

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, March 9, 2016
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Sam Brentano, Commissioner Janet Carlson. Also present were John Lattimer as chief administrative officer, Bruce Armstrong as county counsel and Kristy Witherell as recorder.

ABSENT: Commissioner Kevin Cameron

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

PUBLIC COMMENT

(Video Time 00:01:10)

David Beem:

- Advocate for special needs;
- Encouraging all to go to the state fair this summer; and
- Urging people with disabilities to attend.

CONSENT

(Video Time 00:04:52)

HEALTH

Approve an order reappointing Patrick Vance as the Chair of the Health Advisory Board with a term ending January 31, 2020.

LEGAL COUNSEL

Approve an order appointing Harrison Conley and Roy Daniel as Marion County Hearings Officers.

PUBLIC WORKS

Receive hearings officer's decision approving Conditional Use (CU) Case #15-039/Hockett, Clerks file #5710.

Schedule adoption of an administrative ordinance granting Zone Change (ZC) Case #15-003/Smith, Clerk's file #5709, for March 16, 2016.

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

ACTION

(Video Time 00:05:45)

BUSINESS SERVICES

1. Consider approval of an order to adopt the Animals in Marion County Owned or Leased Facilities Policy. – Colleen Coons-Chaffins, Bruce Armstrong

Summary of Presentation:

- Basis for policy to provide guidance and understanding for Marion County employees and clients;
- Policy does not apply to county owned or leased residential facilities;
- Policy further defines animals as service animals and differentiates working animals;
- Unauthorized animals are not permitted in county facilities or work areas;
- The policy lines up Marion County’s approach with the requirements of Americans with Disabilities Act (ADA); and
- More restrictive definition of service animals.

Board Discussion:

- There is no certification requirement for service animals; and
- A former Marion County employee will train and increase awareness around service and comfort animals.

MOTION: Commissioner Carlson moved approval an order to adopt the Animals in Marion County Owned or Leased Facilities Policy. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:13:20)

PUBLIC WORKS

2. Receive and consider appeal of hearings officer’s decision denying Administrative Review (AR) 15-033/Beyel, Clerk’s file #5708. – Joe Fennimore

Summary of Presentation:

Board Discussion:

- Administrative review to replace the previously existing dwelling on the property;
- Planning director approved the application on October 2015;
- Decision was appealed to the hearing’s officer;
- Hearing’s officer conducted a public hearing on December 2, 2015;
- Hearing’s officer issues a decision denying the request;
- Decision was appealed by the applicant on February 24th;

- The zone code contains provisions for replacement of dwellings in the EFU zone, changes in state law supersede the zone code and must be applied directly until the code is updated;
- The hearing's officer stated that there is no evidence of when, how or whether the mobile home was removed from the tax rolls or if the county stopped assessing it for tax purposes;
- In the appeal the applicants proposed an alternative interpretation of the criteria based on a 2015 LUBA case:
 - Additional evidence has come to light that can be introduced if the appeal is accepted.

Board Discussion:

- A neighboring property owners triggered the appeal due to being adversely impacted by traffic if a home was built on the property;
- Mobile homes are taxed differently than stick built home; and
- Mr. Fennimore believes there may be an interpretation in the rules that a home could be built on the property.

MOTION: Commissioner Carlson moved approval to receive and consider appeal of hearings officer's decision denying Administrative Review (AR) 15-033/Beyel, Clerk's file #5708 and schedule a public hearing for April 6, 2016. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:21:25)

3. Consider approval of an Intergovernmental Agreement with the Oregon Department of Transportation in the amount of \$127,677 to initiate Phase 1 of the Federal Ferry Boat Program project. – Steve Preszler

Summary of Presentation:

- Marion county operates two ferries in the area:
 - Buena Vista Ferry; and
 - Wheatland Ferry.
- Ferries are eligible for federal funds;
- In May 2015, approved an Intergovernmental Agreement (IGA) that covered all three phases;
- Oregon Department of Transportation (ODOT) determined because of the federal environmental process, needed to subdivide the projects to order parts separately;
- Reduced IGA to just phase one to order parts for marine welding and installing overhead cables; and
- This will be a relatively quick phase.

Board Discussion:

- The next Coast Guard inspection will coincide with phase one project;
- Will order a flotation device for the ferry for inspection; and
- The equipment will work for both ferries.

MOTION: Commissioner Carlson moved approval of an Intergovernmental Agreement with the Oregon Department of Transportation in the amount of \$127,677 to initiate Phase 1 of the Federal Ferry Boat Program project. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

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

None.

Commissioner Brentano read the calendar.

Commissioner Brentano adjourned the meeting at 9:37 a.m.

Not Present at meeting 

CHAIR



COMMISSIONER



COMMISSIONER

Board Sessions can be viewed on-line at <http://www.youtube.com/watch?v=VYF8Y6U7178>.