

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, August 2, 2017  
9:00 a.m.

Courthouse Square  
555 Court Street NE  
Salem, OR 97305

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

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

**PUBLIC COMMENT**

None.

**PRESENTATION**

*(Video Time 00:01:03)*

Economic Development – GROW EDC 4<sup>th</sup> Quarter Report. – Allison McKenzie

***Summary of presentation:***

- Ms. McKenzie gave a brief summary of the events around the Santiam Canyon during the weekend of the solar eclipse;
- Youth Engagement Program:
  - Pilot project in Mill City:
    - Speakers discussed essential life skills and career paths; and
    - Took kids on seven different field trips based on career paths.
- Aumsville Partners in Education Program:
  - Fiscal sponsor for the United Way Grant;
  - Have 150 kids attending on Monday's for the summer program; and
  - Have 70-80 kids attending on Friday's.

**CONSENT**

*(Video Time 00:17:48)*

BOARD OF COMMISSIONERS

OLCC Application – Recommended Approval

Croft Vineyards, LLC, Salem OR

Ratify an order appointing Chuck Sybrandt as interim Juvenile Department Director effective July 31, 2017.

## BUSINESS SERVICES

Approve a recommendation to uphold pay grade for classification #220, Group Worker 2 and adjust pay grade upward for classifications #019, Legal Assistant Supervisor and #583, Nutrition Educator.

## HEALTH

Approve an order appointing Kathy Schnebly to the Intellectual and Developmental Disabilities Advisory Committee with a term ending June 30, 2021.

### ***Summary of presentation:***

- Educational background is in recreational therapy;
- Worked for the Woodburn School District;
- Spent 20 years working with Easter Seals;
- Worked with individuals from ages 2-89 years old;
- Opportunity to help families in the community;
- Recreation therapist helping kids with developmental disabilities through work and play:
  - Help with daily activities;
  - Recreational; and
  - Social realms.

## PUBLIC WORKS

Receive hearings officer's decision approving Conditional Use (CU) Case #17-014/Gust, Clerk's file #5730.

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

## **ACTION**

*(Video Time 00:24:10)*

## BUSINESS SERVICES

1. Consider approval of a Public Improvement Agreement with Andy Medcalf Construction, Co. in the amount of \$1,102,879.00 for the Juvenile Court Addition project. – Colleen Coons-Chaffins

### ***Summary of presentation:***

Andy Medcalf:

- Primarily does commercial and industrial construction;
- Has 16 employees; and
- Currently involved in a lot school projects.

Colleen Coons-Chaffins:

- Put out a Request for Proposals (RFP) on May 26, 2017;
- Made sure to use local contractors;
- Received five bids;
- Contract includes fixing existing light fixtures and carpet in the older part of the building to match the new building;

- Will start construction at the end of August; and
- Working with Mr. Sybrandt to relocate some employees temporarily due to noise.

***Board discussion:***

- Working with Carlson Veit for the Juvenile Administration Building;
- All courts will be in Juvenile Detention Facility;
- Both office staff will be together; and
- Working with the Sheriff's Office to manage both courts.

**MOTION:** Commissioner Carlson moved for approval of a Public Improvement Agreement with Andy Medcalf Construction, Co. in the amount of \$1,102,879.00 for the Juvenile Court Addition project. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

*(Video Time 00:32:32)*

**PUBLIC WORKS**

2. Receive and consider appeal of hearings officer's decision denying Conditional Use (CU) 17-012/Greenwood, Clerks file #5729. – Joe Fennimore

***Summary of presentation:***

- Conditional Use to change the occupant of temporary hardship dwelling on 55 acre parcel on Exclusive Farm Use (EFU) Zone located on Santiam Loop SE, Aumsville;
- In 2006, the applicants got approval for a temporary mobile home to house a caregiver for Mr. Greenwood;
- In 2010, the applicants were granted approval to convert the hardship mobile home to a secondary farm dwelling to house an employee of the farm and to convert an accessory structure into an apartment to house a caregiver;
- The hardship applications were renewed on a yearly basis until 2016;
- In December 2016, the applicant filed a Conditional Use case 1633 to change the medical hardship from Mr. Greenwood to Mrs. Greenwood;
- The decision was denied by the planning director and due to unusual circumstances, was not appealed;
- On April 5, 2017, the planning director allowed the applicant to re-file the application and send the matter straight to the hearings officer;
- The hearings officer conducted a hearing on May 3, 2017 and left the record open until May 10, 2017:
  - On June 27, 2017, the hearings officer issued a decision denying the request; and
  - The issue was appealed to the board on July 12, 2017.
- In the denial, the hearings officer found the applicant did not satisfy several of the criteria:
  - Failed to provide requisite medical hardship certificate from a medical doctor;
  - Did not demonstrate that the care required a caregiver;
  - Did not identify the specific extent and nature of care needed; and
  - Did not prove that the current caregiver had the ability to provide the care.
- The hearings officer found that the mobile home on the property is not being occupied by an employee of the farm;

- Under Marion County Code 17.110.680, a land use permit cannot be issued if property is in violation of a code;
- In the appeal, the applicant disagrees with the conclusions of the hearings officer:
  - The certificate provided was adequate to meet the criteria;
  - Family members are unable to care for the applicant;
  - The proposed caregiver is qualified to care for the applicant; and
  - The occupant of the mobile home does perform work on the property to offset some of the rent cost.
- In the appeal, the applicant did not provide any additional evidence;
- The board has the options to accept the appeal and remand the matter back to the hearings officer:
  - Accept the appeal and schedule a public hearing:
    - Suggested hearing date is August 23, 2017.
  - Deny the appeal and uphold the hearings officer's decision denying the request.
- Staff recommends that the board deny the appeal and uphold the hearings officer's decision denying the application.

***Board discussion:***


- The decision is based on Oregon Administrative Rule (OAR) and Oregon Revised Statutes (ORS);
- Marion County has interpreted OAR and ORS to come to the conclusion of denial;
- The applicant paid \$100 to change the occupant dwelling:
  - \$500 fee to have a public hearing to the board.
- The applicant has an attorney for this case;
- This application is a poster story for what Commissioner Carlson went to the legislature and explained issues just like this one:
  - The legislature stated that a property like this case can have two separate dwellings based under current law.
- The application is to change the care from Mr. Greenwood to Mrs. Greenwood;
- The caregiver lives in the apartment in the barn;
- If the commissioners determine that the occupant is not an employee of the farm, the applicant is in violation of the conditional use and the mobile home has to be removed;
- If it is determined that the caregiver is not necessary for Mrs. Greenwood, then the apartment would need to be removed;
- Both homes were put on the property under a conditional use; and
- The applicant is trying to legitimately change the conditional use.

**MOTION:** Commissioner Cameron moved for appeal of hearings officer's decision denying Conditional Use (CU) 17-012/Greenwood, Clerks file #5729 and set a public hearing for August 23, 2017. Seconded by Commissioner Carlson; 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 9:50 a.m.

  
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CHAIR

  
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COMMISSIONER

  
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COMMISSIONER

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