



OREGON

MARION COUNTY BOARD OF COMMISSIONERS

Management Update Minutes

Tuesday, January 18, 2022, 9:30 a.m.

Courthouse Square, 555 Court St. NE, Salem
5th Floor, Suite 5231, Commissioners Boardroom

ATTENDANCE:

Commissioners Kevin Cameron, Danielle Bethell, and Colm Willis, Jan Fritz, Chad Ball, Jessica Stanton, Matt Lawyer, Brandon Reich, Kelli Weese, John Carlson, Sherry Lintner, Tim Glisson, Chris Eppley, Tanisha Bush, Jane Vetto, Chris Trussell, Brian Nicholas, Jon Heynen, Katrina Rothenberger, and Robert Manier as recorder.

Jan Fritz called the meeting to order at 9:30 a.m.

INFORMATIONAL:

Delegation of Authority for Planning Director and Zoning Administrator

-Brandon Reich

Summary of presentation:

- There may be times when Mr. Reich is involved in a property creating a conflict of interest if he served as the Planning Director and Zoning Administrator;
- Mr. Reich is requesting a board order that would grant him the authority on specific properties to grant the delegation of authority; and
- The authority would be delegated to Lindsey King, the principal planner.

Board discussion:

- The authority cannot be delegated to legal counsel;
- The Commissioners would like the authority to be delegated to the department head; and
- The Commissioners would like advance notice when the authority is going to be delegated.

Request for Concurrence to make changes to policies section of cities comprehensive plan as part of Our Salem project

-Brandon Reich, Austin Barnes

Summary of presentation:

- The City of Salem is updating their comprehensive plan:
 - They are looking at policies that apply inside the urban area of Salem:
 - The urban area includes the area inside the Urban Growth Boundary.
- Public Works asked the city to identify the policies that affected areas outside of the city limits, but inside the Urban Growth Boundary;
- Three policies were identified:

- Have a variety of housing types allowed by code;
 - Have an array of employment types; and
 - Regional coordination on public facility planning and investments.
- The city is asking the county to concur that these three policies would apply outside of the city, within the Urban Growth Boundary; and
- The county is already implementing the items identified.

Board discussion:

- Commissioners Willis is against this because he does not agree with the city's view on housing:
 - The city wants anybody to be able to build anything, anywhere.
- Commissioner Bethell is also against this:
 - The city wants to implement spot zoning.
- Since the county already implements the items identified it is not critical that the Board approves; and
- Commissioner Cameron does not want the county to give up control, but he does want the county to be flexible.

Affordable Housing Town Hall

-Brandon Reich, Lindsey King

Summary of presentation:

- Public Works and the Board's Office have identified a process to perform public outreach, and to hold an affordable housing town hall;
- Public Works is interested in learning residents' thoughts regarding affordable housing:
 - What types of housing have they seen that works;
 - What do they like in their community;
 - What are their concerns; and
 - What feels right for East Salem.
- The town hall will be held in early March; and
- The town hall will be held online.

Board discussion:

- The Commissioners would like the meeting to be in-person and online; and
- Commissioner Willis suggested that Public Works provide visual materials presenting different affordable housing options.

Recommendation to appoint Scott Heesacker to Ambulance Area Advisory Committee

-Sherry Lintner, Katrina Rothenberger

Summary of presentation:

- The Ambulance Service Area (ASA) Advisory Committee provides guidance and advocacy for county ambulance services, policies, and planning;
- The ASA's role is to advise the Board and the ambulance service area administrator;
- The ASA bylaws allow for 12 members on the committee, serving 3-year terms:
 - There are currently 7 members.

- Mr. Heesacker is the Division Chief of the Woodburn Fire District; and
- He feels he will bring a unique prospective to the committee as the Woodburn Fire District is a non-transporting fire service.

Board discussion:

- There have been complaints from fire agencies in North Marion County about slow ambulance response time; and
- Mr. Heesacker's presence on the committee will allow these non-transporting fire agencies to provide feedback.

Viewcrest Road Lot Line Adjustment and Redistribution

-Kelli Weese, John Carlson

Summary of presentation:

- The Finance Department is requesting to use \$10,000 of the Good Neighbor Grant Program funding for a project that includes:
 - Multiple lot line adjustments and property redistribution on property located on Viewcrest Road, just south of Salem.
- The property is currently owned by the county, and after the lot line adjustments it would be redistributed to the adjoining private property owners;
- The project would put the property back on the tax roll; and
- The total project cost is estimated to be \$12,000 to \$13,000, and would include a survey and the fees associated with the lot line adjustments and redistribution:
 - The Tax Title Fund would be used to cover any expenditures over the \$10,000 grant funding.

Board discussion:

- The project may be able to be funded in its entirety by the Tax Title Fund:
 - Ms. Fritz will research this.

Final Consolidation Plan and Substantial Amendment to Annual Action Plan Process Review

-Tim Glisson

Summary of presentation:

- The Commissioners have received a copy of the final version of the Consolidated Plan that was approved by the United States Department of Housing and Urban Development (HUD);
- The Commissioners were also provided with a timeline;
- The Commissioners will need to decide if they want to reapprove the final version;
- Staff met with HUD this past Thursday, and issues were identified that need to be corrected:
 - The Consolidated Plan will need to be reopened for public comment for 30 days; and
 - A public hearing is scheduled for February 9, 2022.
- Following are the proposed budget changes:

- The Community Housing Development Organization (CHDO) funding is decreasing from \$93,170 to \$75,000:
 - The funds are allocated to Habitat for Humanity to assist with building 3 homes in Silverton.
- Increase availability and affordability of housing options funding includes two programs:
 - \$484,013 for a down payment assistance program that will be administered by DevNW:
 - Down payment assistance of up to \$25,000 will be provided to 19 households.
 - \$814,778 for a homeowner housing rehabilitation program that will be administered by DevNW:
 - Rehabilitation assistance will be provided up to \$15,000; and
 - Up to \$35,000 will be provided for septic systems:
 - There are other funds in the original plan that can also be used for septic systems.
- Invest in public facilities and infrastructure funding is decreasing from \$1.1 million to \$300,000:
 - Funds are allocated to the Center for Hope and Safety and Neighbors Serving Unsheltered Neighbors.

Board discussion:

- The Commissioners would like clarification on when Habitat for Humanity was chosen as the CHDO;
- The down payment assistance could be increased to \$30,000:
 - Commissioner Bethell would like home buyers to contribute to their down payment.
- The county can pick more than one CHDO;
- The \$75,000 CHDO funds provide a \$25,000 per home development subsidy for Habitat for Humanity to build 3 homes:
 - Habitat for Humanity has not yet secured all the funding required to build the 3 homes; and
 - These funds need to be under homeowner agreements by Spring 2023.
- The county does not yet have a designated CHDO:
 - Habitat for Humanity is working on the criteria to become a CHDO; and
 - DevNW is a CHDO for other communities, but not for Marion County:
 - Staff is having conversations with DevNW about them becoming a CHDO for Marion County.

Wildfire Update

-All

Summary of presentation:

Brian Nicholas:

- Public Works has received feedback on all of the Federal Emergency Management Agency packages:

- Public Works understands what needs to be adjusted in the packages; and
 - Changes need to be submitted by January 28, 2022.
- This Thursday the Gates City Council is considering the county's land use application for Evans Haven;
- Tree removal is continuing along county roads;
- Late last year the U.S. Forest Service (USFS) issued an administrative plan for tree removal of wildfire damaged trees:
 - USFS did not conduct a full environmental impact study;
 - The plan was challenged in court;
 - The Circuit Court put a stay on the plan; and
 - The USFS pulled the plan.
- The USFS is starting over with an environmental impact study for wildfire damaged tree removal:
 - This is normally a two-year process.
- The USFS has not done any clean up in the Willamette Forest upstream from the county's end of North Fork Road:
 - They have not started any work in the Opal Creek or Three Pools area.
- Timber laying on the ground is only good if salvaged within about one year.

Board discussion:

- Under the best circumstances Opal Creek may be open in five years, but it will likely be much longer:
 - USFS has to find funding to repair two major bridges and one smaller bridge.
- The USFS process should not affect the county's clean up in areas falling under the county's jurisdiction;
- Funding was previously given to Opal Creek by the U.S. Senate; and
- The Commissioners would like to have a work session with USFS to understand their plans:
 - Staff would also like to include the Bureau of Land Management (BLM) in the work session.

Brandon Reich:

- Public Works is still receiving applications for permits to rebuild in the wildfire affected areas:
 - Nearly half of the homeowners have applied for permits to rebuild.
- Nearly 60 percent of wildfire affected homeowners have applied for septic permits.

Board discussion:

- Commissioner Bethell would like Public Works to provide the small cities in the canyon with a formal report of recovery work happening in the canyon; and
- There is a problem on a property in the North Fork area:
 - When rebuilding, the homeowners moved a large amount of soil on their property to a location that went beyond what was approved by their building permit;

- Their actions affected their septic system which is now unusable;
- It is causing problems with water on a neighboring property; and
- The neighbors are working together to try to come up with a solution.

Chris Trussell:

- Public Works is in partnership with the Building Codes Division (BCD) to work on the implementation of a fire hardening grant program that was allocated by the state;
- Marion County will manage the program;
- The intent of the program is to provide incentives to wildfire affected property owners who are rebuilding:
 - The incentive is in the form of a rebate or refund; and
 - Homeowners have options for fire hardening upgrades when rebuilding:
 - The upgrades go beyond what minimum code would require.
- Wildfire affected property owners are allowed to build back to 2008 code:
 - The fire hardening grant program will encourage property owners to build to today's standards.
- The grant program is retroactive;
- Marion County will receive a total of \$1.4 million in grant funding:
 - The funding provided is not enough to include all of the homes being rebuilt:
 - The state expects there to be funding available for approximately 40 percent of the homes being rebuilt;
 - There is funding available for approximately 260 homes;
 - Public Works has received applications for 280 homes; and
 - Homeowners receive a small rebate, not enough to cover the cost of the projects chosen.
- The funding has to be spent by June 2024.

Board discussion:

- Public Works is receiving administrative dollars as part of the grant program, but not enough to add staff to administer the program:
 - A current temporary employee will be kept on to work on the program.
- Commissioner Bethell is concerned that individuals who have not yet been able to afford to rebuild will miss the opportunity to receive money from the grant;
- Public Works is working on three other grant programs including:
 - An Oregon Department of Energy energy efficiency grant;
 - The county septic system program for wildfire impacted households:
 - The program is being funded by federal dollars through the American Rescue Plan Act; and
 - The county has submitted the program application.
 - The Department of Environmental Quality septic repair or replace grant program that is for low- and middle-income households statewide, not just those affected by wildfires.
- Kevin Dial with the Long Term Recovery Group may be able to help Public Works administer grant programs in the canyon; and

- Downtown Detroit commercial properties community septic system update:
 - A consultant will need to be hired to develop a plan;
 - Land has to be identified;
 - Public Works does not yet know what is going to be built back, which will drive the size of the system required; and
 - There are provisions for holding tanks for individual lots for commercial buildings.

Legislative Update

-Tanisha Bush

Summary of presentation:

- The Commissioners were provided an update to the letter that is going to be submitted to the Transportation Committee.

Board discussion:

- Commissioner Willis has a meeting conflict for providing testimony to the committee on January 20, 2022:
 - Ms. Fritz will look into rescheduling the work session being held on that day.
- The Oregon Health Authority is holding a public hearing and has public comment open regarding permanently requiring mandatory mask wearing indoors:
 - The Commissioners would like the county to submit a letter opposing the requirement; and
 - Ms. Vetto will look into whether the Occupational Safety and Health Administration has the authority to enforce this.

OTHER:

Matt Lawyer:

- The tiny home unit needs to be selected for the project going in at North Santiam State Park:
 - It is a quick turnaround once the unit is selected; and
 - The units will be single story with a utility room.

Jane Vetto:

- The environmental statement came out for the proposed Siletz casino:
 - The statement is approximately 1,200 pages long;
 - The current deadline for providing comments is February 6, 2022; and
 - The City of Salem and one of the tribes have asked for a 60-day extension.

Board discussion:

- The Commissioners are okay with asking for an extension;
- The county does not have jurisdiction over the casino land;
- It is not clear who within the county, if anybody, will review the statement; and
- The county has provided comments in the past on transportation, housing, and jobs.

Meeting adjourned at 11:07 a.m.

COMPLETED BY: **Betsy Young**

Reviewed by: Shawnnell Fuentes