

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, March 19, 2008
Marion County Courthouse Square

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

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

Commissioner Brentano called the meeting to order.

PUBLIC COMMENT

CONSENT

BUSINESS SERVICES – HUMAN RESOURCES

Approve recommendation to adjust the pay ranges for the Sheriff's Office classifications of evidence officer, facility security aide 1 and 2, support services technician and property specialist.

Approve recommendation to adopt and establish the classifications of employment integration specialist and employment coordinator.

Approve recommendation to adopt and establish the classification of payroll analyst.

FINANCE – CONTRACT REVIEW BOARD

Approve a board order to set a public hearing on April 9, 2008, at 9:30 a.m. to consider a special procurement exemption to the Marion County Public Contracting Rules to allow the use of an alternative competitive process for a public improvement.

HEALTH

Approve the following amendments to the Department of Human Services 2007-09 intergovernmental agreement for the financing of community mental health, developmental disability and addiction services:

Amendment #26 to receive \$222,186 in additional funding.

Amendment #29 to receive \$691,796 in additional funding.

PUBLIC WORKS

Approve renewal of a five-year lease for \$3,000 per year with Blue Sky Farms for the lease of a 46-acre parcel adjacent to the North Marion Disposal Facility.

Approve an order reappointing Susy Riches to the Marion County Solid Waste Management Advisory Council for a four-year term ending February 29, 2012.

PUBLIC WORKS – PLANNING

Receive Planning Commission's recommendation regarding case #SUB 07-12, Elkhorn Golf and Resort, Clerk's File #5577, and schedule a public hearing for April 16, 2008.

Receive hearings officer's decision denying administrative review, case #AR 07-45, Pir, Clerk's File #5578.

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

Commissioner Brentano mentioned that there is considerable interest in the Elkhorn Golf and Resort public hearing. This hearing will be a night meeting on April 16, 2008. The location has not been determined yet, but they will provide this information as soon as they know.

Commissioner Milne said that because of the interest in this topic, they are attempting to find an adequately sized location in the Santiam Canyon area for the Elkhorn hearing.

ACTION

BOARD OF COMMISSIONERS

1. OLCC Applications:

Wooden Nickel Pub & Eatery, Inc.

Commissioner Brentano said Commissioner Carlson had asked to have this item taken off the consent calendar. Commissioner Carlson said the board had discussed this application at their management update meeting, and she felt she could not support this OLCC application.

Commissioner Milne said that she understood that there were some responsibilities of the individual applicant at issue here, and he has taken care of these responsibilities.

Commissioner Brentano said the individual applicant had some arrests for some alcohol related issues. However, this was in the past, and he has done what he was supposed to do to take care of these issues. He said that the board only gives a recommendation and does not make the final determination on these cases. They can approve it, deny it, or do nothing with it (which serves as tacit approval according to the OLCC).

Commissioner Milne said there is a history with this applicant that concerns her, but she also understands that he has owned up to and taken care of his responsibilities. She said this case should be followed very closely. If the application goes through, it would be important to make sure this applicant stays responsible.

Commissioner Carlson said she is a supporter of treatment and of second chances, but she is concerned because these incidents happened in the fairly recent past. Also, when someone goes through substance abuse treatment, they are usually expected to avoid

that substance in the future. This application seems inconsistent with that practice. The board has received an email from the Marion County Sheriff's Office stating that there is no reason to deny the application unless the board chooses to do so. She pointed out that whatever the board does, the final decision would belong to the OLCC. Commissioner Carlson said that if she voted against the application, it would be mostly as a cautionary statement and because she does not feel comfortable with it.

Commissioner Milne suggested that the board send the OLCC a letter stating their concern and requesting that this OLCC license be closely monitored. Legally, the applicant has met his responsibilities, but the board could state that it would be prudent to monitor this case closely. Commissioner Brentano said he would support sending the OLCC this statement along with the county's file on this case so they would be aware of the issues.

Commissioner Carlson said she could support the application with these modifications.

MOTION: Commissioner Milne moved to approve the OLCC application for Wooden Nickel Pub & Eatery, Inc., but with the addition of a letter of concern stating that the commissioners request that the case be closely monitored by the OLCC and that the applicant not get involved in any subsequent issues that could affect the license. They will also attach the file copies of the applicant's record to the letter to the OLCC. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

PUBLIC WORKS

2. Consider approval of an intergovernmental agreement with the Oregon Department of Transportation, City of Stayton and City of Sublimity for the design and construction of Highway 22 at the Sublimity interchange. – Bill Worcester

Bill Worcester and Karen Odenthal of Public Works presented this action item. Mr. Worcester said this project has been several years in the making. The county's part in this would be to allow the state to do construction on county roads that would be involved in the interchange improvements. This is a state highway, so the state is administering the contract and will be bidding it out shortly. The county's role is just to allow the state to work on county roads, so there is no cost to the county.

Karen Odenthal said this is a cooperative improvement agreement, which is very similar to an intergovernmental agreement but not exactly the same thing. It would allow the building of a new bridge, new on-ramps, and new off-ramps, and would also bring the interchange up to four lanes. The agreement spells out who is responsible for what. ODOT would be responsible for all the construction of the project. ODOT would also maintain the signal, lights, striping, signing, and pavement, and pay for and maintain the entire project. This will save the county money because the county currently maintains and pays for many of these items. The state would take care of all power costs. The bid opening on this project is April 3. Construction will probably start around the first of June. There will be a groundbreaking ceremony in mid-June. She said the project would be a two-year process going into a third summer, with the final part being only the landscaping, guardrails and similar final touches. It will definitely affect the flow of traffic between Stayton and Sublimity for a long time. There will be two two-week periods where Cascade Highway will be cut off completely and drivers will have to go around because they will be unable to get through directly. There will be several occasions when people will be unable to get on Highway 22 at that point, with traffic being diverted.

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Public Works is excited to see this project starting, and Ms. Odenthal asked the board to sign this agreement, which has already been signed by the cities of Stayton and Sublimity.

Commissioner Carlson noted that \$27 million dollars is the approximate total cost for improving the interchange.

Commissioner Brentano said he has already had some problems getting around in the area near the construction, but he is looking forward to the improvements. He said that for the next two years, the best alternative for getting between the two communities would be Golf Club Road. He has asked on several occasions to look into having lower speed limits on Golf Club Road, and he suggested this again because of the additional traffic that is likely to be using the road over the next few years. Ms. Odenthal and Mr. Worcester said they would be glad to look into this for him.

MOTION: Commissioner Carlson moved approval of the cooperative improvement agreement with the Oregon Department of Transportation, City of Stayton and City of Sublimity for the design and construction of Highway 22 at the Sublimity interchange. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

PUBLIC WORKS - PLANNING

3. Consider hearings officer's recommendation to grant vested rights determination, case #M05-39, Gildersleeve, Clerk's File #5030. – Sterling Anderson

Sterling Anderson, planning manager, explained this application for vested rights. This is the first of these cases to come before the board as a result of the changing laws under Measure 37 and Measure 49. The request here is for a determination as to whether or not there is a common law vested right to complete and continue the use granted to the applicants in this case under their state and county Measure 37 waivers under ORS 197.352. This claim was initiated by the applicants who own the property based on a partition case (Case P06-23) to partition and construct dwellings on a 13.4 acre parcel on an EFU (Exclusive Farm Use) zoned parcel in the 2300 block of Lorence Road NE, Silverton.

Mr. Anderson said a public hearing was held on this case on January 9, 2008. On March 5, 2008, the hearings officer issued a recommendation to approve the vested rights determination, based on the conclusion from the evidence presented that the applicants had a common law vested right to continue and complete their project.

Mr. Anderson said this is now before the board as a recommendation. If the board agrees with the recommendation, they need only adopt an order, which would have the effect of adopting the hearings officer's finding and granting this vested rights determination. If the board disagrees, they could deny the recommendation or return it to the hearings officer for further consideration. In this case, staff recommends that the board agree with the hearings officer and grant the vested rights determination.

Commissioner Carlson asked if this was a case that planning referred to the hearings officer, or if it came to the board and then someone requested to have a hearings officer hear the case. Mr. Anderson said planning referred the case to the hearings officer.

Commissioner Milne said the hearings officer's report is thorough and outlines how the applicant has met the vested rights standard, so she agrees with the recommendation to grant this application.

MOTION: Commissioner Milne moved to approve the recommendation to grant the vested rights determination in case #M05-39, Gildersleeve, Clerk's File #5030. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

Commissioner Brentano then read the calendar of events.
Commissioner Brentano adjourned the meeting at 9:30 a.m.

**PUBLIC HEARINGS
9:30 A.M.**

None.

Attachments: Agenda

ABOVE MINUTES APPROVED

CHAIR

COMMISSIONER

COMMISSIONER

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