

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, January 3, 2018  
9:00 a.m.

Senator Hearing Room  
555 Court Street NE  
Salem, OR 97305

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

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

**PUBLIC COMMENT**

*(Video Time 00:00:52)*

Ken Hetsel:

- Has been attending the North Santiam Watershed Council meetings;
- North Santiam Watershed Council is applying for a 501c3 status; and
- Marion County rents transitional housing, and Recovery Outreach Community Center (ROCC) provides peer support services for their residents.

**CONSENT**

*(Video Time 00:03:35)*

FINANCE

Approve the two contracts for sale, Tax ID #R54965 and #R86204, and one quitclaim deed, Tax ID #R40858, #R40859, #R330614, and #R333029, for the three tax foreclosed properties sold at auction on December 11, 2017.

Approve a quitclaim deed to convey real property Tax ID #R43277 and #R43278 located at 4765 Niles Avenue NE, Salem.

PUBLIC WORKS

Approve the Intergovernmental Agreement with the City of Salem for \$300,000 for the county/city traffic signal interconnect project.

Approve an order reappointing John Caruso to the North Santiam Watershed Council with a term ending December 31, 2019.

SHERIFF'S OFFICE

Approve the Memorandum of Understanding with the Marion County Health Department to provide drug and alcohol treatment services in connection with the SOAR program.

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

## **ACTION**

*(Video Time 00:06:07)*

### BOARD OF COMMISSIONERS

1. Consider approval of an order revising the bylaws for the Marion County Public Safety Coordinating Council. – Commissioner Janet Carlson

***Summary of presentation:***

- Commissioner Carlson has been chairing the council since 2014;
- Commissioner Cameron suggested co-chairing the council for the 2018 year;
- The bylaws did not have option for a co-chair in the bylaws; and
- The changes reflect the addition of a co-chair.

**MOTION:** Commissioner Cameron moved for approval of an order revising the bylaws for the Marion County Public Safety Coordinating Council. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

*(Video Time 00:08:52)*

### BUSINESS SERVICES

2. Consider approval of the Contract for Services with Idea Learning Group for \$500,000 to provide custom instructional design and production services e-learning modules for the county. - Stacy Vrooman

***Summary of presentation:***

- On September 13, 2017, the board approved Business Services to move forward with a contract with Idea Learning Group;
- This will allow departments to build customized instructional designed eLearning modules;
- Idea Learning Group will build eLearning modules that the county can use over a long period of time;
- It is a five year contract;
- Each department is responsible for finding the dollars in their budget to create the eLearning modules; and
- Business Services will manage the contract.

***Board discussion:***

- The county will own all source materials when a module is completed; and
- The money is for new modules created.

**MOTION:** Commissioner Brentano moved for approval of the Contract for Services with Idea Learning Group for \$500,000 to provide custom instructional design and production services e-learning modules for the county. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:15:08)

### COMMUNITY SERVICES

3. Consider approval of the Contract for Services with Ingalls and Associates for \$353,397 for the Marion County Fair sponsorship and marketing campaigns. – Tamra Goettsch

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

- In September 2017, a Request for Proposals was issued;
- Ingalls and Associates was the lowest bidder;
- The contract includes \$8,000 per year spread over six months:
  - A commission of 22 percent for cash; and
  - 15 percent of in-kind secured goods for the Marion County Fair.
- The scope of work:
  - Obtaining management;
  - Fulfilling sponsorship packages;
  - Target marketing and outreach management;
  - Social media marketing and management;
  - Participate in promotional events;
  - Responsible for TV, radio, and newspaper marketing;
  - Responsible for managing onsite media responsibilities;
  - Responsible for logos and slogans;
  - Slogan this year, “Social, Local, Fun”; and
  - Attend monthly Marion County Fair Board Meetings.
- Goal is to secure \$60,000 in cash donations and in-kind of \$80,000;
- Fourth year of working with Ingalls and Associates; and
- Contract expires September 2022.

#### ***Board discussion:***

- Ingalls and Associates was the only applicant that submitted this contract option;
- Additional dollars will go towards the event;
- In previous years, there has only been one other applicant; and
- The Marion County Fair is a different type of marketing responsibility.

**MOTION:** Commissioner Cameron moved for approval of the Contract for Services with Ingalls and Associates for \$353,397 for the Marion County Fair sponsorship and marketing campaigns. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:22:30)

### HEALTH

4. Consider approval of the Lease Agreement with Gat Real Estate, LLC for \$215,000 to lease 10 units for behavioral health supportive housing. – Cary Moller, Cydney Nestor

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

- Property is located on 12<sup>th</sup> Street SE, Salem;
- Has nine one bedroom apartments:
  - Two, two bedroom apartments; and

- One three bedroom house.
- Apartment has been completely renovated;
- Anticipating that there will be services provided onsite by Shangri-La for individuals in need of habilitative support;
- Providing onsite peer support;
- Encouraging individuals to be as independent as possible;
- Not putting a set time that people can stay; and
- This help bridge people further into the community.

***Board discussion:***

- For individuals who were in the Oregon State Hospital at one time;
- In supportive housing, Marion County has leased a variety of properties and all of the individuals living in the home will be people receiving services from a mental health condition;
- Supportive housing sites have a live-in peer support person:
  - Habilitative services provided by contracted agencies;
  - Skills training; and
  - Helping individuals to get to their appointments.
- The money comes from the mental health budget; and
- Looking for grant opportunities in the future.

**MOTION:** Commissioner Brentano moved for approval of the Lease Agreement with Gat Real Estate, LLC for \$215,000 to lease 10 units for behavioral health supportive housing. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

## **PUBLIC HEARINGS**

**9:30 A.M.**

*(Video Time 00:31:30)*

### PUBLIC WORKS

A. Public hearing to consider Zone Change/Comprehensive Plan #17-002/Video Acquisitions, Inc. Clerk's file #5737. – Joe Fennimore, John Rasmussen

***Summary of presentation:***

- An application to change the zone from Acreage Residential to Unincorporated Community Industrial and to change the comprehensive plan designation from Rural Residential to Industrial on a 0.6 acre parcel located at 3511 Brooklake Road NE;
- The property is located in the urban unincorporated community of Brooks-Hopemere;
- It contains a small metal building and a well that supplies water to a market on an adjacent parcel that is zoned Community Commercial;
- The property to the northeast is zoned Acreage Residential and contains a dwelling;
- Properties further north are zoned Unincorporated Community Industrial and developed with industrial uses;
- The property to the south on the other side of Brooklake Road is zoned Exclusive Farm Use and consists of a large farmed parcel and two small parcels, each of which contain a dwelling;

- The hearings officer held a public hearing on this application on September 6, 2017 and on December 11, 2017, issued a recommendation that the board approve the request;
- All comprehensive plan amendments must be consistent with statewide planning goals:
  - In finding 6 of the recommendation, the hearings officer discusses all the applicable goals and concludes that the proposal is consistent with the planning goals;
  - The hearings officer then reviewed all the applicable comprehensive plan policies and zone change criteria and concluded the policies and criteria are met and recommends approval of the request subject to conditions:
    - The recommended conditions will reduce potential impact on neighboring residential property;
    - Limit access to Brooklake Road;
    - Require an identifying sign to be visible from Brooklake Road; and
    - Public works also requested a condition that additional right-of-way be dedicated along Brooklake Road frontage:
      - The hearings officer found that there is insufficient information in the record to require the dedication and did not include the condition in the recommendation.

*John Rasmussen:*

- Was relying on the zone code to request the condition of the vacation right-of-way;
- Did not attend the hearing, so factors were not presented to the hearings officer:
  - There was no indication from the applicant that they had issues with the right-of-way dedication.
- The applicant's traffic engineer did not submit any documentation to the hearings officer as evidence;
- Did not bring any new information to present;
- Brooklake Road and River Road is a busy intersection:
  - The special set back on the property is 40 feet;
  - Public Works standard is 30 feet;
  - The right-of-way is 10 feet less than what is already there; and
  - There would be no loss in building square footage due to the dedication of the right-of-way.
- Brooklake Road has deep ditches:
  - Less than desirable width shoulders;
  - The intersection of Brooklake Road and River Road is busy, which is targeted for future signalization; and
  - Any right-of-way would be beneficial for installing new signals.

***Board discussion:***

- There is a lot of future activity on Brooklake Road;
- Disappointed that Public Works did not show up for the public hearing to address the right-of-way;
- The board would like to be cautious that if Marion County is not providing the appropriate nexus then case law standards would be violated;
- The burden is on the governing body to provide the nexus;

- Mr. Rasmussen stated that when the property is being commercially developed, Public Works requires a full civil site plan review and an access permit:
  - Under the access ordinance, frontage improvements are looked at; and
  - When this comes through for a building permit, he will have another opportunity to add the right-of-way dedication.

*Testimony:*

*Support:*

Jeff Tross, Attorney for the applicant:

- This proposal is to rezone a small parcel, less than an acre;
- The property is surrounded by non-residential property;
- This property is currently the only residential zoned parcel in the area;
- The proposed use is a self-storage facility, which will be limited in its extent;
- The hearings officer assigned six conditional uses for this property, and the applicant has no issues with any of them;
- The applicant did not have a traffic engineer present at the public hearing:
  - They did submit the potential traffic impact of the storage facility and found that it would have no significant impact on the transportation system; and
  - The hearings officer was correct in comparing the Public Works Department request for right-of-way dedication to the standards in requirements that would apply:
    - The hearings officer found that Public Works had not met their burden of proof for justifying why the dedication of right-of-way was required.
- The applicant submitted an additional document to the hearings officer at the public hearing that compared the proposed square footage of the storage facility to the traffic impact that would be generated:
  - It was determined that the traffic impact that would be expected from a self-storage facility of the square footage proposed would be approximately 17 vehicles trips per day;
  - Average daily traffic on Brooklake Road is approximately 11,678 trips per day; and
  - The storage facility traffic increase would result in a .015 percent increase.
- The hearings officer stated that it is not sufficient for Public Works to rely on an ordinance, which allows them to request a condition of approval;
- It is a great disservice to the property owner for Public Works to say that they will require a dedication of right-of-way once a building permit is submitted when the hearings officer stated it was not required:
  - It is not fair to the property owner; and
  - The applicant has been transparent in the process.

James Woodry, applicant:

- Owned the property for 50 years;
- Since the property is so small, there can only be a certain sized building set on the property:

- If the dedication of right-of-way is done, it could reduce the building size allowed.
- The cost to rezone the property has been significant; and
- Very little traffic goes west at the intersection of Brooklake Road and River Road.

*Joe Fennimore:*

- If additional dedication was required, would reduce the size of a potential building on the property.

*John Rasmussen:*

- Understands that the applicant is trying to expand their building square footage based on the size of the lot;
- If the applicant comes in for building permits, Public Works would require a dedication before they get their Certificate of Occupancy:
  - The building permit would be approved for their existing lot size; and
  - Public Works would get their dedication of right-of-way.

***Board discussion:***

- The commissioners are focused on this particular part of the process;
- If there is a case law that states there needs to be a nexus in this part of the process, it concerns the commissioners that Public Works will say that they can require a dedication of right-of-way because they can, as opposed to because they should:
  - The commissioners believe it is wrong; and
  - Public Works should have been present at the hearing to make the arguments.
- The commissioners find it troubling that Public Works is making the arguments to the board, instead of the hearings officer;
- There are rights to appeal when objecting to conditions when submitting a building permit:
  - The commissioners hope that the applicant will appeal to the board in the next stage if Public Works violates the agreements approved.

**MOTION:** Commissioner Cameron moved to close the public hearing and adopt Zone Change/Comprehensive Plan #17-002/Video Acquisitions, Inc. Clerk's file #5737 subject to conditions. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Commissioner Carlson read the calendar.  
Commissioner Carlson adjourned the meeting at 10:20 a.m.

  
\_\_\_\_\_

CHAIR

  
\_\_\_\_\_

COMMISSIONER

  
\_\_\_\_\_

COMMISSIONER

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