

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, February 24, 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 Jan Fritz, chief administrative officer, Jane Vetto as county counsel, and Brenda Koenig as recorder.

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

**PUBLIC COMMENT**

None.

**PRESENTATION**

*(Video Time 00:01:06)*

COVID-19 (Novel Coronavirus) update. –Katrina Rothenberger

- Ms. Rothenberger reported the following updates for the COVID-19 pandemic as of 8:00 a.m. on Wednesday, February 24, 2020:
  - There have been an estimated 18,279 cumulative cases within the county from the start of the pandemic;
  - The positivity rate since the start of the pandemic is estimated to be 9.1 percent:
    - There have been an estimated 474 positive cases reported for the past two-week time period; and
    - There has been an estimated 37 percent decrease in positive cases over the same two-week time period.
  - An estimated 284 individuals have died from symptoms related to COVID-19; and
  - An estimated 26 county residents are currently being hospitalized for symptoms related to COVID-19.
- Marion County along with the following counties are considered part of Region 2 for Oregon’s emergency response:
  - Benton;
  - Lincoln;
  - Linn;
  - Polk; and
  - Yamhill.
- Ms. Rothenberger reported a decrease in hospital capacity for Region 2 with no limitations to capacity;
- Statewide trends show a decline in positive COVID-19 cases;

- The county received an estimated 7,200 doses of the COVID-19 vaccine:
  - An estimated 5,000 doses will be distributed to Salem Health for utilization at the Oregon State Fair Grounds;
  - An estimated 500 doses will be distributed to the Yakima Valley Farm Workers Clinic; and
  - An estimated 1,700 doses will be distributed by Marion County Health and Human Services (MCHHS) to community partners throughout the county.
- An estimated 836,000 Oregonians have received either the first or second dose of the COVID-19 vaccine:
  - The count includes an estimated 57,000 Marion County residents.
- The United States Federal Drug Administration (FDA) has confirmed that the Johnson and Johnson vaccine is 66 percent effective at preventing moderate to severe COVID-19 symptoms:
  - The vaccine is estimated to be 85 percent effective against the most serious illness;
  - The vaccine has been declared safe to use; and
  - The FDA expressed that the required single dose of the Johnson and Johnson vaccine may accelerate the vaccination process.
- Health care providers administering the COVID-19 vaccine within the county include some of the following:
  - Salem Health;
  - Santiam Hospital;
  - Legacy Health;
  - Salud Medical Center;
  - Safeway Pharmacy; and
  - Costco Pharmacy:
    - The locations may have limited COVID-19 vaccines;
    - Appointments may be limited at the provider locations;
    - Providers may have waitlists available for individuals to preregister; and
    - Individuals must receive their second dose of the COVID-19 vaccine at the same location where they received their first vaccine dose.
- The Oregon Health Authority (OHA) allocates vaccines to counties based on population levels:
  - Marion County residents are encouraged to vaccinate locally.
- MCHHS is confident that second doses of the COVID-19 vaccine will be available for individuals who have already received the first dose:
  - Second dose vaccinations are recommended three to four weeks after receipt of the first dose; and
  - The Center for Disease Control (CDC) has expressed that the interval period between the first dose and the second dose may extend to six weeks.
- COVID-19 resources are available on the county's website.

***Board discussion:***

- The county has encountered issues with the COVID-19 vaccine allocation from OHA:
  - Other counties within Oregon were still working to complete the Phase 1A COVID-19 vaccinations;
  - Marion County received fewer vaccine doses in January; and

- Power outages related to an ice storm forced clinics within the county to reschedule vaccine deliveries.
- MCHHS anticipates an estimated 7,200 individuals per week will be immunized with the COVID-19 vaccine in the near future:
  - The count does not include the following:
    - Pharmacy allocations; and
    - Long-term care facilities.
- Marion County citizens may have the option to vaccinate in a neighboring county if COVID-19 vaccine doses are low locally:
  - COVID-19 vaccines administered at the Oregon State Fairgrounds were issued to the following:
    - An estimated 60 percent of the doses were administered to Marion County citizens; and
    - An estimated 40 percent of the doses were administered to citizens from neighboring counties.
- The county anticipates restaurants will be able to host in-person dining on Friday, February 26, 2021; and
- The commissioners expressed their appreciation to the MCHHS team for all their hard work and efforts throughout the COVID-19 pandemic.

## CONSENT

*(Video Time 00:11:26)*

### HEALTH AND HUMAN SERVICES

Approve Amendment #2 to the Contract for Services with LocumTenens.com, LLC to add \$300,000 for a new contract total of \$705,000 to provide temporary medical personnel for behavioral health programs and alcohol and drug treatment programs through September 30, 2021.

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

## ACTION

*(Video Time 00:12:21)*

### HEALTH AND HUMAN SERVICES

1. Consider approval of Amendment #19 to the incoming funds Intergovernmental Agreement (IGA) with the Oregon Health Authority (OHA) which adds PE 01-05 and PE 01-06 to the footnotes, with no changes to the contract funding or the expiration date of June 30, 2021. –Ryan Matthews

***Summary of presentation:***

- There are no funding changes to the incoming funds IGA with the OHA;
- Amendment #19 adds footnotes to Program Element (PE) 01-05, Local Active Monitoring, and PE 01-06, Regional Active Monitoring;

- Both PE's are related to the county's COVID-19 response.
- Concerns arose in December 2020 with CARES Act funding set to expire at the end of the year:
  - PE 01-05 and PE 01-06 are both subsidized with CARES Act funds:
    - The original contract did not state that the two PE's utilized CARES Act funds.
  - The OHA established Amendment #19 to the IGA as a tool to inform local health authorities of the possible expiration of CARES Act funding for PE 01-05 and PE 01-06 at the end of 2020:
    - Footnotes identifying the following were added to the contract:
      - PE 01-05 and PE 01-06 are subsidized with CARES Act funding; and
      - The CARES Act funding is set to expire on December 30, 2020.
- The federal government chose to extend CARES Act funding after the OHA had already established Amendment #19;
- MCHHS received a letter from the OHA on January 28, 2021, acknowledging the following:
  - Amendments have been added extending the term date of the IGA;
  - Counties will have the option to extend the IGA term date to June 30, 2021;
  - Reasons for why the OHA is not extending the IGA term date through December 31, 2021, are unclear:
    - The county's contract period with the OHA expires on June 30, 2021;
    - It is possible that funding cannot be extended past June 30, 2021; and
    - MCHHS is optimistic that the IGA term date will be extended past June 30, 2021, if unspent CARES Act funds are still available.
- The county did respond to the OHA letter requesting to extend the CARES Act funding through June 30, 2021.

**MOTION:** Commissioner Willis moved to approve Amendment #19 to the incoming funds Intergovernmental Agreement with the Oregon Health Authority which adds PE 01-05 and PE 01-06 to the footnotes, with no changes to the contract funding or the expiration date of June 30, 2021. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

*(Video Time 00:17:21)*

2. Consider approval of Amendment #20 to the incoming funds Intergovernmental Agreement with the Oregon Health Authority to add \$1,966,203 for a new contract total of \$11,483,192.55 to provide epidemiology and laboratory capacity for emerging infectious diseases, and COVID Wrap Direct Client services through June 30, 2021. –Ryan Matthews

***Summary of presentation:***

- The incoming funds IGA adds two funding elements:
  - An estimated \$20,000 in funding will be utilized for COVID-19 wrap-around activities:
    - Provides direct support to individuals that are considered presumptive or have tested positive for COVID-19 and require isolation or quarantine:

- Hotel isolation quarantine is available for individuals that are presumptive or have tested positive.
  - Other wrap-around support services include some of the following:
    - Laundry services; and
    - Food delivery.
  - The services assist with limiting and reducing the risk for spreading of the COVID-19 virus.
- An estimated \$1,946,203 in funding will be utilized for the Epidemiology and Laboratory Capacity (ELC) grant:
  - The federal grant was issued by the CDC and awarded to the state;
  - An estimated \$1.9 million in grant funding is allocated to Marion County;
  - Time limits for CARES Act funding may be problematic:
    - Local public health authorities have expressed concerns with COVID-19 operations and infrastructure should the CARES Act funding cease; and
    - The grant funding allows counties to continue with COVID-19 operations.
  - The grant funds can be utilized for needs related to the COVID-19 pandemic which includes some of the following:
    - Vaccine coordination;
    - Education;
    - Outreach;
    - Investigation; and
    - Response.
  - Grant funding will be available through 2024;
  - Any funding not utilized during the contract period will roll over into future awards;
  - The county plans to strategize to determine the best use of the funding that will enhance the infrastructure of communities; and
  - The county hopes to set aside a portion of the funding dollars for future use.

***Board discussion:***

- An increase in Sexually Transmitted Diseases (STDs) is concerning:
  - The grant funding can be utilized for STD services and supports;
  - The county wants to ensure funding is available if needed for COVID-19 response;
  - The end date for the impacts of COVID-19 is unknown;
  - The county does not anticipate reinvesting the grant funding immediately;
  - The utilization of grant funding for STDs is a future option; and
  - The county currently utilizes another funding method to support staffing for some of the following:
    - Tuberculosis; and
    - STDs.
- An application for the grant funding was not submitted by Marion County:
  - The state of Oregon applied for the federal grant; and

- The grant funding was then distributed to all counties within Oregon to utilize for the impacts of COVID-19 if needed.
- The state requires all counties to have a structure available for COVID-19 isolation and quarantine:
  - The county utilizes a hotel consisting of a total of 89 rooms located on three floors; and
  - The county has been able to utilize unused rooms on the entire third floor of the hotel to assist individuals needing shelter, that have no resource options, and that were impacted by the following:
    - The wildfires; and
    - The ice storm:
      - Individuals affected by the wildfires and the ice storm were notified prior to their stay that individuals with COVID-19 were self-isolating in rooms located on other floors;
      - The individuals were made aware of the safety protocols utilized to help prevent the spread of the COVID-19 virus;
      - There have been no transmissions of the COVID-19 virus at the hotel; and
      - Individuals utilizing the hotel for the crises were not charged a fee for their rooms.
- Other funding sources are currently being utilized to assist with the impacts of COVID-19:
  - The county's current plan is to set the grant funds aside in the event it is needed in the future for unforeseen issues.

**MOTION:** Commissioner Bethell moved to approve Amendment #20 to the incoming funds Intergovernmental Agreement with the Oregon Health Authority to add \$1,966,203 for a new contract total of \$11,483,192.55 to provide epidemiology and laboratory capacity for emerging infectious diseases, and COVID Wrap Direct Client services through June 30, 2021. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

*(Video Time 00:34:51)*

3. Consider approval of Amendment #3 to the incoming funds Intergovernmental Agreement with the Oregon Health Authority to add \$175,000 for a new contract total of \$958,009 for HIV Early Intervention and Outreach services through December 31, 2022. –Ryan Matthews

***Summary of presentation:***

- The HIV Early Intervention and Outreach program started in January 2018;
- The IGA provides the following services to individuals who may have tested positive for HIV:
  - Outreach;
  - Education;
  - Testing; and
  - Referrals.
- The primary goal of the IGA is to prevent the spread of HIV within the community;

- The main focus centers around testing individuals that engage in high risk activities so that they know their HIV status.
- Funds from the IGA's first year were utilized to purchase a mobile clinic van:
  - The mobile clinic van has proven to be a positive resource for the county; and
  - The mobile clinic van has been utilized for the following throughout the county:
    - Testing events; and
    - Outreach.
- Individuals testing positive for HIV are provided with referrals to connect to resources that provide needed supports; and
- Funding for Amendment #3 will provide for the following:
  - A full-time program coordinator;
  - Excursions for a variety of outreach efforts; and
  - It will finance the contract with the HIV Alliance.

***Board discussion:***

- Commissioner Bethell expressed the following:
  - She was present at a City of Salem and a City of Keizer meeting in 2020, for the National Association for the Advancement of Colored People (NAACP), where two coordinators for an HIV program provided a synopsis related to the mobile clinic van;
  - HIV is a continuing issue within the county;
  - Further review of STDs and the ongoing efforts were requested for a future Management Update meeting;
  - More public education may be needed; and
  - She thanked Mr. Matthews and his team for the following:
    - Community support;
    - Continued education related to HIV awareness; and
    - Ensuring that individuals are receiving HIV services if needed.
- There has been an increase in HIV cases in recent years within the county; and
- It is important to continue to provide the following for HIV:
  - Awareness;
  - Education;
  - Outreach;
  - Risk factors; and
  - Proper protocols to minimize the spread of the disease.

**MOTION:** Commissioner Willis moved to approve Amendment #3 to the incoming funds Intergovernmental Agreement with the Oregon Health Authority to add \$175,000 for a new contract total of \$958,009 for HIV Early Intervention and Outreach services through December 31, 2022. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

*(Video Time 00:40:23)*

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## PUBLIC HEARINGS

9:30 A.M.

### PUBLIC WORKS

A. Public hearing to consider Comprehensive Plan Amendment/Zone Change/ Partition (CP/ZC/P) Case #19-005/Lois M. Pfenning, Trustee of the Henry O. and Lois M. Pfenning Trust.  
–Joe Fennimore

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

Joe Fennimore:

- The application request entails the following for a property located in the 2400 block of 62<sup>nd</sup> Avenue SE in the City of Salem:
  - Change the zone from Special Agricultural (SA) to Acreage Residential (AR) with a minimum lot size of two acres;
  - Change the Comprehensive Plan designation from SA to Rural Residential on a 20.46-acre parcel with an exception to the following:
    - Statewide planning Goal 3, Agricultural Land; and
    - Goal 14, Urbanization.
  - Partition the 20.46-acre parcel into three lots which entails the following:
    - Two 2-acre parcels; and
    - One 16.46-acre parcel.
- Surrounding properties located to the west and to the south are zoned SA:
  - The properties consist of small to medium sized lots for the following uses:
    - Agricultural; and
    - Rural residential.
- Surrounding properties located to the north and the east are zoned AR:
  - Parcels are developed as Rural Residential lots.
- The hearings officer conducted a public hearing on July 24, 2019:
  - A recommendation for the board to deny the request was issued on December 10, 2019.
- The applicant's representative contacted Marion County Public Works (MCPW) staff requesting to delay the public hearing indicating that additional time was needed to develop evidence;
- On December 14, 2020, the applicant submitted a packet of information and requested the scheduling of a public hearing;
- On February 10, 2021, the board approved scheduling a public hearing for February 24, 2021;
- The applicant is requesting both a Zone Change (ZC) and a Comprehensive Plan Amendment (CP):
  - The ZC is dependent upon obtaining the CP; and
  - Failure to obtain the CP will result in denial of the proposed ZC.
- The property is designated SA:

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- The applicant must obtain the following in order to change the plan and zone designation to allow for rural residential use:
  - An exception to statewide planning Goal 3, Agricultural Land; and
  - An exception to Goal 14, Urbanization:
    - Required in order to adopt a rural residential zone with a minimum lot size that is less than 10-acres.
- There are three types of goal exceptions that may be taken which include:
  - Physically developed;
  - Irrevocably committed; or
  - A reasons exception.
- The applicant has requested an irrevocably committed exception to Goal 3 and Goal 14:
  - The applicant is required to demonstrate that the relationship between the subject property and the adjacent lands has irrevocably committed the subject property to the following:
    - Uses not allowed by Goal 3; or
    - That uses allowed by the goal are impracticable.
- In the recommendation, the hearings officer considered some of the following for Goal 3 exception criteria:
  - The high-value soils of the property;
  - The historical and current use of the subject property for farm utilization;
  - The lack of identified conflicts between adjacent uses and farm use on the subject property; and
  - The hearings officer determined the following:
    - The applicant had not shown that the relationship between the subject property and the adjacent lands has irrevocably committed the subject property to nonagricultural uses; and
    - Allowing a Goal 3 exception was not recommended.
- For a Goal 14 exception, the hearings officer indicated that the applicant needed to provide additional evidence, particularly regarding the availability of rural services to the subject property:
  - The hearings officer determined the following:
    - There is insufficient evidence in the record to find that the subject property is committed to urban development;
    - Any rural use of the property would be impracticable; and
    - Allowing a Goal 14 exception was not recommended.
- The hearings officer determined that the applicant has proven that some, but not all, of the Marion County Comprehensive Plan (MCCP) policies have been met:
  - The applicant can only satisfy some of the applicable criteria.
- If the board determines the goal exceptions are justified, then the criteria for the CP/ZC/P can be met; and
- The board has the following options:
  - Continue the public hearing;
  - Close the public hearing and leave the record open;

- Close the public hearing and approve, modify, or deny the request; or
- Remand the matter back to the hearings officer.

***Board discussion:***

- Commissioner Cameron requested an overview of Goal 3 and Goal 14;
- Mr. Fennimore stated the following:
  - The purpose of the goals is to protect the land base because the economy and the state are dependent upon this;
  - When zoning was first applied outside urban areas, everything was considered agriculture or forest land, unless it could be shown why it should be considered something else;
  - During the planning process, land was identified for residential or commercial use, and everything else was considered agricultural land;
  - The process now is to take an exception to the goals; and
  - There are three types of exceptions:
    - Physically developed;
    - Irrevocably committed; and
    - A reasons exception.
- Commissioner Willis clarified that the board can grant an irrevocably committed goal exception if the subject property is found to be impractical for farming:
  - An exception cannot be granted if there are no factors that demonstrate it is not impractical to farm.
- Mr. Fennimore provided some legislative background regarding Goal 14:
  - The result of the legislation is that any new agricultural lands that wish to have a lot size less than the minimum 10 acres must go through a goal exception process;
  - He clarified that the commissioners are determining if the proposal by the applicant is considered not an urban use; and
  - If an exception is granted, then the commissioners found that the property meets the requirements for urban use.
- Commissioner Bethell wanted more information regarding the uses allowed in the rural residential zone:
  - Mr. Fennimore stated that generally the zone allows for single-family dwellings;
  - Farm and forest uses;
  - Limited accessory buildings;
  - A home business may be allowed if a conditional use has been approved; and
  - The zone is fairly restrictive to residential use.
- Mr. Fennimore clarified for Commissioner Willis that the 2-acre minimum lot size would apply to any new parcel in the zone should the applicant choose to sub-divide in the future;
- Commissioner Bethell wanted more information regarding the SA zone, and Mr. Fennimore provided background information on how the zone was developed:
  - The SA zone is similar to the EFU zone, but is less restrictive;
  - It does not mean that it contains high value soils;

- Marion County has an estimated 50 percent of the high value soils located within the state; and
- Commissioner Willis stated that although the soil may be high value, it may not be farmable.

*Wallace Lien, Attorney for Applicant:*

- Mr. Lien stated the key to this case is the exceptions;
- He stated there are two questions to consider when looking at the exception issues:
  - Is the subject property irrevocably committed by virtue of the surroundings; and
  - If it is, is the relationship issues between the subject property and the surrounding properties that are the commitment, are those relationships such that the farming aspect of the property becomes impractical.
- Mr. Lien discussed the first exception issue and provided a map of the subject and surrounding properties:
  - He stated that there are seven less than one-acre parcels immediately adjacent to the subject property;
  - There are several subdivisions:
    - The city limits are within a short distance of the property;
    - The Salem Technical Industrial Park;
    - The Santiam Highway interchange; and
    - Lots of other developments.
  - The hearings officer, in the recommendation, wanted more information about parcel size and dwellings:
    - The applicant went through the studies of the properties and provided the information:
      - An estimated 91 percent of the parcels in the study area are rural residential;
      - The average parcel size is 3.45 acres;
      - The median parcel size is 2-acres, which is what the applications are proposing; and
      - An estimated 74 percent of the parcels are under 2-acres.
  - It is the applicant's position that they have provided the necessary information to show that the property is irrevocably committed by virtually all of the rural residential parcels surrounding the subject property.
- Mr. Lien then discussed the second part of the exception issue, which is the relationship issues that makes the subject property impractical to farm:
  - He stated that from a farming standpoint, some of the issues that a farmer may encounter from the surrounding parcels include:
    - Dogs;
    - Trespassing; and
    - Theft.
  - He stated from a property owner's standpoint, some of the issues they may encounter from the farming operation include:

- Dust;
- Noise;
- Irrigation;
- Pesticide and chemicals:
  - The current parcel cannot apply pesticides to their operation because some of the surrounding parcels are within 10 feet of the property line.
- High voltage power lines run through the property:
  - They may be a fire risk to dried out crops or hay; and
  - They may increase insurance costs for surrounding property owners.
- Mr. Lien concluded that it is impractical to farm the subject property given the relationship issues with the surrounding properties.
- A goal exception process assumes the property is farmable:
  - The soil designation classifies the property as farm property;
  - The property has not been farmed since the 1960's; and
  - The property cannot practically be farmed in the future.
- Mr. Lien addressed the other issues brought up by the hearings officer:
  - Access to the property is currently through Macleay Road;
  - The two parcels that will be created on the northern edge of the property will access Whispering Way;
  - Whispering Way will be dedicated and made a public right-of-way, as conditioned;
  - The applicant submitted evidence to address the feasibility of wells and septic systems on the property;
  - The ownership issues have been addressed;
  - Mr. Lien clarified that public systems are not available to the property;
  - The applicants are in compliance with all rural residential policies;
  - All conditions proposed are acceptable to applicants; and
  - Mr. Lien is asking for approval of the application:
    - It is a good application to transition from one type of land use to another.

***Board discussion:***

- Mr. Lien clarified that the original maps are in the file:
  - They are co-referenced in the table with the original land use inventory; and
  - In the supplement, each property is coded with the name, map number, and tax lot number.
- In response to questions posed by Jane Vetto, county counsel, Mr. Lien stated:
  - There is a blueberry operation that is southwest of the subject property;
  - There are various zonings surrounding the property, which include:
    - Special Agriculture;
    - Transition;
    - City zoning;

- Exclusive Farm Use (EFU); and
    - Agricultural Residential (AR).
  - There is currently a cover crop on the property:
    - It is a hay crop that is not irrigated.
- Commissioner Bethell wanted more clarification of why the property cannot be currently farmed:
  - Mr. Lien stated that a cover crop is a type of farming;
  - The top soil is not thick; and
  - There is no water source available to the property.

## **Testimony Opposition**

### *Victoria Ortiz:*

- Ms. Ortiz currently lives on Culvert Drive;
- She questioned the sustainability of the plan;
- She has already experienced a water shortage in the neighborhood, particularly in the summer months:
  - She has been very mindful of this as a neighborhood resident.
- She wanted to know what it would take to turn this area into residential;
- The land has been untouched for decades;
- She questioned why they are making a sudden change and how it will affect the surrounding areas;
- She is testifying in opposition of the proposal; and
- She does not think the area is sustainable for residential use.

### *Wallace Lien:*

- Mr. Lien stated that the water issue was brought up with the hearings officer;
- He recognized that the property is not in a limited ground water use area;
- Evidence was submitted to the record regarding the well:
  - The current well was established in the 40's;
  - It produces 40 gallons a minute;
  - All properties in the area are on a well;
  - There is not a public water system; and
  - The evidence submitted from the well driller is that a new well would not impact the neighboring community.

### *Joe Fennimore:*

- Commissioner Bethell had a concern regarding the water source for the residential development if there was not a water source for farming;



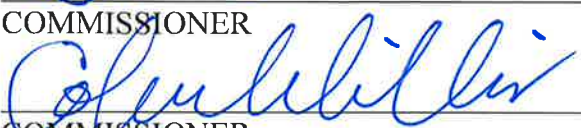
- Mr. Fennimore explained that the applicant would have to apply for a water right for farming, and that they would only be able to use a certain amount for agricultural purposes;
- Residential wells do not have a limit as they do not use as much water as a farming operation;
- Commissioner Cameron reiterated that the property was not in a limited water area;
- Mr. Fennimore responded to Commissioner Bethell's questions regarding the following:
  - The applicants would have to apply to create a smaller parcel from the proposed 16-acre parcel:
    - They could either partition it into three parcels or fewer; or
    - They can create a subdivision of 2-acre lots.
  - Existing access to the property is a private easement across the properties:
    - The applicants would have to dedicate a right-of-way for public access to the rest of the properties;
    - Currently the code states that only four parcels can be served by a private road;
    - If the newly created road is brought into the county system for maintenance, it would have to be built to county standards; and
    - Commissioner Cameron stated that in the conditions there is a Road Management agreement for the maintenance of the road.

***Board discussion:***

- Commissioner Willis stated that he believes the property is not able to be farmed:
  - There are no parcels surrounding the property that are larger than 5 acres;
  - He does not believe that granting the partition will be detrimental to the surrounding community:
    - It is actually a better fit.
  - If the parcel were to be farmed, pesticides could impact the health of the surrounding residents;
  - Powerlines are also a problem;
  - He believes that this justifies a Goal 3 exception;
  - Granting the Goal 14 exception would not turn the property into an urban use;
  - Agricultural farming can still be done on small parcels; and
  - Well and septic questions have been adequately answered.
- Commissioner Bethell stated that she mostly agrees with Commissioner Willis' comments, and added:
  - She believes that people should be accountable to know what is happening on a surrounding parcel before they purchase a property;
  - She thanked Mr. Fennimore for the information regarding water usage;
  - Breaking down the property into 2-acre parcels may promote more hobby farming; and
  - She is in support of granting the application.
- Commissioner Cameron stated he agrees with his fellow commissioners.

**MOTION:** Commissioner Willis moved to close the public hearing and approve Comprehensive Plan Amendment/Zone Change/Partition (CP/ZC/P) Case #19-005/Lois M. Pfenning, Trustee of the Henry O. and Lois M. Pfenning Trust subject to the conditions outlined on page 37. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

Commissioner Willis read the calendar.  
Commissioner Cameron adjourned the meeting at 10:53 a.m.

  
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CHAIR  
  
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<https://www.youtube.com/playlist?list=PLSUQ1gg6M78UsBE3q6w4rdf59Z5rXkEi5>