

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, July 14, 2021
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Kevin Cameron, Commissioner Danielle Bethell, and Commissioner Colm Willis. Also present were Scott Norris as county counsel, and Brenda Koenig as recorder.

ABSENT: Jan Fritz, chief administrative officer

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

Commissioner Cameron asked to add a wildfire presentation to the agenda and Commissioner Bethell agreed.

PUBLIC COMMENT

(Video Time 00:00:59)

Diana Downs:

- Ms. Downs works in the county tax assessor's office, and is the secretary treasurer for the Marion County Employees Association (MCEA);
- Employees have expressed concern about the county's no exceptions rule for transitioning back to in-office operations:
 - Concern over the lack of a procedural process.
- MCEA is asking for a clear, defined, and fair exception process.

(Video Time 00:03:26)

Sadie Trump:

- Ms. Trump is a services coordinator for children with developmental disabilities;
- She started telecommuting during the pandemic;
- Telecommuting helps her take care of her family, including an immunocompromised relative;
- Ms. Trump would like to continue to telecommute, full time or part time; and
- Ms. Trump read a message from Jasmine Dexter, a services coordinator with the county's developmental disabilities services:
 - Telecommuting allows Ms. Dexter to work while also taking care of her family;and

- Ms. Dexter would like to continue to telecommute at least one day a week.

(Video Time 00:07:26)

Patti Brown:

- Ms. Brown is a case manager for Marion County's Intellectual and Developmental Disabilities services;
- She is asking the board to reconsider their stance of not allowing remote work;
- COVID and its variants are still a concern; and
- Ms. Brown is requesting to continue remote work as it limits her exposure to COVID and other illnesses, and it helps her take care of her family.

(Video Time 00:13:36)

Toby Green:

- Mr. Green is an organizer assigned to the MCEA;
- He has received numerous correspondence from county employees concerned with the no exceptions rule for remote work; and
- Mr. Green invited the commissioners to a union membership meeting on July 29, 2021.

(Video Time 00:17:00)

Board discussion:

- The commissioners expressed their appreciation for all the hard work done by county employees;
- The decisions made during the pandemic on how to best keep employees safe were driven by data from the Centers for Disease Control and from Oregon Health Authority recommendations:
 - The policies instituted were temporary, and these policies are now rescinded.
- There have been no substantive changes to remote work policies.

PRESENTATION

(Video Time 00:19:35)

Bruler Wildfire update. –Chad Ball

- The Bruler Fire is on U.S. Forest Service land in the Quartzville Recreation Corridor is located in Linn County, approximately 8.6 miles from the city of Detroit;
- Currently the fire is burning 90 acres;
- A perimeter has been built around the 90 acres;
- Air support is being provided;
- The fire is currently not in Marion County;

- New information will be posted on the county's social media site;
- The U.S. Forest Service is creating a dedicated social media site for the Bruler Fire; and
- The best way to stay updated on current fires is to sign up for text updates from the Everbridge system.

Board discussion:

- Current low winds and low temperatures will assist with controlling the fire; and
- Getting correct and timely information out to the public is critical.

(Video Time 00:24:10)

PROCLAMATION

SHERIFF'S OFFICE – Action

1. Consider approval of a proclamation designating the week of July 18-24, 2021, as National Parole and Probation Officers Week in Marion County. –Commander Kevin Karvandi and Troy Gregg

Summary of presentation:

Commander Karvandi:

- National Parole and Probation Officers Week was created to recognize the achievements and hard work of community corrections staff, and the positive impacts they have on the community;
- The practice of probation and parole started in 1841;
- There are an estimated 3,000 individuals in Marion County under formal community supervision with the Sheriff's Office;
- The goal in providing supervision services is to lower recidivism rates and enhance public safety:
 - The county has seen a reduction in recidivism over the last 15 years.
- 2020 was a challenging year for the Sheriff's Office as they dealt with issues related to the pandemic:
 - The entire staff worked tirelessly to effectively handle issues as they arose.
- It is important to honor the important work of the community corrections staff, and to thank them for their service and commitment to Marion County.

Troy Gregg:

- The focus is often on the adult services provided by the community corrections staff, but the juvenile services are equally as important;
- Mr. Gregg expressed his appreciation for the partnership between the Juvenile Department and the Sheriff's Office;
- The pandemic created new challenges for the Juvenile Department probation staff:
 - It is very important for the staff to have direct contact with the youth served and their families; and

- The majority of staff continued to provide in-person services during the pandemic.
- Credit needs to be given to the Juvenile Department probation staff for their hard work and dedication to the youth they serve.

Board discussion:

- There will be celebrations next week at the Juvenile Department and at the Sheriff's Office; and
- Parole and probation officers are an important part of public safety, and they need to be recognized.

MOTION: Commissioner Bethell moved to approve a proclamation designating the week of July 18-24, 2021, as National Parole and Probation Officers Week in Marion County. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

The commissioners read the proclamation.

CONSENT

(Video Time 00:38:30)

Receive hearings officer's decision approving Conditional Use (CU) Case #21-004/Youth With A Mission.

Board discussion:

- The commissioners expressed their support for the work being done by Youth With A Mission.

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

ACTION

(Video Time 00:40:26)

PUBLIC WORKS

2. Consider approval of an ordinance establishing county survey and plat standards. –Kent Inman

Summary of presentation:

- If the board approves, this will be the second reading of the ordinance:
 - The first reading of the ordinance was on June 23, 2021.
- If approved, the board can choose to adopt the ordinance.

Board discussion:

- The ordinance will help the county and the community by establishing plat standards.

MOTION: Commissioner Willis moved that the chair read the proposed ordinance by title only once. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

The chair read the ordinance by title only once.

MOTION: Commissioner Willis moved to approve an ordinance establishing county survey and plat standards. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:45:00)

3. Receive and consider appeal of hearings officer's decision denying Conditional Use (CU) Case #20-044/Seasons at Red Oak Farm, LLC. –Lindsey King

Summary of presentation:

- The appeal is for a conditional use permit to operate a commercial use in conjunction with farm use on a 74.5-acre parcel in an exclusive farm use (EFU) zone;
- The applicant would like to establish an educational farm experience program for youth and families as a commercial activity in conjunction with farm use:
 - Existing structures would be used in addition to a proposed new structure;
 - The proposal includes educational and recreational activities including the following:
 - U-pick activities;
 - Harvest and holiday themed activities;
 - Retail sales of local farm products;
 - Plant identification; and
 - Wildlife viewing.
- On February 1, 2021, the planning director denied the request:
 - The applicant did not meet the approval criteria for the commercial use in conjunction with farming.
- The applicant submitted additional documents for a reconsideration:
 - After review staff could not conclude that the applicant met the criteria for a commercial use in conjunction with farming, and the reconsideration was denied.
- The decision was appealed to the hearings officer:
 - The hearings officer conducted a public hearing on April 29, 2021; and
 - The hearings officer issued a decision denying the request on June 10, 2021:
 - The hearings officer concluded that the applicant has not satisfied all relevant approval criteria.
- The decision was appealed to the board on June 25, 2021:

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- The applicant listed the following three items as grounds for the appeal:
 - The decisions of the county hearings officer and planning staff are contrary to the county's rules governing commercial activity in conjunction with farm use, and are inconsistent with the purpose of EFU zoning;
 - The hearings officer's findings are inadequate and not supported by the record:
 - A meaningful standard for EFU commercial activities has not been articulated; and
 - An adequate explanation has not been given for why the applicant does not meet the standard.
 - The county has violated the applicant's due process right by denying the request to use the property for reasons that are not related to a legitimate government purpose.
- The appeal argues that the board has the authority to interpret the county's commercial activity rules to allow for the approval of the applicant's request;
- The board has the following options:
 - Accept the appeal and remand the matter back to the hearings officer, requiring an agreement from the applicant to extend the 150-day decision making deadline;
 - Accept the appeal and schedule a public hearing; or
 - Deny the appeal and uphold the hearings officer's decision denying the request.
- Staff recommends the appeal be denied and the decision of the hearings officer be upheld.

Board discussion:

- The proposal is for the applicant to provide an educational experience and family-oriented activities;
- Ms. King discussed another farm that has an approved land use case for a farm stand:
 - The farm stand is not a year-round business;
 - The primary focus of the land is farming; and
 - There is an administrative review for the farm stand.
- Commissioner Willis supports the educational aspect of the proposal and asked if there were alternatives for the applicant:
 - Staff has recommended a farm stand to the applicant:
 - A farm stand is an allowable use in an EFU zone;
 - A farm stand would encompass a majority of the activities the applicant has proposed; and
 - Ms. King does not know the applicant's reason for not proceeding with a farm stand.
- Commissioner Cameron reviewed the three options available to the board;
- There is no opposition from local farmers;
- The county has received letters of support;

- The applicant is arguing that the county's existing code is more restrictive than what state law requires:
 - The board would like to know if the county's code is actually more restrictive than what state law requires.
- The county can have a code which is more restrictive than state law requires; and
- The board has the authority to interpret the meaning of the current code.

MOTION: Commissioner Bethell moved to accept the appeal for Conditional Use (CU) Case #20-044/Seasons at Red Oak Farm, LLC. and schedule a public hearing for July 28, 2021. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 01:05:54)

4. Consider approval of the Contract for Services with Outdoor Fence Company in the amount of \$205,968 to install temporary gates and card readers on North Fork Road, Gates Hill Road, and Pioneer Road through December 31, 2021. –Lani Radtke

Summary of presentation:

- After the Beachie Creek and Lionshead wildfires there was a need for corridor management in the area where the roads are located:
 - The area is a popular recreational area.
- All parks and parking lots in the area were closed following the fires due to safety concerns:
 - There are unstable soils along the river banks that could lead to falling trees.
- A county priority is to assist property owners in their rebuilding efforts:
 - There is a lot of contractor activity in the area;
 - There are large construction vehicles traveling these roads; and
 - A lot of trees are being taken down.
- Previously the board passed temporary restrictions that include the following:
 - No unauthorized access;
 - No pedestrians and bicyclists;
 - No parking along the North Fork corridor; and
 - No river access from the public right of way.
- There is an extensive signing plan in place;
- Three temporary gates will be installed at the following locations:
 - North Fork Road;
 - Gates Hill Road; and
 - Pioneer Road.
- The contract is an emergency procurement.

Board discussion:

- There are safety concerns in area;
- There has been theft in the area;

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- The plan is for the contract to be done by the end of August;
- Utility companies are working on installing the poles and lighting, and supplying the power drops;
- The corridor is an entrance to a U.S. Forest Service wilderness area that is currently closed;
- There are safety concerns with vehicles parked on the side of North Fork Road; and
- Some components of the contract are eligible for FEMA reimbursement:
 - The gates are not eligible due to being part of an emergency procurement; and
 - The utility company work and signage is reimbursable.


MOTION: Commissioner Bethell moved to approve the Contract for Services with Outdoor Fence Company in the amount of \$205,968 to install temporary gates and card readers on North Fork Road, Gates Hill Road, and Pioneer Road through December 31, 2021. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 01:15:57)


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

None.


Commissioner Willis read the calendar;
Commissioner Cameron adjourned the meeting at 10:21 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

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