

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, December 3, 2014  
9:00 a.m.

Senator Hearing Room  
555 Court Street NE  
Salem, OR 97301

**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 Kim Hulett as recorder.

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

**PUBLIC COMMENT**

None.

**CONSENT**

BOARD OF COMMISSIONERS

Approve an order appointing Administrative Manager Allycia Weathers as a Recording Secretary to the Marion County Board of Commissioners.

Approve an order reappointing Sam Brentano and Mitch Teal to the Mid-Willamette Valley Area Commission on Transportation for a term ending December 31, 2016.

COMMUNITY SERVICES

Approve an order reappointing Pam Zielinski to the Marion County Fair Board for a term ending December 31, 2017.

FINANCE

Approve a quitclaim deed to convey real property located at 1305 George Street, Woodburn.

HEALTH

Approve amendment #4 to the intergovernmental agreement with Yamhill County to add funds of \$23,085.47 and extend the agreement until June 30, 2015, for alternative programs to psychiatric hospitalization.

SHERIFF

Approve amendment #1 to the Contract for Services with Bridgeway Recovery Services to add funds of \$85,361 and extend the contract until June 30, 2015, to provide reentry initiative services.

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

## ACTION

*Video Time (00:03:02)*

### COMMUNITY SERVICES

1. Consider approval of a Memorandum of Understanding for the Marion County Reentry Initiative to reflect current partners and services. – Tamra Goettsch, Commander Jeff Wood

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

- Marion County Reentry Initiative (MCRI) community partners:
  - Reviewed list of MCRI community partners (Attachment A);
  - Committed to providing services/supports to reentry clients; and
  - Work to reduce crime/recidivism.
- MCRI education/mentoring services:
  - Provided to clients transitioning from custody back into community;
  - Effective tools to lower recidivism rate/reduce future crime; and
  - High net return on investment to taxpayers/community.
- Components of MCRI:
  - Reach-Ins:
    - Parole and Probation Division/other agencies mentor and coordinate services to prepare inmates for release/successful reentry; and
    - Has reduced no show rate for clients reporting to Parole and Probation Intake from 30 percent to 3 percent.
  - Student Opportunity for Achieving Results (SOAR) program:
    - Collaborative partnership with Chemeketa Community College;
    - 12-week program for Parole and Probation clients; and
    - SOAR graduation rate increased from 45 percent to 56 percent.
  - DeMuniz Resource Center:
    - Provides assistance with education, employment, parenting supports and other basic needs.
- MCRI Program:
  - Created when private non-profit no longer able to provide reentry services;
  - Restructured in 2009:
    - Diversified model where partners each have role/function.
  - First MOU signed in 2009 when county received Second Chance Act Prisoner Reentry Grant; and
  - County awarded another Second Chance Act Prisoner Reentry Grant/ New MOU.
- Recidivism:
  - Defined as new felony conviction within three years of release from prison; and
  - MCRI Initiative has reduced rate from 37/38 percent to 14 percent.

#### **Board discussion:**

- MOU requirement for future federal grants;
- Parole and Probation Division:
  - Has played vital role in reentry initiative; and
  - Focus, training, commitment to evidence-based practices have made a difference in community and for people they serve.
- Marion County Community Services Department newly involved in reentry initiative;

- MOU reflects commitment of community partners;
- Board thanked staff/Consultant Jan Calvin for work on MOU;
- Commissioner Carlson commended for her work on reentry initiative; and
- Commissioner Cameron thanked for his support/service on Governors' Reentry Council.

**MOTION:** Commissioner Cameron moved approval of a Memorandum of Understanding for the Marion County Reentry Initiative to reflect current partners and services. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

*Video Time (00:18:43)*

### PUBLIC WORKS

2. Consider approval of an order extending the franchise granted to Comcast of Oregon I, Inc. until December 31, 2015, pending renewal negotiations. – Alan Haley, Scott Norris

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

- Requested board extend cable television franchise that has been in place since mid-90s:
- Negotiations:
  - Began early in 2014;
  - Mid-Valley Cable Regulatory Commission (advisory body created by City of Salem/Marion County) kept informed of negotiation efforts;
  - Multiple sessions have been held;
  - Positive progress;
  - Will go to formal negotiation process if informal process fails:
    - Sets specific timeline;
    - Expensive process; and
    - Can only be invoked if franchise is in place.
- Cable television franchise:
  - Granted to Far-West Communications approximately 30 years ago;
  - Franchisee has changed several times. Comcast current franchisee;
  - Board has approved six extensions;
  - Comcast/City of Portland completed negotiations. Comcast now ready to negotiate with Marion County;
  - During extension all existing terms/conditions of franchise will remain in effect; and
  - Mid-Valley Cable Regulatory Commission recommends extension to December 31, 2015.

#### **Board discussion:**

- Franchise:
  - Utility pays jurisdiction a franchise fee for use of public rights-of-way;
  - Comcast is Marion County's largest utility; and
  - Comcast's area is mainly in Salem-Keizer urban growth boundary (UGB).
- Franchise Fees:
  - City of Salem receives approximately two-thirds;
  - Marion County share of franchise fees:

- 40 percent helps fund Capital Community Television (CCTV):
    - Films Board of Commissioners' meetings/other county events; and
  - Balance goes to general fund.
- Marion County also negotiating for CCTV:
  - PEG fee (Public, Education, and Government Access); and
  - High-definition (HD) channels.

**MOTION:** Commissioner Carlson moved approval of an order extending the franchise granted to Comcast of Oregon I, Inc. until December 31, 2015, pending renewal negotiations. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

## PUBLIC HEARING

9:30 A.M.

*Video Time (00:31:46)*

### PUBLIC WORKS

A. Continuation of public hearing to consider hearings officer's recommendation denying zone change/comprehensive plan amendment, case #ZC/CP 14002, Freres Timber, Inc., Clerk's File #5668. – Joe Fennimore

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

- Principal Planner Joe Fennimore presented a summary of the hearings officer's recommendation denying zone change/comprehensive plan amendment, case #ZC/CP 14002, Freres Timber, Inc., Clerk's File #5668 (Attachment B);

#### **Board discussion:**

- Verified board has option to remand application back to hearings officer to modify requested zone change;
- Board previously discussed viability of initial application and other options at October 29, 2014, board session:
  - Options must comply with Oregon land use laws.
- Proposal for Farm/Timber (FT) zone:
  - FT is resource zone subject to Statewide Planning goals 3 and 4 depending on historical use of property:
    - Property could fit definition/policies for both FT or exclusive farm use (EFU):
      - Subject property is timbered; and
      - Surrounding properties zoned EFU.
  - If evidence provided demonstrates subject property meets policies, zone change can be processed;
  - Subject to previously stated criteria; however, no goal exception;
  - Future dwelling is separate application process; and
  - Confirmed with Mr. Fennimore that there is a possibility the conditions could be met.

Video Time (00:36:52)

TESTIMONY

Support

Alan, Sorem, Salem, Oregon:

- Attorney for applicant;
- Requested application be remanded back to hearings officer with instructions to modify requested zone change from acreage residential (AR) to farm/timber (FT);
- Subject property meets criteria of Oregon land use laws;
- Submitted preliminary application form with evidence;
- New evidence:
  - County photos establish timber operation since 1992. Coincides with deed history already in record.
- No significant impact on surrounding uses;
- No land division;
- Property to stay in resource use;
- FT zone more accurately reflects what is currently on subject property; and
- Hearings officer, upon remand, will be able to support application.

**Board discussion:**

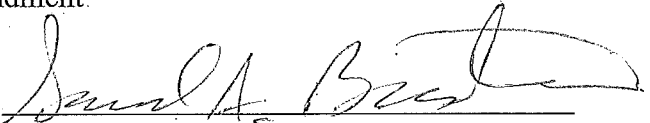
- Clarified applicant requested remand back to hearings officer.


**MOTION:** Commissioner Cameron moved to close the public hearing and remand the zone change/comprehensive plan amendment dated 2/27/2014, back to the hearings officer with instructions to modify the request zone change to farm timber and comprehensive plan change to farm timber. Seconded by Commissioner Carlson; motion carried. A voice vote was


Commissioner Brentano read the weekly calendar.

Commissioner Brentano adjourned the meeting at 9:44 a.m.

Attachments: (A) MCRI Memorandum of Understanding list of partners  
(B) Summary of the hearings officer's recommendation denying zone change/comprehensive plan amendment.

  
CHAIR

  
COMMISSIONER

  
COMMISSIONER

This Board Session can be viewed on-line at <https://www.youtube.com/watch?v=3LG2OkdZKpw>.

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## Marion County Reentry Initiative (MCRI) Memorandum of Understanding

### Partners:

1. Marion County Board of Commissioners Office
2. Marion County Sheriff's Office, Parole and Probation Division
3. Bridgeway Recovery Services, Inc.
4. Chemeketa Community College
5. Family Building Blocks
6. Job Growers Incorporated
7. Marion County Community Services Department
8. Marion County District Attorney's Office
9. Marion County Health Department
10. Marion County Housing Authority
11. Mid-Willamette Valley Community Action Agency
12. Union Gospel Mission
13. Oregon Department of Corrections

WHEREAS, there are public safety and other societal interests to be addressed by focusing resources to improving outcomes for ex-offenders reentering the community from incarceration; and

WHEREAS, it is mutually beneficial for the partners to collaborate in efforts to achieve common outcomes; including, but not limited to:

### Reductions in the following, among reentry clients:

- Recidivism;
- Parole violations;
- Criminogenic risk level;
- Substance abuse; and
- Unemployment; and
- Homelessness

### Improvements in the following, among reentry clients:

- Motivation and cognitive thinking to change negative behaviors;
- Connections to pro-social systems and supports;
- Addictions and mental health;
- Family functions;
- Education/skills;
- Employment; and
- Housing





## ATTACHMENT B

For the record this Joe Fennimore. The item before you today is an application to change the comprehensive plan designation from Primary Agriculture to Rural Residential and to change the zone from exclusive farm use to acreage residential on a 28 acre parcel located in the 7,500 block of Sherman Road SE.

The property is undeveloped, adjacent properties north, west and south are zoned EFU and in farm use. Property to the east, across Sherman Road, is zoned AR and contains rural homes.

The Hearings Officer held a public hearings on this application on May 7<sup>th</sup> and July 9<sup>th</sup> 2014. On September 17<sup>th</sup> the hearings officer issued a recommendation that the board deny the request.

The property is subject to Statewide Planning Goal 3 - Agricultural Lands. In order for the request to be approved, the applicant must justify an exception to this goal. There are three types of exceptions to statewide planning goals. The first is based on the concept that a property is too physically developed to be available for resource use. The second is based on the concept that the land surrounding a property is developed to such an extent that the property is irrevocably committed to uses other than resource use. The third requires the county to show other reasons why a goal exception is appropriate. In this case applicant proposed a committed exception.

After detailed analysis the hearings officer determined that the applicant has not proven by a preponderance of the evidence in the record as a whole that the subject property is irrevocably committed because of existing adjacent uses and concludes that the goal 3 exception is not recommended.

Without the goal 3 exception the hearings officer concludes that the proposal fails to satisfy all the applicable comprehensive plan policies and all of the zone change criteria and recommends denial of the request.

**On October 21<sup>st</sup> I receive an email from the applicants representative requesting this hearing be continued until November 26<sup>th</sup> or later.**

**The Board has the options 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.**

**I will be happy to any questions?**