

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, October 24, 2018  
9:00 a.m.

Senator Hearing Room  
555 Court Street NE  
Salem, OR 97305

**PRESENT:** Commissioner Kevin Cameron and Commissioner Sam Brentano. Also present were Jane Vetto as county counsel and Brenda Koenig as recorder.

**ABSENT:** Commissioner Janet Carlson and John Lattimer

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

**PUBLIC COMMENT**

None.

**CONSENT**

*(Video Time 00:00:44)*

CLERK'S OFFICE

Approve an order appointing Micah Moskowitz to the Marion County Board of Property Tax Appeals with a term ending June 30, 2019.

HEALTH

Approve the retroactive Contract for Services with Mid-Valley Behavioral Care Network for \$215,555.93. The contract for services provided by subcontractors Oregon Family Support Network and Youth MOVE Oregon for family and peer support from August 1, 2017 through October 31, 2018.

TREASURER'S OFFICE

Approve a resolution eliminating the change fund at the Marion County Health and Human Services Department's Stayton Clinic.

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

## ACTION

(Video Time 00:01:45)

### FINANCE

1. Consider approval of an order adopting revised Administrative Policy #809, Sales of Excess Tax Foreclosed and Surplus Real Property. – Lisa Trauernicht

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

- Policy #809 has gone through an extensive review process and several iterations to be presented to the board;
- The policy is for the sales of excess tax foreclosed and surplus real property; and
- Changes made were to clarify the county's role in selling or transferring property that has come back to the county through tax foreclosure.

#### **Board discussion:**

- A detailed discussion on this matter was held at Management Update.

**MOTION:** Commissioner Brentano moved for approval an order adopting revised Administrative Policy #809, Sales of Excess Tax Foreclosed and Surplus Real Property. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:03:39)

### INFORMATION TECHNOLOGY

2. Consider approval of a Purchase Order in the amount of \$1,170,365.12 to Presidio Networked Solutions Group, LLC for Cisco hardware to support Marion County's enterprise network redesign. – Scott Emry and Mark Blackstone

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

- The purchase order is to rebuild the county's data network system;
- The network equipment is replacing the backbone connection between county campuses and also revamping connection to the two county data centers, as well as replacing equipment in each of the buildings owned or leased;
- Existing equipment is well past the expected life span and is prone to constant failures resulting in loss of productivity for employees:
  - More than 20 equipment failures this year alone.
- The purchase is one part of a multi-year effort to address network capacity issues;
- The county is shifting to cloud based technology:
  - Increases resiliency by eliminating single points of failures; and
  - Reduces the risk related to security vulnerability.
- Working to avoid future large scale equipment replacement cost, IT will implement a continuous lifecycle replacement plan in order to replace equipment at a lower rate over time;
- Steep tariffs related to computer equipment will add a 10 percent markup:
  - By ordering the equipment now, the county will save \$100,000.

#### **Board discussion:**

- The redesign will be a three year installation plan;

- There are five distinct layers starting from the ground up;
- Marion County will be working with the City of Salem this year to move over to their fiber;
- Putting new equipment in each building is just the core:
  - There are layers related to wireless; and
  - Layers related to towers:
    - There are microwaves that connect these remote sites.
  - An emergency management layer that the Sheriff's Office and Public Works are engaged with.
- These layers are part of the reason that it spans at least three years for installation:
  - There is no way to build all five layers at once.
- All the parts in the contract have been itemized;
- The three year plan implements all the pieces of equipment throughout the entire county;
- There is the equipment itself, but realistically it's how the county connects with employees:
  - More and more employees are mobile in their careers;
  - Employees are expecting to be able to go out into the field and still be connected; and
  - Marion County has employees that are now mobile for their jobs, verses working within the county walls.
- These expectations are what complicates this redesign and why there are so many parts involved in this effort;
- If an employee makes a phone call to another employee within the building, is it the same physical phone but just a different system that it will be going through;
- The key is making it seamless:
  - Today if a county employee walks between floors, they have to take their computing device and reconnect to the network; and
  - In the future, employees will be able to walk between buildings, open up their computing device and will be instantly connected.
- In the future, if an employee walks away from their desk, their phone will automatically be forwarded to their mobile device:
  - The system will be able to tell where the employee is located; and
  - Will be able to route the phone calls accordingly.
- This technology is not new, but it will enable Marion County to become current in this field.

**MOTION:** Commissioner Brentano moved for approval of a Purchase Order in the amount of \$1,170,365.12 to Presidio Networked Solutions Group, LLC for Cisco hardware to support Marion County's enterprise network redesign. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:11:37)

## PUBLIC WORKS

3. Consider Oregon Land Use Board of Appeals (LUBA) remand of Conditional Use (CU) #17-020/Brush Creek Solar, LLC and Klopfenstein, Clerk's file #5735. – Joe Fennimore

### **Summary of presentation:**

- Request for a conditional use to establish a solar power generating facility on a 12-acre portion of a 14.5 acre parcel in an Exclusive Farm Use zone.
- In June 2017, the planning director approved the request:
  - The decision was appealed to the hearings officer who conducted a public hearing.
- The hearings officer then issued an initial decision denying the request:
  - That decision was appealed to the board.
- The board accepted the appeal and remanded the matter back to the hearings officer to consider additional evidence and argument;
- In February 2018, the hearings officer issued a remanded decision approving the request:
  - The remanded decision was once again appealed to the board.
- The board denied the appeal and accepted the hearings officer's decision approving the request as its own;
- That decision was then appealed to the LUBA;
- On September 16, 2018, LUBA issued an order remanding the matter back to the county for the following reasons:
  - To determine whether police services are a "rural service" under the Marion County Code;
  - Whether adequate police services are available to the property; and
  - Determine whether the solar array will create unnecessary negative impacts on agricultural operations on any portion of the property not occupied by the solar array.
- The applicant has requested that the county proceed with the application on remand;
- In order to proceed, a public hearing is required:
  - Additional evidence and argument can be submitted into the record for consideration.
- The board can conduct its own hearing or remand the matter back to the hearings officer;
- The scope of the review must be determined;
- Regarding the scope of the review, the board has the following options:
  - Limit the scope of the review to the sustained assignments of error in the LUBA remand order;
  - Limit the scope of the review beyond those assignments of error; or
  - Not limit the scope of review at all.
- Regarding processing of the remand, the board has the following options:
  - Refer the matter to the hearings officer for a public hearing and decision;
  - Refer the matter to the hearings officer for a public hearing and recommendation, and schedule a public hearing before the board for a final decision; or
  - Schedule a public hearing before the board.

- Staff recommends that the board limit the scope of the review to the sustained assignments of error in the LUBA remand order and refer the matter to the hearings officer for a public hearing and decision.

***Board discussion:***

- There are eleven assignments of error that the opponents assigned;
- Two and maybe part of another one were sustained;
- Very limited on additional evidence that was needed;
- Legal Counsel stated that they did have an opportunity to review the hearings officer's order and the LUBA decision;
- It is appropriate to limit the review to LUBA's essentially 2.5 findings of error:
  - The determination of whether police services are a rural service; and
  - The impact on other parts of the property that are not where the solar array is situated.
- Legal Counsel supports Mr. Fennimore's recommendation;
- The motion would be to take the recommendation of staff:
  - Limit the scope of review to sustained assignments of error; and
  - Refer the matter back to the hearings officer for public hearing and decision.

**MOTION:** Commissioner Brentano moved to limit the scope of the review to the sustained assignments of error in the LUBA remand order and refer the matter to the hearings officer for a public hearing. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

The commissioners convened at 9:17 a.m.

The commissioners reconvened at 9:30 a.m.

**PUBLIC HEARINGS**

**9:30 A.M.**

*(Video Time 00:17:23)*

**PUBLIC WORKS**

A. Public hearing to consider Zone Change/Comprehensive Plan/Conditional Use (ZC/CP/CU) Case #18-001/PNP Properties, LLC and McCallum Powder, LLC., Clerk's file #5781. – Joe Fennimore

***Summary of presentation:***

- Zone change from Special Agriculture (SA) to Industrial on two, one acre portions of a 79.66 acre parcel;
- Exception would be to Statewide Planning Goal 3;
- Conditional use for an explosives storage facility;
- Property is located on Enchanted Way in Jefferson;
- Adjacent properties are zoned SA;
- Portion of the PNP Quarry is zoned Public;
- The hearings officer issued a recommendation that request be approved if sufficient information is provided by the applicant;
- Property is subject to Statewide Planning Goal 3, Agricultural Lands;

- Approval is based on the applicant justifying reasons for exception to this goal;
- The applicant needs to provide additional argument or evidence that there are no other resource lands currently committed to a non-resource use that could accommodate the use;
- The applicant needs to describe surrounding farm and forest uses and if they could be adversely affected by the proposal;
- After satisfactory additional evidence is provided, it's recommended that:
  - The board takes reasons for exception to Statewide Planning Goal 3; and
  - Grant the comprehensive plan amendment, zone change, and conditional use requests subject to conditions.
- Options for the board;
  - 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.

*Testimony:*

*Support:*

Mark Shipman, Land use Attorney with Saalfeld Griggs:

- Representing McCallum Powder, LLC;
- McCallum Powder, LLC has two properties;
- Question is whether to approve the combined application to allow the storage facility for explosives;
- Property is south of the Turner Interchange off of Enchanted Way;
- PNP Properties owns the property;
- PNP Properties currently has an aggregate mineral extraction operation;
- Aggregate site off of Interstate 5 has been in operation off and on since the 1950's;
- Proposal:
  - Put in gravel paths tamped and secured with security fencing;
  - Explosive materials will be stored within the security fencing;
  - Primary access would be off of Cloverdale Road, then off of Ridgeway Road, and then on to a private access road on the eastern portion of the property;
  - Secondary access would be on Enchanted Way; and
  - Preference would be to use Cloverdale Road because of Enchanted Ways steep grade and a sharp turn.
- Asking for two, one acre sites to satisfy Alcohol and Tobacco Firearms (ATF) rules of 1,750 foot setback from any occupied building;
- PNP Properties is leasing the property to a gravel operator and the gravel operator would prefer to have two sites for flexibility in movement of equipment;
- Materials to be used for aggregate blasting;
- Property has ease of freeway access;
- The use is unique:
  - Materials stored on site are inert;
  - No risk of fire or explosion until combined with other materials; and
  - Materials are stored in separate magazines and not combined until on job site.

- Site will have to be approved by ATF as well;
- The hearings officer found they met or could meet all of the approval criteria, but felt they were a little light with respect to surrounding uses and identifying resource properties that have already been committed to non-resource use;
- McCallum Powder, LLC put together some supplemental findings addressing those two key issues:
  - Exclude use of the land to the west of Interstate 5 since there is no impact to that area;
  - Material has no odor; and
  - The traffic is what could impact the area around Cloverdale Road and Ridgeway Road; and
  - With this application, the traffic is fairly minimal.
- The applicant will be bringing materials daily, or every other day to the site, drop off materials, and leave;
- No office facility on site;
- When crews need materials for any site in Marion County or the state, they will come to the site and pick up the exact materials they need for a job and leave;
- Roughly six trips total a day;
- Impacts will be minimal with respect to Ridgeview and Cloverdale Roads;
- Panel vans and pick-up trucks will be entering the property, not large trucks carrying a lot of weight;
- Very few parcels in Marion County qualify to site the storage of these explosive materials; and
- Based on the unique nature of this use and the ATF rules, the applicant is requesting that the application be approved.

***Board discussion:***

- Security of the materials are stored in separate magazines in a storage building that is fire and explosion rated;
- They are put on a gravel padded area that is cleared and graded;
- Will have security fencing all around;
- Concerns of people being able to get into the building;
- Concerns if someone applied for a building permit:
  - Conditions of approval identified by the hearings officer;
  - If an inhabited building is erected closer than 1,750 feet to the exception area, the applicant will reduce the amount of explosives stored on site to match the lesser distance required by ATF regulations;
  - Surrounding properties are zoned SA; and
  - Can mark these sites on the zone map.
- Satisfied that conditions have been met; and
- Cannot think of other sites with access to transportation, isolation, and industrial use already in operation.

*Testimony:*

*Support:*

Tyler McCallum:

- Follows strict ATF guidelines in the security of explosives from signage, to the locks that are required;
- Locks are set in behind steel:
  - People are not able to shoot at them; and
  - Shooting is one of the biggest concerns.
- Magazines are ¼ inch thick steel;
- No electronic monitoring of any kind;
- Have other sites in Madras, OR and Washington where they currently have this type of storage operation;
- No vandalism or problems in these locations;
- Amount of trips from the quarry has not been identified;
- This will add maximum of six trips with light trucks;
- Scheduled Monday to meet with the fire marshal regarding proof of fire district approval;
- This site is privately owned;
- Quantity of explosives will vary:
  - 80,000 pound cap.
- Will serve from Portland and Vancouver to Roseburg if not further south, mainly Interstate 5 corridor;
- Company's storage facilities are audited by the ATF once a year; and
- Public Works can mark the sites to identify the site.


**MOTION:** Commissioner Brentano moved to close the public hearing and approve Zone Change/Comprehensive Plan/Conditional Use (ZC/CP/CU) Case #18-001/PNP Properties, LLC and McCallum Powder, LLC., Clerk's file #5781 with exception to Goal 3, subject to the conditions identified to the hearings officer's recommendations. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.



Commissioner Cameron read the calendar.  
Commissioner Cameron adjourned the meeting at 10:17 a.m.

Not Present At Meeting

CHAIR



COMMISSIONER



COMMISSIONER

Board Sessions can be viewed on-line at  
<https://www.youtube.com/playlist?list=PLSUQ1gg6M78UsBE3q6w4rdf59Z5rXkEi5>

