

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, April 25, 2018  
9:00 a.m.

Senator Hearing Room  
555 Court Street NE  
Salem, OR 97305

**PRESENT:** Commissioner Janet Carlson and Commissioner Sam Brentano. Also present were Jane Vetto as county counsel, John Lattimer as chief administrative officer, and Kristy Witherell as recorder.

**ABSENT:** Commissioner Kevin Cameron

Commissioner Carlson called the meeting to order at 9:02 a.m.

**PUBLIC COMMENT**

None.

**PRESENTATION**

*(Video Time 00:00:56)*

Marion-Polk Food Share Kick-off Presentation. – Gordean Ash, Lisa Miller, Rick Gaupo, Robbin Kerner

***Summary of presentation:***

- The food drive runs from April 23 – May 4, 2018;
- Events include:
  - Breakfast at Public Works;
  - Breakfast at Courthouse Square on May 3<sup>rd</sup> from 8:00 a.m. – 9:30 a.m.;
  - Bingo;
  - Buy tickets to wear jeans; and
  - Competition between departments to see who brings in the most pounds of food.
- One in five families in Marion County will access food box assistance this year;
- Last year, Marion County donated 10,000 meals;
- Ways to help out:
  - Volunteer;
  - Donate food:
    - Peanut butter;
    - Tuna fish;
    - Cereal;
    - Shelf stable dairy; and

- Baking staples.
  - Money:
    - One dollar pays for three meals; and
    - 90 percent of the dollar goes straight to programs.
  - Payroll deduction.
- The Marion-Polk Food Share appreciates the support of Marion County.

## CONSENT

*(Video time 00:08:40)*

### BUSINESS SERVICES

Approve an order appointing Jane Vetto to the Marion County Retirement Plans Committee.

Approve a recommendation to retitle and update classification specifications, class code #522, Chief Deputy Medical Examiner, and #523, Deputy Medical Examiner.

### FINANCE

Approve the quitclaim deeds transferring tax foreclosed property Tax ID #R326076, located between Wheatland Road NE and Broken Top Avenue NE, Keizer.

Approve a quitclaim deed to convey real property Tax ID #R341154, located at 570 Rural Avenue S, Salem.

### PUBLIC WORKS

Approve an order extending the Comcast Cable Franchise through June 30, 2018.

Receive notice of hearings officer's decision approving Administrative Review/Variance (AR/V) Case #17-023/Day Management Corporation.

### TREASURER'S OFFICE

Approve a resolution eliminating the Marion County Health and Human Services Department Addiction Treatment Services' second change fund.

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

## ACTION

*(Video Time 00:11:32)*

### ASSESSOR'S OFFICE

1. Consider a resolution approving the fiscal year 2018-19 County Assessment Function Funding Assistance (CAFFA) Grant. – Tom Rohlffing, Leslie Box

***Summary of presentation:***

- The 1989 legislature created this grant to mitigate the statewide deterioration of the property tax system;

- CAFFA Grant adds funding intended to maintain a healthy property tax system at the county level;
- The Oregon Department of Revenue uses the grant application to allocate each county a share of the total statewide CAFFA funding, based on the budgets of all counties;
- The grant requests information about workload:
  - Staffing; and
  - Budgeted expenditures, including capital projects.
- This grant includes the Assessor's Office:
  - Tax Office;
  - Board of Property Tax Appeals;
  - Assessment and taxation, supported by Information Technology; and
  - Tax distribution through the county Treasurer's Office.
- The funds available are derived from a percentage of interest collected on delinquent property tax accounts and a fee from most documents recorded at the Clerk's Office;
- The county treasurer keeps the money intended for CAFFA in a fund referred to as the County Assessment and Taxation Fund (CATF);
- At the end of each fiscal quarter, the treasurer transfers money, including interest earned on the account from the CATF to the Oregon Department of Revenue;
- Each year, the Oregon Department of Revenue looks at market conditions and forecasts the amount that will be deposited into the account in the following fiscal year;
- By June 15<sup>th</sup>, the Oregon Department of Revenue distributes letters to counties giving an estimate of how much funding they will receive:
  - It is based on the county's percentage of the total forecast.
- Total CAFFA funds to be distributed statewide in fiscal year 2018-19 are projected to be \$18.3 million:
  - Zero percent difference from last year;
  - The certified grant expenditure is \$6,377,177:
    - Actual grant revenue to Marion County is estimated at \$1,050,980.

***Board discussion:***

- This amount has gone down over the years;
- The amounts do not keep up with Marion County's budget;
- The state has been siphoning off money from the funds collected by the county clerk for their own purposes; and
- Rural counties depend on this grant in order to run their Assessor's Office.

**MOTION:** Commissioner Brentano moved for approval of the fiscal year 2018-19 County Assessment Function Funding Assistance (CAFFA) Grant resolution. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

(Video Time 00:20:42)

## BOARD OF COMMISSIONERS

2. Consider approval of a proclamation designating April 2018 as National County Government Month in Marion County. – Commissioner Janet Carlson

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

- All 36 counties in Oregon are members of National Association of Counties (NACo);
- Oregon is a 100 percent state;
- Marion County has 15 departments delivering valuable services to the community;
- Commissioners oversee the departments:
  - Budget;
  - Personnel rules;
  - Contracting; and
  - Serves as the governor and legislature rolled into a three person board, with a little bit of judicial authority.

### ***Board Discussion:***

- The commissioners touch the lives of more citizens than any other local government with services that are provided by the county;
- The county is the unit of government that administers state law and state functions; and
- A video presentation created by the Association of Oregon Counties will be shown at the end of the board session.

**MOTION:** Commissioner Brentano moved for approval of a proclamation designating April 2018 as National County Government Month in Marion County. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

The commissioners read the proclamation.

(Video Time 00:31:07)

## PUBLIC WORKS

3. Consider approval of Amendment #1 to the Contract for Services with Republic Services revising language related to haul destinations and recycling of appliances and add \$2,900,000 in funding. – Brian May

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

- The contract has restricted the ability to move material;
- Amendment will help with flexibility;
- Will allow the county to move materials to the Marion Resource Recovery Facility (MRRF);
- As the economy has grown, there have been an increase in volumes through all of the disposal sites;
- Covanta is at capacity;
- Moving material away from Covanta and seeking to use other recovery site;
- The increase covers the processing cost at the MRRF;

- This is a pass through expense;
- Will not impact curb rates or other transfer stations;
- Marion County will receive increased revenues at the incinerator;
- Has been moving waste from the Salem-Keizer Transfer Station to the MRRF since fall of 2016; and
- Salem-Keizer Transfer Station is still handling appliances.

***Board discussion:***

- The commissioners are pleased with the increase of the recycling count;
- The Marion Resource Recovery Facility has added a second shift and is running additional days on the weekend to handle and process the materials;
- The contract has flexibility to move materials as needed to Coffin Butte;
- Tires are handled under the contract with the Salem-Keizer Transfer Station:
  - The tires are ground and used for fuel.

**MOTION:** Commissioner Brentano moved for approval of Amendment #1 to the Contract for Services with Republic Services revising language related to haul destinations and recycling of appliances and add \$2,900,000 in funding. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

*(Video Time 00:40:19)*

4. Consider adoption of an administrative ordinance granting Zone Change/Comprehensive Plan Amendment Case #17-003/R&K Properties, LLC, Clerk's file #5739. – Joe Fennimore

***Summary of presentation:***

- An application to change the comprehensive plan designation from Multi-Family Residential to Commercial and the zone from Multiple-Family Residential to Commercial Retail on a 0.14 acre parcel in the 3400 block of Ward Drive NE, Salem;
- The hearings officer held a public hearing on the application on November 8, 2017:
  - Issued a report recommending the board approve the request on January 12, 2018.
- The board held a public hearing on February 28, 2018, considered all the evidence in the record and approved the request subject to conditions:
  - Requiring the applicant to obtain all necessary permits and to meet all development standards.
- Staff recommends the board adopt the attached ordinance as written.

***Board discussion:***

- The business on the property is Highway Trailer Sales:
  - Wants to expand for more storage.

**MOTION:** Commissioner Brentano moved for adoption of an administrative ordinance granting Zone Change/Comprehensive Plan Amendment Case #17-003/R&K Properties, LLC, Clerk's file #5739. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

(Video Time 00:45:53)

5. Receive and consider appeal of hearings officer's decision denying Conditional Use (CU) 18-002/Lind, Clerk's file #5742 and schedule a public hearing for May 16, 2018. – Joe Fennimore

**Summary of presentation:**

- A Conditional Use to establish a hemp oil processing facility as a home occupation on a 6.72 acre parcel in a Special Agriculture (SA) zone located on Orville Road S, Salem;
- Background:
  - In August 2017, a Conditional Use application signed by Steven Lind, was filed to establish a hemp oil processing facility on the property, as a commercial activity in conjunction with farm use;
  - When it became clear the criteria for commercial activity in conjunction with farm use could not be met, the request was modified to a conditional use home occupation;
  - The modified request was approved by the planning director and was appealed to the hearings officer by opponents;
  - The hearings officer held a public hearing on October 25, 2017:
    - At that hearing, the applicants identified the sole owner of the property as Martha Lind;
    - The hearings officer concluded that at some point after the application was filed and hearing was held, the ownership of the property changed, and since it was not signed by Martha Lind, the application was not valid;
    - On December 15, 2017, the hearings officer issued an order dismissing the case; and
    - During the appeal period the applicant chose to withdraw the case and file a new application.
- This conditional use home occupation application was filed by Martha Lind and sent directly to the hearings officer;
- The hearings officer conducted a public hearing on January 31, 2018, and on March 20, 2018 issued a decision denying the request;
- On April 3, 2018, the hearings officer's decision was appealed to the board;
- In the denial, the hearings officer found that one of the approval criterion requires a home occupation to be operated by the resident of the dwelling on the property in which the business is located:
  - In this instance the hemp extraction business is L & L Extractions, LLC;
  - The applicant, Martha Lind, is the resident of the dwelling; however, she is not a member of the LLC, but a paid employee;
  - Since the resident of the dwelling is not operator of the proposed home occupation, this criterion is not satisfied; and
  - Since not all of the criteria were satisfied, it was concluded that the proposal does not meet the purpose and intent of the Special Agriculture zone and the request was denied.
- In the appeal, the applicant indicates that L & L Extractions, LLC has amended its Articles of Incorporation to add Martha Lind as Secretary:
  - Retaining equal and full operational control over L & L Extractions, LLC; and
  - Can be considered an operator of the business and satisfies the criterion.

- Staff recommends that the board accept the appeal and schedule a public hearing for May 16, 2018.

**Board discussion:**

- A letter was sent into the hearings officer after the close of the record:
  - It is sealed and put in the file; and
  - Instructions were if the board decides to accept the appeal, the board can look at the letter.
- The commissioners are not excited about bringing the level of technicality to the board level without having a hearings officer review it first;
- Documents were not straight forward; and
- The commissioners would like the hearings officer to do a legal review of the case.

**MOTION:** Commissioner Brentano moved to accept the appeal and remand the Conditional Use (CU) 18-002/Lind, Clerk's file #5742 back to the hearings officer. Seconded by Commissioner Carlson; 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 10:14 a.m.

The Association of Oregon Counties presentation was shown.

  
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CHAIR

  
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COMMISSIONER

  
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COMMISSIONER

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

