

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, December 7, 2016
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

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

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

PUBLIC COMMENT

None.

PRESENTATION

(Video Time 00:01:42)

Gallon House Bridge Photo Contest Award Presentation. – Alan Haley

Summary of presentation:

- In honor of the 100 year anniversary of the Gallon House Bridge, Public Works organized a photo contest;
- Gallon House Pub, Goschie Farms, Bierhaus and The White Horse sponsored the photo contest;
- The bridge was built in 1916; and
- It is the last covered bridge as well as the oldest bridge in Marion County.

CONSENT

(Video Time 00:14:20)

BUSINESS SERVICES

Approve the Lease Agreement with Pioneer Trust Bank, N.A. for lease space and tenant improvements for the Health Department.

HEALTH

Approve Amendment #2 with TriWest Group, LLC to add \$30,000 in funding to complete the Alternative Payment Methodologies project.

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

ACTION

(Video Time 00:15:25)

PUBLIC WORKS

1. Receive and consider appeal of hearings officer's decision denying Conditional Use (CU) 16-014/Klopfenstein, clerks file #5716. – Joe Fennimore

Summary of presentation:

- Application to modify conditions of approval in CU 78-80;
- It is a one acre parcel on an Exclusive Farm Use (EFU) zone located on Selah Springs Road NE;
- Was approved for a farm equipment and machinery repair business;
- Conditions in the case limited the number of employees to two and did not permit repair, service or maintenance of automobiles;
- The current case is to amend these conditions to allow more employees and the repair of some automobiles;
- The planning director issued a decision approving the request subject to meeting certain conditions:
 - Limited the income generated by the repair of non-farm vehicles to no more than 25 percent of the gross sales;
 - Required the operator to maintain detailed information on the types of vehicles being repaired;
 - Required the income information to be submitted to the planning director every six months; and
 - Limited the number of employees to be determined by the capacity of the septic system holding tank on the property.
- The applicant filed a request for reconsideration and suggested changes to the conditions:
 - Suggested changes to the conditions to define what constitutes a farm related vehicle;
 - Modify the income reporting requirement:
 - The applicant requested language to be included stating that if the sale falls below 75 percent for any particular year, that would not be grounds to terminate the conditional use unless it falls below 51 percent:
 - The language was not included in the reconsidered decision approved by the planning director.
- On August 12, 2016, the reconsidered decision was appealed to the hearings officer who held a public hearing on September 7, 2016;
- On November 3, 2016, the hearings officer issued a decision denying the request after finding that under provisions in the Marion County Code (MCC) 17.122.100, the conditional use was discontinued for a period more than six months:
 - It was considered as being abandoned and is no longer valid:
 - The conclusion is based on a letter in the record from a farmer in the area stating that, due to the death of an owner, they had to tow equipment into town for repairs.
- In the appeal, the applicant claims that the hearings officer incorrectly interpreted MCC 17.122.100 by drawing inference from the submitted letter:
 - The business was never abandoned; and

- When the original owner was no longer able to work due to illness, his brother continued the business.
- The current owner purchased the property in January 2015;
- The applicant also argues that the hearings officer incorrectly interpreted some of the criteria in MCC 177.136.060(A) and (D);
- The applicant indicates they agree with the conditions in the reconsidered planning director's decision if the following language is added to condition three:
 - "Failure to maintain 75 percent of sales to the local agricultural community in any given year shall not, in itself, be grounds to terminate or disallow the use as approved, unless the sales to the local agricultural community falls below 51 percent."
- The applicant has agreed to grant an extension to the 150-day decision making deadline if the appeal is accepted.

Board discussion

- If the applicant can show evidence that the business was never abandoned, it will give the board an opportunity to interpret the appeal and move forward;
- There will be changes from the original request for conditional use;
- The original conditional use was made in 1978; and
- The applicant wants to remove the limit of employees and add certain maintenance of automobiles.

MOTION: Commissioner Carlson moved to receive the appeal of the hearings officer's decision denying Conditional Use (CU) 16-014/Klopfenstein, Clerk's file #5716 and set a public hearing for January 18, 2017. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

PUBLIC HEARINGS

9:30 A.M.

(Video Time 00:30:42)

ASSESSOR'S OFFICE

A. Public Hearing to consider adopting a limited property tax exemption pursuant to Senate Bill (SB) 1513. – Tom Rohlfing, Kay Brandon

Summary of presentation:

- Passed by legislature in 2016;
- Allows, by resolution or ordinance, local governments to exempt up to \$250,000 of assessed value for the homestead of owned property, owned or occupied by the surviving spouse of a fire service professional, police officer or reserve officer who is killed in the line of duty;
- Resolution would take effect upon passage by the Board of Commissioners;
- Most counties are choosing to enact resolutions;
- Twelve counties in Oregon have enacted resolutions:
 - Baker;
 - Clackamas;
 - Clatsop;

- Columbia;
- Crook;
- Josephine;
- Lincoln;
- Malheur;
- Morrow;
- Multnomah;
- Washington; and
- Yamhill.
- Jackson and Lane County have approved an ordinance.

Board discussion:

- Mayor Rick Lewis from Silverton provided a letter to the commissioners to consider enacting a resolution;
- General consensus from cities around the county was that the financial impact was small;
- Appropriate thing to do for surviving spouses;
- The Marion County Public Safety Coordinating Council voted unanimously to move forward with the resolution;
- Received a letter of support from all fire chiefs in Marion County; and
- Marion County already has a tax exemption for military veterans.

MOTION: Commissioner Brentano moved to close the public hearing. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

Commissioner Cameron read the calendar.
Commissioner Cameron adjourned the meeting at 9:51 a.m.

CHAIR

COMMISSIONER

COMMISSIONER

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