

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, November 7, 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 and Brenda Koenig as recorder.

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

PUBLIC COMMENT

None.

CONSENT

(Video Time 0:00:54)

BOARD OF COMMISSIONERS

Approve the Oregon Department of Veterans' Affairs (ODVA) county grant application for ODVA funds.

PUBLIC WORKS

Approve an order appointing Josh Faulkner to the Marion County Parks Commission with a term ending October 30, 2022.

Receive notice of hearings officer's decision approving Conditional Use (CU) Case 18-020/Williams Acres Solar.

Approve an order scheduling a public hearing for November 28, 2018 to consider solid waste collection rate changes.

Approve a Purchase Order (PO) for the purchase of one Freightliner Class 8 Dump Truck from McCoy Freightliner of Portland.

Receive notice of hearings officer's decision on Conditional Use (CU) case 18-019/River Valley Solar, LLC.

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

ACTION

(Video Time 0:02:35)

PUBLIC WORKS

1. Consider a resolution consenting to the transfer of a cable television franchise. – Alan Haley

Summary of presentation:

- Charter Communication is reorganizing;
- Merging with Spectrum Pacific West, LLC;
- Customers will not see any differences; and
- Resolution is acknowledging and agreeing to reorganization.

MOTION: Commissioner Cameron moved for approval of a resolution consenting to the transfer of a cable television franchise. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 0:04:51)

2. Consider approval of an order denying Conditional Use (CU) Case 18-030/Lee.
– Joe Fennimore

Summary of presentation:

- Conditional Use permit to establish a bed and breakfast as a home occupation on nine acres in a Special Agriculture zone;
- The planning director approved the application on May 14, 2018, subject to conditions;
- The decision was appealed to the hearings officer by property owners in the area;
- The hearings officer conducted a public hearing and issued a decision denying the request on September 7, 2018;
- The hearings officer's decision was appealed to the Board of Commissioners;
- A public hearing was held on October 17, 2018;
- The board denied the request;
- A final order signed by the board is needed to complete the process;
- Orders and findings have been prepared for approval;
- Options to consider:
 - Approve the order as written;
 - Direct staff to make changes to the order; or
 - Take no action at this time.
- Staff recommends approving the order as written.

Board discussion:

- The commissioners want more information about subordinate use of the property as outlined in Exhibit A attached to the order, specifically on page four;

- A home occupation is defined under the Marion County Code as:
 - “Any business or professional activity engaged in for production of income by a resident of a dwelling or dwelling unit as a subordinate use of the building and its premises . . .”;
 - Applicant indicated they will live in a guest house on the property and will allow guests full access to the main home; and
 - The board concluded this would be a secondary use.
- The commissioners wanted distinction between a bed and breakfast and a hotel:
 - Bed and breakfast by definition is where lodging and a morning meal for guests only are offered for compensation, having no more than five sleeping rooms for this purpose;
 - Anything with more than five established sleeping rooms shall be deemed a hotel;
 - Applicant requested at the hearing that the guests have access to the dwelling amenities including:
 - Exercise room;
 - Swimming pool;
 - Dance hall; and
 - Bowling alley.
 - Applicant indicated that there are seven rooms upstairs and did not know which of the five out of seven rooms would be used at any given time.
- More closely meets characteristic of a hotel rather than a bed and breakfast; and
- Applicant had no plans to remodel to reduce the rooms to five.


MOTION: Commissioner Brentano moved for approval of an order denying Conditional Use (CU) Case 18-030/Lee. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

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

None.

Commissioner Carlson read the calendar.


Commissioner Carlson adjourned the meeting at 9:20 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

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

