The hearing could be narrowed to only that issue.

MOTION: Commissioner Carlson moved approval of the appeal of the hearings officer's decision granting conditional use, case #CU08-53, Smith, Clerk's File #5612 and limiting the hearing to the issue of condition number one which is driveway access and schedule a public hearing date for May 20, 2009. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Commissioner Carlson then stated that the amount was wrong on the motion for the CAFFA grant (action item #1). Legal Counsel suggested they rescind the earlier motion and make a new motion.

MOTION: Commissioner Carlson moved to rescind the action taken previously on the 2009-10 Assessment and Taxation (CAFFA) Grant to correct the dollar amount of \$6,272,557. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

MOTION: Commissioner Carlson moved to approve the 2009-10 Assessment and Taxation (CAFFA) Grant application for the amount of \$6,196,296. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

SHERIFF

4. Consider approval of an intergovernmental agreement with the Oregon Department of Corrections 2009-2011 biennium funding for local custody and parole and probation programs. – Undersheriff Jason Myers

Undersheriff Jason Myers reported that this is the intergovernmental agreement with the Oregon Department of Corrections 2009-11 biennium funding for local custody and parole and probation programs. The agreement is for continuation of services.

Commissioner Carlson said there is an opt out clause if the county does not receive enough money. Undersheriff Myers said this is the formal document that Marion County signs at the end of each biennium. The agreement includes language for termination and an opt out clause. Commissioner Carlson indicated that her preference was not to opt out, but expressed concerns associated with budgeting as additional information is received.

MOTION: Commissioner Brentano moved approval of an intergovernmental agreement with the Oregon Department of Corrections 2009-2011 biennium funding for local custody and parole and probation programs. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

**PUBLIC HEARING
9:30 a.m.**

None.

Commissioner Milne adjourned the meeting at 10:45 a.m.

Attachments: Agenda

ABOVE MINUTES APPROVED

CHAIR

COMMISSIONER

COMMISSIONER

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