

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, August 14, 2019
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Kevin Cameron, Commissioner Sam Brentano, and Commissioner Colm Willis. Also present were Jan Fritz, chief administrative officer, Jane Vetto as county counsel, and Brenda Koenig as recorder.

Commissioner Cameron called the meeting to order at 9:00 a.m.

PUBLIC COMMENT

None.

CONSENT

(Video Time 00:01:23)

BOARD OF COMMISSIONERS

Approve an order for the revised bylaws for the Marion County Public Safety Coordinating Council.

BUSINESS SERVICES

Approve the recommendation to update the title of classification #437 from Parts Clerk to Parts Specialist; adjust upward pay grades for six classifications; #437, Parts Specialist, #438, Fleet Specialist, #434, Fleet Shop Supervisor, #552, Mental Health Specialist 1, #554, Mental Health Specialist 2, #555, Mental Health Specialist 3; uphold the pay grade for two classifications; #433, Mechanic, #435, Mechanic, Senior.

HEALTH AND HUMAN SERVICES

Approve Amendment #6 to the Provider Services Agreement with the Mid-Valley Behavioral Care Network to add \$6,038,778 for a total of \$43,959,246.75 for mental health provider services.

PUBLIC WORKS

Receive notice of hearings officer's decision denying Conditional Use/Variance (CU/V) Case #19-010/Maddux.

TREASURER'S OFFICE

Approve an order distributing Oregon State Forestry timber revenue as per ORS Chapter 530.

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

ACTION

(Video Time 00:03:13)

BUSINESS SERVICES

1. Consider approval of an order adopting the new Marion County Administrative Policy #307 – Electronic Employee Directory. –Colleen Coons-Chaffins

Summary of presentation:

- The purpose of the policy is to establish rules for the internal electronic employee directory;
- The directory is for informational purposes related to county business to help facilitate communications among county employees, as well as for the efficiency of Marion County residents;
- The policy was vetted through the central services group and the unions;
- The employee directory will help employees identify other employees;
- Employees have the option to opt out of having their picture displayed;
- The directory will have the employee's desk number and office location; and
- The directory is for internal use only.

MOTION: Commissioner Willis moved to approve an order adopting the new Marion County Administrative Policy #307 – Electronic Employee Directory. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:05:50)

HEALTH AND HUMAN SERVICES

2. Consider approval of the Intergovernmental Agreement with the Marion County Sheriff's Office in the amount of \$300,000 to provide mobile crisis services through June 30, 2021. – Cydney Nestor and Ann-Marie Bandfield

Summary of presentation:

- Health and Human Services has been providing mobile crisis services to the Sheriff's Office since 2014; and
- A qualified mental health professional rides with the deputies, which has been very helpful during a mental health crisis call.

Board discussion:

- The commissioners are very grateful for the mobile crisis team's hard work; and

- This contract is for the Marion County Sheriff's Office, but there are two other teams that work within the county with other departments:
 - Salem Police Department; and
 - Woodburn Police Department.

MOTION: Commissioner Brentano moved to approve the Intergovernmental Agreement with the Marion County Sheriff's Office in the amount of \$300,000 to provide mobile crisis services through June 30, 2021. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:08:48)

PUBLIC WORKS

3. Consider approval of an order appointing Kaileigh Westermann-Lewis and Kurt Tackman to the Marion County Solid Waste Management Advisory Council (SWMAC) with terms ending July 22, 2023. – Brian May

Summary of presentation:

- SWMAC was established in February 1989;
- SWMAC is a body that makes recommendations to the board;
- There are eight citizen members and eight industry members that make up the council;
- There are currently two open positions on the council:
 - Community organization position; and
 - Chamber of Commerce position.
- SWMAC meets every fourth Tuesday of the month at 5:30 p.m. at Courthouse Square on the 5th floor;
- The council provides expertise and guidance in the solid waste system;
- Important topics for SWMAC:
 - Changes in recycling;
 - Overhauling the Solid Waste Management Plan:
 - The plan is 10 years old; and
 - The plan needs to be updated to include recent changes to recycling.
 - A facilities assessment is being performed that will involve SWMAC.
- SWMAC conducts key information gathering for Public Works staff to help the solid waste system be successful.

Kaileigh Westermann-Lewis:

- Works for Marion County Environmental Service, Water Quality Division;
- She is one of two environmental specialists in the department, focusing on water quality permits;
- Heard about SWMAC through Mr. May;
- Prior to working at Marion County, she worked at the Port of Portland as a project lead for their waste reduction group:

- Spent time working with businesses and partners at the Portland International Airport, implementing waste reduction programs:
 - Composting;
 - Recycling; and
 - Durables Program.
- Ms. Westermann-Lewis is looking forward to being involved in her community by serving on SWMAC; and
- Ms. Westermann-Lewis has a bachelor's degree in Environmental Science from Willamette University, and has her master's degree from Portland State.

Board discussion:

- The biggest contributors to waste in Marion County is food:
 - Ms. Westermann-Lewis would like to look into programs that reduce food waste:
 - Programs that partner with restaurants where they can donate leftovers to the underserved.
- The average citizen doesn't realize how much work goes into the solid waste system.

MOTION: Commissioner Willis moved to approve an order appointing Kaileigh Westermann-Lewis and Kurt Tackman to the Marion County Solid Waste Management Advisory Council with terms ending July 22, 2023. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:020:40)

4. Consider approval of the Public Improvement Agreement with Dirt and Aggregate Interchange, Inc. in the amount of \$134,722 for 2019 guardrail replacement and upgrades. – Ryan Crowther

Summary of presentation:

- The project will install guardrails at four locations around the county:
 - Sunnyside Road SE, Salem;
 - Three locations on Abiqua Road SE at mile post 4.27, 4.76, and 5.30:
 - Mile post 4.27 is at a small bridge; and
 - The others are at roadside hazards that exist along the corridor.
- The scope of the project is to install guardrails where the guardrails are substandard, or entirely missing in order to improve driver safety;
- Marion County engineers the project and then goes out for a bid;
- The lowest bid was received from Dirt and Aggregate Interchange Inc. at \$134,722; and
- Construction will occur from August through October 2019.

Board discussion:

- Marion County Public Works Engineering collaborates with the Operations Division to look for areas in need of guardrails;
- Public Works is conducting a paving project on Sunnyside Road, which affects the original guardrail, and now needs to be replaced;

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- Abiqua Road was identified as a corridor and it was determined that if Public Works addresses the three locations, the issues would be remediated; and
- Ms. Vetto stated that the contract does not have an official timeframe included and directed the commissioners to add the term into the motion.

MOTION: Commissioner Brentano moved to approve the Public Improvement Agreement with Dirt and Aggregate Interchange, Inc. in the amount of \$134,722 for 2019 guardrail replacement and upgrades with work to be completed from August through October 2019. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:25:37)

5. Consider adoption of an administrative ordinance granting Zone Change/Comprehensive Plan Amendment/Conditional Use (ZC/CP/CU) Case #18-008/Apostolic Christian Faith of Silverton.
– Joe Fennimore

Summary of presentation:

- The proposed ordinance is to change the zone from Acreage Residential (AR) 3 to Public, and change the Comprehensive Plan designation from Rural Residential to Public on a two acre portion of a 7.5 acre parcel:
 - Establish a Conditional Use for a cemetery on the newly rezoned portion of the property, which is located on Peter Road, Aumsville.
- The hearings officer conducted a public hearing on February 13, 2019:
 - Issued a recommendation to the board on June 5, 2019, granting the request subject to certain conditions.
- The board held a public hearing on July 24, 2019, and approved the request subject to conditions:
 - Places a limited use overlay on the property:
 - Would allow a private cemetery as an accessory to an existing church.
 - All other uses in the Public zone would require a conditional use;
 - Requires the applicant to provide evidence that access requirements for the Aumsville Fire District are met; and
 - Necessary permits to be obtained from the Department of Water Resources for the well on the property.
- The notice of adoption was given on August 7, 2019;
- The ordinance is set for formal adoption;
- The board has the following options:
 - Adopt the ordinance as written;
 - Direct staff to prepare a modified ordinance; or
 - Choose not to adopt the ordinance at this time.

MOTION: Commissioner Willis moved to approve the adoption of an administrative ordinance granting Zone Change/Comprehensive Plan Amendment/Conditional Use (ZC/CP/CU) Case #18-008/Apostolic Christian Faith of Silverton. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:28:05)

SHERIFF'S OFFICE

6. Consider approval of the Contract for Services with Trinity Services Group, Inc. in the amount of \$7,967,186.30 for food services at the Marion County Jail and Transition Center through June 30, 2024. – Commander Tad Larson and Lieutenant Jacob Ramsey

Summary of presentation:

- The Sheriff's Office is at the end of the contract with their current food service providers;
- Staff submitted a Request for Proposals and Trinity Services Group, Inc. had the lowest bid;
- The contract has options for annual renewals;
- The food service contract is not just for inmate meals:
 - It includes the transition center; and
 - Jail staff.
- This is a new contract.

Board discussion:

- There are only two or three vendors in the area that provide food services for jails;
- Trinity Services Group, Inc. is currently providing excellent service to Douglas and Lane Counties; and
- The contract includes inmate labor:
 - An opportunity for sentenced inmates to earn time off of their sentence and learn trade skills.

MOTION: Commissioner Brentano moved to approve the Contract for Services with Trinity Services Group, Inc. in the amount of \$7,967,186.30 for food services at the Marion County Jail and Transition Center through June 30, 2024. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

PUBLIC HEARINGS

9:30 A.M.

(Video Time 00:32:40)

PUBLIC WORKS

A. Public hearing to consider Zone Change/Comprehensive Plan Amendment/Conditional Use/Partition (ZC/CP/CU/P) Case #18-006/Marion Investment Group, LLC. – Joe Fennimore

Summary of presentation:

- An application was submitted to amend the Comprehensive Plan designation from Industrial to Primary Agriculture, and change the zone from Unincorporated Community Industrial to Exclusive Farm Use (EFU) on 5.35 acres:
 - Partition a 17.03 acre parcel into three parcels of approximately 14 acres, 2 acres, and .71 acres each; and
 - A Conditional Use to expand the Marion Resource and Recovery Facility (MRRF) onto adjacent property.
- The hearings officer held a public hearing on January 30, 2019:
 - Issued a recommendation on July 5, 2019, denying the request based on the existing record.
- The MRRF located at Brooklake Road needs to expand and the only available land is zoned EFU to the south:
 - In order to expand into the EFU zone, the property at the existing facility needs to be rezoned EFU.
- The MRRF is located in the Industrial zone in the Brooks-Hopmere Urban Unincorporated Community Plan:
 - Brooks-Hopmere allows for EFU zoning inside the boundary for the Covanta Waste to Energy Facility, which is considered a utility facility.
- It was not clear to the hearings officer if MRRF qualifies as a utility facility, though it was set up by independent haulers to meet local and state recycling mandates:
 - Provides services to the Covanta Waste to Energy Facility.
- The board will need to determine whether or not the MRRF is a utility facility under the Brooks-Hopmere Urban Unincorporated Community Plan;
- The hearings officer found that with conditions, it is likely the proposal would be consistent with Statewide Planning Goals;
- The hearings officer reviewed the applicable comprehensive plan policies, as well as zone change and conditional use criteria, and identified areas where additional information is needed;
- The hearings officer concluded that not all of the applicable provisions have been fully addressed, but believes that the applicants may furnish additional information, argument, and evidence to prove the applicable criteria will be met;
- The applicant submitted additional information for the board to consider;
- The applicant identified and addressed each of the issues identified by the hearings officer in the recommendation;

- The hearings officer's recommendation includes 16 recommended conditions if the request is approved:
 - Right-of-way dedication;
 - Non-Remonstrance Agreement for participation in future improvements to the Brooklake Road corridor;
 - Survey and plat requirements for dividing the property;
 - Obtaining all required permits;
 - Limiting access to Brooklake Road; and
 - Constructing a 30 foot wide landscape berm to buffer properties to the south and east.
- The board has the option of continuing the public hearing:
 - Close the hearing and leave the record open;
 - Close the hearing and approve, modify, or deny the request; or
 - Remand the matter back to the hearings officer.

Board discussion:

- Commissioner Brentano stated that he was involved in the formation of the Mid-Valley Garbage and Recycling Association, but doesn't believe that will prevent him from hearing the matter; and
- The commissioners would like to schedule a work session to discuss the operations of the plant.

Testimony:

Support:

Kevin Hines, General Manager, Marion Resource Recovery Facility:

- The MRRF is equally owned by all of the local garbage and recycling collectors in Marion County;
- The current facility is located on Brooklake Road;
- A pilot program was started in the early 1990's for the construction and demolition businesses to dump their waste and the MRRF would have the ability to recover some materials, instead of taking the materials to Covanta;
- In April 2000, a 36,000 square foot warehouse facility was built on the current 5.5 acres, with new sorting equipment:
 - Industrial drop boxes would back up into the warehouse and waste would be dumped on the floor;
 - A loader operator would push materials to an excavator and onto an infeed conveyor belt;
 - The excavator would load materials onto the belt and go through a shaker screen; and
 - The leftover materials would go onto another conveyor belt where employees would manually hand sort the materials.
- In 2001, 28,000 tons were handled in the facility;

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- From 2001 to 2018, the haulers incorporated a yard debris program:
 - The route trucks would come to the facility and dump the debris on the ground; and
 - The debris would be loaded onto another trailer and taken to the processing facility in Corvallis.
- A comingle program was established that would take materials to a processing facility;
- These programs cut down on transportation costs;
- In 2018, 170,000 tons were handled at the facility:
 - Includes yard debris;
 - Comingle; and
 - Industrial boxes.
- With the current operations and equipment, the MRRF was able to recover 20 percent of the material;
- The MRRF is able to process 20-25 tons of materials an hour;
- The MRRF runs seven days a week, with double shifts from May through September;
- The MRRF desires to expand onto the 17 acre property to the south:
 - Would like to build a 70,000 square foot facility to handle more equipment and debris:
 - The new equipment would give the ability to recover 40 percent of the materials coming through;
 - Would be able to improve efficiency to 60-65 tons an hour; and
 - This will allow the MRRF to run one shift, five days a week, Monday through Friday.
- When Covanta is at capacity or shut down, they send materials to the MRRF to ship to the landfill, rather than sending individual trucks there;
- The MRRF is the only facility in Marion County that does this type of work;
- North Marion and Salem Keizer Transfer Stations take their materials to the MRRF;
- If the application is approved, the MRRF would like to have the new facility in operation within 18-24 months;
- The MRRF has been working with a consultant on the project for a year and a half:
 - There is a design plan in place;
 - The equipment piece is ready to go; and
 - Once the land use portion is approved, they will go out for Request for Proposals.

Jeff Tross, Tross Consulting, Inc., consultant for the applicant:

- This is an unusual application, because of the various procedures and the complexity of their relationship;
- Was not surprised by the recommendation from the hearings officer;
- Since the hearings officer made clear what was needed to fix the application and provide additional information, the applicant has made every effort to do so, which is provided in the supplemental report;
- Believes that all of the issues have been addressed in the report;

- The unusual complexity of the application is the result of the specific circumstances of the particular use, its location inside the Brooks-Hopmere Urban Unincorporated Community Boundary, as well as various state and county policies that govern land use within and outside the urban community;
- This is a one-of-a-kind proposal that has its basis in county programs and services;
- The application consists of three components:
 - Request for a Comprehensive Plan amendment and zone change for the property that the existing MRRF sits on;
 - Conditional Use Permit; and
 - Partitioning two strips of land that is a part of an EFU property that is outside the boundary, and would allow them to be consolidated with the existing MRRF and expansion area.
- All components are essential to the application and approval for expansion;
- The MRRF is an integral part of Marion County's Solid Waste Management Program;
- The existing location was originally approved by a Conditional Use Permit in 1987:
 - The Brooks-Hopmere Urban Unincorporated Community was not established back then.
- There are provisions in the existing policies and zone code that applies within the unincorporated community for expansion of facilities that existed in 1994 and earlier;
- When the Brooks-Hopmere Urban Unincorporated Community Boundary was put into place and adopted by the county, the waste-to-energy facility was included within the boundary and zoned EFU;
- The proposal to re-designate the MRRF zoning would place it in exactly the same status as the waste-to-energy facility;
- Even though the MRRF is thought differently than the waste-to-energy facility, it is also defined as a solid waste disposal site, per state statute and administrative rule;
- The expansion of the MRRF to adjacent property that is currently zoned EFU is only possible if the existing facility is zoned EFU;
- According to administrative rules that apply to the EFU zone, a new solid waste disposal facility cannot be placed in the EFU zone, but it can be expanded if the facility is already in the EFU zone;
- The applicant is requesting that the property be zoned back to EFU, so it can be expanded onto adjacent EFU land;
- In order for the facility to exist in the EFU zone inside the Brooks-Hopmere Urban Unincorporated Community boundary, it must be deemed to be a utility facility;
- The application began from conversations with county staff a year ago to figure out how to expand the facility:
 - County staff worked hard to come up with the methodology that was in place, but hadn't been used.
- The applicant has examined the impacts for the expansion, according to the criteria that was applied to each of the regulatory components of the application;
- One of the primary requirements is to determine that there will be no significant adverse impact on surrounding farm land, which is a standard requirement;

- There have been no adverse impacts with surrounding lands and farm use since the MRRF was created;
- The Department of Environmental Quality has conducted periodic inspections of the facility with no documented issues; and
- The applicant submitted to the record the facility's operating plan, which describes how they mitigate potential impacts to surrounding land.

Board discussion:

- The community boundary is similar to an urban growth boundary:
 - It identifies an unincorporated area that is highly developed.
- The uses that would be available for the property are those that are allowed in the EFU zone, which is limited;
- The commissioners stated that the file and application was very thorough and educational;
- Ms. Vetto stated that on page 26, under paragraph 36, the hearings officer noted that any minimum size of any new lot shall be 1.25 acres:
 - The strip of land to the right of the existing site is a part of a farm property to the south that is outside the boundary and zoned EFU;
 - The strip of land running from the farm property on Brooklake Road is zoned Unincorporated Community Industrial (IUC) and is inside the Brooks-Hopmere Urban Unincorporated Community Boundary:
 - The hearings officer was concerned about creating a new lot that is less than the minimum lot size;
 - That strip of land is currently a part of the farm property, but zoned differently and it lays inside the Brooks-Hopmere Urban Unincorporated Community Boundary; and
 - It is still part of the same tax lot, but the partitioning proposal includes dividing the strip at the community boundary.
- The applicant would like to change the hours of operation in Condition N to 11:00 p.m.
 - Trucks would not be entering and exiting the facility at this time; and
 - The time change would facilitate sorting of materials at a later hour.
- The commissioners need to state that this is a utility facility in the motion; and
- The commissioners would need to add changing Condition N in the motion.

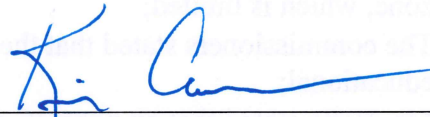
Joe Fennimore:

- The supplemental report satisfies the criteria;
- The community boundary was established in 2000, but it was based on uses happening in the mid 1990's; and
- The purposes of the Brooks-Hopmere Community Plan and the relationship between the two facilities being utilities, it can be placed in the EFU zone.

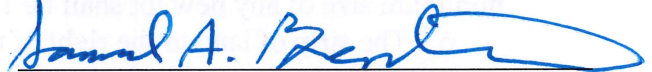
MOTION: Commissioner Willis moved to close the public hearing and approve Zone Change/Comprehensive Plan Amendment/Conditional Use/Partition (ZC/CP/CU/P) Case #18-006/Marion Investment Group, LLC with a declaration that the commissioners find that the Marion Resource Recovery Facility is a utility, and change the hours of operation in Condition N, that the facility shall operate from 4:30 a.m. to 11:00 p.m. except in emergency situations as provided for in MCC 17.120.325 C. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Commissioner Willis read the weekly calendar.

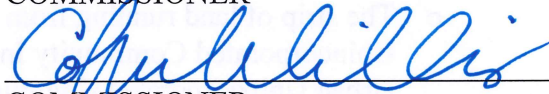
Commissioner Cameron adjourned the meeting at 10:28 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

Board Sessions can be viewed on-line at

<https://www.youtube.com/playlist?list=PLSUQ1gg6M78UsBE3q6w4rdf59Z5rXkEi5>