

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, December 28, 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

(Video Time 00:01:43)

Pete Dane:

- Would like to see the merit system promoted in Marion County to encourage employees to take pride in their work;
- Marion County is one of the larger counties in Oregon in terms of size, population and management; and
- Believes that County Clerk, Bill Burgess, does exemplary work with the elections and deserves a merit based raise.

CONSENT

(Video Time 00:05:06)

BOARD OF COMMISSIONERS

Approve an order establishing the board, committee and commission appointments for Marion County elected officials.

BUSINESS SERVICES

Approve a recommendation to adjust upward salary ranges for: Juvenile Relief Worker, Alternative Programs, #153; Juvenile Relief Worker, Detention, #156; Juvenile Relief Worker, GAP, #157; Juvenile Relief Worker, Probation, #218.

CLERK'S OFFICE

Approve an order appointing Paul Allen, Gerald Bauman, Micah Moskowitz, Valerie Palmer, Bob Riggi, Jennifer Sasaki, Sue Thompson and Jack Yarbrough to the Board of Property Tax Appeals (BOPTA) with terms ending June 30, 2017.

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

ACTION

(Video Time 00:06:37)

BOARD OF COMMISSIONERS

1. Consider approval of an order appointing Sam Brentano as chair, Janet Carlson as vice-chair and Kevin Cameron as second vice-chair of the Marion County Board of Commissioners. – John Lattimer

Summary of presentation:

- It has been the tradition in Marion County for the board members to rotate the chairmanship; and
- It has created a great working relationship among all commissioners.

Board discussion:

- Being a chair on the Board of Commissioners is a bit different than being chair for a legislative committee:
 - Legislative committee chairs get to decide what bills will and will not be heard.
- Marion County operates collaboratively with all three commissioners working together; and
- The chair becomes the spokesperson to the media.

MOTION: Commissioner Carlson moved for approval of an order appointing Sam Brentano as chair, Janet Carlson as vice-chair and Kevin Cameron as second vice-chair of the Marion County Board of Commissioners. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:13:45)

PUBLIC WORKS

2. Receive and consider appeal of hearings officer's decision denying Partition (P) case #16-014/Kaufman, Clerks file #5719. – Brandon Reich

Summary of presentation:

- Appeal of hearings officer's decision denying a partition request to divide a nine-acre parcel in a residential zone into three parcels;
- The request was approved by the planning director subject to certain conditions;
- The applicant disagreed with two of the conditions and appealed it to the hearings officer;
- The conditions appealed were as follows:
 - Required right-of-way dedication; and
 - Improvements of a local access road, Canyon Street SE, that serves the proposed parcels.
- The hearings officer held a public hearing on October 26, 2016;
- Issued a decision on December 7, 2016, denying the partition request;
- In finding 11, the hearings officer discussed the right-of-way width of Canyon Street:

- Concluded that a 60 foot right-of-way already exists and no additional dedication is necessary.
- In findings 34 and 36, the hearings officer discussed the required improvements to the local access road:
 - Concludes=d that there are no adopted local access road development standards that can be applied; and
 - No provisions tying local access road standards to other county road standards.
- In the denial, the hearings officer stated that the applicant needed to provide additional information on how the properties will be accessed:
 - If the properties will meet sight distance and slope standards; and
 - Manage stormwater.
- It could not be determined if there was adequate access to the parcels;
- The hearings officer concluded that the applicant did not meet the burden of proving that all applicable standards and criteria were met;
- The applicant identified three items that meet grounds for appeal:
 - The hearings officer applied the incorrect standard for review by conducting a de novo hearing;
 - The applicant intends to submit additional information regarding access, stormwater and road grade standards for consideration by the board if the appeal is accepted; and
 - The applicant agrees with the hearings officer that there is no adequate basis to require the abutting local access road to be developed to county standards.
- The applicant has agreed to grant an extension to the 150 day decision making deadline if the appeal is accepted; and
- Staff recommends accepting the appeal and scheduling a public hearing for January 18, 2017.

Board Discussion:

- A local access road is a minimum level of road that serves access to properties:
 - A step up from a driveway.
- The standard for local access roads should come through the county's transportation system plan;
- Concerned about the de novo hearing issue;
- There was certain information that the hearings officer found missing that would have precluded an approval; and
- There is a requirement that a planning director can make the initial decision of approval or denial.

MOTION: Commissioner Brentano moved to accept the appeal and schedule a public hearing for January 18, 2017. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

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

None.

Commissioner Cameron read the calendar.
Commissioner Cameron adjourned the meeting at 9:35 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

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