

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, November 4, 2020
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Colm Willis, Commissioner Sam Brentano and Commissioner Kevin Cameron. Also present were Jane Vetto as county counsel and Brenda Koenig as recorder.

ABSENT: Jan Fritz, chief administrative officer

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

The commissioners presented Alan Bushong with a certificate of gratitude, and thanked him for his years of service to the community. Mr. Bushong is retiring from CCTV, after working there for 31 years.

PUBLIC COMMENT

None.

PRESENTATION

(Video Time 00:03:38)

COVID-19 (Novel Coronavirus) update. –Alisa Zastoupil

- Ms. Zastoupil reported the following updates for the COVID-19 pandemic as of 8:00 a.m. on Wednesday, November 4, 2020:
 - There are currently an estimated 6,374 cases within the county:
 - This estimate includes confirmed and presumptive cases.
 - An estimated 6,077 individuals have tested positive; and
 - An estimated 63,609 individuals have tested negative.
- There has been an increase in COVID-19 cases in Marion County:
 - There was a 30 percent increase in cases over the last two weeks, compared with the previous two week period.
- Marion County Health and Human Services (MCHHS) has been doing contact tracing, and has learned the following:
 - Exposures are occurring at large gatherings; and
 - Many cases are sporadic cases:
 - They have no known contact with anyone who has tested positive for COVID-19.

- It is very important to limit the size of gatherings and to take precautions around individuals not from your immediate household;
- MCHHS anticipates the county will be put on the governor’s watch list:
 - The county is not meeting two criteria:
 - Sporadic cases need to be below 50 per 100,000 residents; and
 - Sporadic cases need to be below 30 percent.
 - The county would be on the watch list for a minimum of three weeks; and
 - Being on the watch list does not indicate the county is moving back a phase for reopening.
- On October 30, 2020 the governor announced metrics for reopening Oregon schools:
 - The county must have a case rate of 50 or less per 100,000 residents for a two week period;
 - The county must have a test positivity rate of less than 5 percent;
 - For elementary schools to reopen the following metrics must be met:
 - A case rate of less than 100 per 100,000 residents for a two-week period; and
 - A test positivity rate of less than 8 percent.
 - The county is not currently meeting these metrics.
- There have been 4,901 pediatric cases of COVID-19 in Oregon since the beginning of the pandemic:
 - Pediatric cases are cases occurring in individuals under the age of 18;
 - The pediatric age group most likely to be infected is the 12 to 17-year-old age group; and
 - Pediatric cases are less likely than adults to develop severe symptoms that require hospitalization.
- In Marion County 20 to 29-year-olds are the age group most likely to become infected with COVID-19;
- Testing remains a top priority for the county:
 - MCHHS is working with its partners to increase testing capacity; and
 - Testing events have been held in Woodburn and Salem:
 - Any individual may be tested regardless of symptoms.
- With increased testing health officials are learning more about how the virus is spreading; and
- Increased testing enables the county to notify asymptomatic individuals so they may self-isolate.

Board discussion:

- MCHHS plans to pilot a drive through COVID-19 testing site.

CONSENT

(Video Time 00:10:43)

BOARD OF COMMISSIONERS

OLCC Applications – Recommended Approval

Hi Papa, Inc., dba Nagoya Japanese Steakhouse and Sushi – Salem, Oregon

BUSINESS SERVICES

Approve Amendment #3 to the Contract for Services with Hydro Temp Mechanical, Inc. to add \$5,911 for a new contract total of \$345,699 to add a redundancy shut off safety valve to the installed mixing valve located on the Marion County Jail Boilers for additional safety measures.

FINANCE

Approve a quitclaim deed for the sale of Tax Foreclosed Property ID #R54928 back to the prior owner of record.

HUMAN RESOURCES

Approve the recommendation to adjust upward the pay grade for classification #141, Case Aide; and update the classification and uphold the pay grade for #158, Health Resources Coordinator; and update the classifications and adjust upward the pay grades for #055, Training and Development Coordinator; #089, Mental Health and Evaluation Specialist; #206, Juvenile Department Assistant Director; #207, Juvenile Department Director; #549, Public Health Worker 1; #550, Public Health Worker 2; and #548, Public Health Worker 3.

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

ACTION

(Video Time 00:12:28)

HEALTH AND HUMAN SERVICES

1. Consider approval of Amendment #1 to the Intergovernmental Agreement with Polk County to add \$127,185.51 for a new contract total of \$322,337.51 for administrative costs and barrier removal for Polk County's Rental Subsidy Assistance Program through December 31, 2020. – Ryan Matthews

Summary of presentation:

- The agreement funds 15 rental assistance slots that have been passed through by Oregon Health Authority (OHA) to Marion County to subcontract with Polk County;
- The original agreement was to fund Polk County's fifteen slots for Fiscal Year 2019-20; and
- The amendment was delayed due to Marion County working with OHA to have them contract directly with Polk County for this service:
 - OHA was not able to accomplish this in a timely manner;
 - Marion County already has the rental assistance program element language in their Intergovernmental Agreement:
 - This allows OHA to more quickly allocate and distribute funds; and
 - Polk County did not have this program element language in their Intergovernmental Agreement.

- Marion County has sent a letter to OHA notifying them that at the conclusion of this funding Marion County will no longer be contracting with Polk County for this service, and OHA will need to work directly with Polk County; and
- MCHHS anticipates this will be the last amendment to this Intergovernmental Agreement.

Board discussion:

- None.

MOTION: Commissioner Cameron moved to approve Amendment #1 to the Intergovernmental Agreement with Polk County to add \$127,185.51 for a new contract total of \$322,337.51 for administrative costs and barrier removal for Polk County’s Rental Subsidy Assistance Program through December 31, 2020; Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:16:50)

2. Consider approval of Amendment #14 to the incoming funds Intergovernmental Agreement with the Oregon Health Authority to add \$3,073,629 for a new contract total of \$8,142,538 for public health services and programs through June 30, 2021. –Ryan Matthews

Summary of presentation:

- Mr. Matthews indicated that Action Items #2, #3, and #4 were all related and expressed his intent to present all three Action Items at the same time;
- Action Item #2:
 - The agreement covers an estimated one third of the county’s public health budget for Fiscal Year 2020-21;
 - The agreement covers core public health services including:
 - State support for communicable disease;
 - Public health modernization;
 - Women, Infants, and Children (WIC) Nutrition Program; and
 - Immunizations.
 - Amendment #14 does not include COVID-19 funding.
- Action Item #3:
 - Amendment #15 removes \$46,667 from the budget; and
 - The purpose of this amendment is to sync the allocation with the anticipated funding from OHA.
- Action Item #4:
 - Additional funding was received for COVID-19 response; and
 - Amendment #16 includes two funding streams:
 - The first funding stream is a fee-for-service component for COVID-19 case investigation and contact tracing:
 - The county is awarded \$1,140.58 for every case they investigate;
 - The award amount is based on a case rate determined by the state;
 - and

- The county submits an invoice to the state at the end of every month.
- The second funding stream is for a total of \$58,627 and covers activities related to the prevention of the spread of the flu:
 - Community education and outreach;
 - Collaborations with local partners;
 - Vaccine storage; and
 - Other tasks related to administering the flu vaccine.

Board discussion:

- The commissioners stated they had no questions and expressed their intent to make one single motion for Action Items #2, #3, and #4.

MOTION: Commissioner Brentano moved to approve Amendments #14, #15, and #16 to the incoming funds Intergovernmental Agreement with the Oregon Health Authority for public services and programs through June 30, 2021. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:21:28)

3. Consider approval of Amendment #15 to the incoming funds Intergovernmental Agreement with the Oregon Health Authority to subtract \$46,667 for a new contract total of \$8,095,871 for public health services and programs through June 30, 2021. –Ryan Matthew

(Video Time 00:21:29)

4. Consider approval of Amendment #16 to the incoming funds Public Health Intergovernmental Agreement with the Oregon Health Authority in the amount of \$4,301,584.60 for a new agreement total of \$7,328,546.60 for COVID-19 Local Active Monitoring and CARES - Flu through June 20, 2021. –Ryan Matthews

(Video Time 00:21:56)

PUBLIC WORKS

5. Consider approval of Amendment #3 to the Contract for Services with Republic Services, Inc. to add \$2,548,721 for a new contract total of \$7,298,721 for waste hauling from the North Marion County Recycling and Transfer Station (NWTRS) to the Marion Resource Recovery Facility (MRRF). –Brian May

Summary of presentation:

- The original contract was approved October 12, 2016; and
- The county has seen an unprecedented increase in the volume of waste coming in to NWTRS since 2016:
 - The county is anticipating an annual growth rate of 15 percent.

Board discussion:

- An estimated 15 to 20 percent of the volume is coming from outside of Marion County:
 - Marion County rates are comparable to neighboring counties; and
 - Marion County has shorter waiting and processing times than neighboring counties.
- Commissioner Cameron would like to see zip code statistics for last year as compared to this year, to see where customers are coming from; and
- The commissioners asked Environmental Services to look in to whether or not the county could charge a higher rate to those customers who live outside of Marion County.

MOTION: Commissioner Cameron moved to approve Amendment #3 to the Contract for Services with Republic Services, Inc. to add \$2,548,721 for a new contract total of \$7,298,721 for waste hauling from the North Marion County Recycling and Transfer Station (NWTRS) to the Marion Resource Recovery Facility (MRRF). Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:28:28)

6. Consider approval of Amendment #1 to the Franchise Agreement between Marion County and Capitol Recycling and Disposal, Inc. for the operation, hauling, and acceptance of solid waste and recyclables at the Salem-Keizer Recycling and Transfer Facility through March 31, 2022.

–Brian May

Summary of presentation:

- Capitol Recycling and Disposal, Inc. also does business as Republic Services, Inc.;
- Republic Services, Inc. owns the Salem-Keizer Recycling and Transfer Facility:
 - The facility is operated under a franchise agreement with the county.
- There is a disagreement between the county and Republic Services, Inc. over the disposal of yard debris at this facility:
 - Marion County initiated a declaratory judgement action in Circuit Court against Republic Services, Inc.:
 - Circuit Court decided in the county's favor; and
 - Republic Services, Inc. appealed the decision.
 - The amendment is an attempt to resolve this issue in a timely manner:
 - It locks the disposal fee paid by the county for yard debris; and
 - Republic Services, Inc. will dismiss their appeal.
- The current franchise agreement expires March 31, 2020.

Jane Vetto:

- The amendment clarifies the court's finding that the county has the authority to direct where Capitol Recycling and Disposal, Inc. delivers yard debris.

Board discussion:

- The Salem-Keizer Recycling and Transfer Station is located off of Highway 22;
- This facility has seen unprecedented volumes:
 - In the future the county may utilize a different facility for yard debris to reduce the burden on the Salem-Keizer Recycling and Transfer Station.
- The rate for yard debris at this facility is slightly higher than the rate charged at the Aumsville facility; and
- The current rate charged is in line with the county's costs.

MOTION: Commissioner Brentano moved to approve Amendment #1 to the Franchise Agreement between Marion County and Capitol Recycling and Disposal, Inc. for the operation, hauling, and acceptance of solid waste and recyclables at the Salem-Keizer Recycling and Transfer Facility through March 31, 2022. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:34:09)

7. Consider approval of the Intergovernmental Agreement with the Oregon Department of Transportation (ODOT) for the Mill Creek Bridge Project estimated at \$2,833,600, which ODOT will provide \$2,542,589 in federal funding, and the remaining estimate of \$291,011 to be funded by the county. Project expiration date is October, 2030. –Ryan Crowther and Steve Preszler

Summary of presentation:

- The project is located between Aumsville and Turner on Mill Creek Road near 70th Avenue;
- The current bridge was built in 1930:
 - The bridge received a scour rating of 3 from ODOT:
 - The bridge is unstable.
 - The bridge is too narrow for the traffic that it receives.
- The bridge is eligible for federal funds for replacement;
- There are four bridges along this route on Mill Creek Road:
 - This is the first of the four bridges that Marion County has applied for federal funding to replace;
 - The county is also applying for federal funding to replace a second bridge; and
 - The county hopes to replace all four bridges within the next decade.
- The project scope includes the following:
 - Replacing the existing substandard bridge with a new structure that meets all applicable standards;
 - Realigning 70th Avenue SE to accommodate the new structure; and
 - Constructing an approach guardrail.
- This is a federally funded project:
 - The federal grant is administered by ODOT through their local bridge program.
- The preliminary schedule for the project is as follows:

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- The design phase will be in 2021-2023;
- The rights of way will be obtained in 2022; and
- Construction of the project will be in 2024.

Board discussion:

- During the design stage engineers look at the site distance of intersections impacted by a project;
- There will be a full closure of the bridge during construction:
 - A detour has been identified; and
 - In the past, construction on similar projects has been accelerated to keep closures to a minimum.
- There is an environmental process that is required to receive the federal funding; and
- Construction will most likely occur during the summer when the local schools will not be in session.

MOTION: Commissioner Cameron moved to approve the Intergovernmental Agreement with the Oregon Department of Transportation (ODOT) for the Mill Creek Bridge Project estimated at \$2,833,600, which ODOT will provide \$2,542,589 in federal funding, and the remaining estimate of \$291,011 to be funded by the county. Project expiration date is October, 2030. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:41:27)

8. Consider approval of the Intergovernmental Agreement with the Oregon Department of Transportation (ODOT) for the Butte Creek Bridge Replacement Project estimated at \$4,381,500, which ODOT will provide \$3,931,519.95 in federal funding, and the remaining estimate of \$449,980.05 to be funded by the county. Project expiration date is October, 2030. – Ryan Crowther and Steve Preszler

Summary of presentation:

- The agreement is between Marion County and ODOT;
- The bridge is located in Scotts Mills and spans Butte Creek:
 - Butte Creek is the border between Marion and Clackamas counties.
- The current bridge, built in 1947:
 - Is a steel truss;
 - Is 142 feet in length;
 - Is on a poor alignment; and
 - Has low load limits.
- The bridge has a sufficiency rating of 2 out of 100 and is at the end of its useful life;
- The project scope includes the following:
 - Replacing the existing substandard bridge with a new structure that meets all applicable standards;
 - Construction in stages to maintain access during construction:

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- There is no feasible detour.
 - Constructing an approach guardrail.
- The stages of construction are as follows:
 - Build the west half of the new bridge and install temporary traffic signals for one-way traffic in both directions;
 - Remove the existing bridge, and build the east half of the new bridge and concrete bridge deck; and
 - Remove traffic signals and open the bridge to traffic.
- The preliminary schedule for this project is as follows:
 - The design phase will be in 2021-2023;
 - The rights of way will be obtained 2022; and
 - Construction of the project will be in 2024.

Board discussion:

- The new bridge design should improve safety;
- This is a Clackamas and Marion County bridge:
 - Clackamas County paid for the Whiskey Hill Bridge; and
 - Marion County is taking responsibility for the Butte Creek Bridge replacement.
- The commissioners asked if the bridge was safe to continue to use:
 - The current load limit needs to be obeyed;
 - ODOT performs bridge inspections biyearly:
 - Marion County immediately fixes any safety problems identified.
 - There are no immediate safety concerns.

MOTION: Commissioner Brentano moved to approve the Intergovernmental Agreement with the Oregon Department of Transportation (ODOT) for the Butte Creek Bridge Replacement Project estimated at \$4,381,500, which ODOT will provide \$3,931,519.95 in federal funding, and the remaining estimate of \$449,980.05 to be funded by the county. Project expiration date is October, 2030. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:52:20)

9. Consider approval of the Intergovernmental Agreement with the Oregon Department of Transportation (ODOT) for the Hazelgreen Road NE: Pudding River Bridge Replacement Project estimated at \$5,248,600, which ODOT will provide \$4,709,568.78 in federal funding, and the remaining estimate of \$539,031.22 to be funded by the county. Project expiration date is October, 2030. –Ryan Crowther and Steve Preszler

Summary of presentation:

- The project will be funded by a federal grant administered by ODOT;
- The project is located on Hazelgreen Road NE, between Salem and Silverton;
- The current bridge was built in 1969:

- It is an eight-span timber bridge:
 - Timber bridges require a lot of maintenance; and
 - Timber bridges are prone to rot.
- The bridge is too narrow for the traffic it receives; and
- The piers get clogged with debris and the road has to be closed while the debris is cleared.
- The bridge has a sufficiency rating of 49.8 out of 100;
- The project scope includes the following:
 - Replacing the existing substandard bridge with a new structure meeting all applicable standards;
 - Realigning Torvend Road NE to accommodate the new structure:
 - Improved safety at this intersection.
 - Constructing an approach guardrail.
- The preliminary schedule for this project is as follows:
 - The design phase will be in 2021-2023;
 - The rights of way will be obtained in 2022; and
 - Construction of the project will be in 2024.

Board discussion:

None.

MOTION: Commissioner Cameron moved to approve the Intergovernmental Agreement with the Oregon Department of Transportation (ODOT) for the Hazelgreen Road NE: Pudding River Bridge Replacement Project estimated at \$5,248,600, which ODOT will provide \$4,709,568.78 in federal funding, and the remaining estimate of \$539,031.22 to be funded by the county. Project expiration date is October, 2030. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:56:41)

10. Consider approval of the Architect and Engineering Standards Professional Services Agreement with David Evans and Associates in the amount of \$309,360.46 for construction inspection services for the Silverton Road, Little Pudding River Bridge Replacement Project through December 31, 2021. –Ryan Crowther and Steve Preszler

Summary of presentation:

- The project is located on Silverton Road near 64th Place, east of Salem;
- The project scope includes the following:
 - Replace the existing concrete bridge with a modern bridge built to current standards for alignment, grade and loading, and wide enough to accommodate a center turn lane; and
 - Widen the approach roadway to provide a continuous left turn lane through the project limits to 64th Place.

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- There will be a full closure of the bridge during construction:
 - A detour has been identified:
 - Temporary traffic signals will be installed.
- David Evans and Associates was selected based on their qualifications:
 - They have a very qualified inspector on their staff that specializes in bridge construction; and
 - Public Works needs additional capacity within their inspection group:
 - This contract may provide educational opportunities for the county's inspectors.
- The contract is for construction inspection services including the following:
 - Construction inspection;
 - Project progress meetings;
 - Environmental compliance;
 - Mitigation monitoring;
 - Fish salvage operations;
 - Quality control monitoring;
 - As-built markups;
 - Claim support;
 - Project closeout; and
 - Final inspections and submittals.
- The project schedule is as follows:
 - Construction of the project will take place in Spring 2021 through Spring 2022; and
 - Silverton Road will be closed May 2021 through November 19, 2021.

Board discussion:

None.

MOTION: Commissioner Brentano moved to approve the Architect and Engineering Standards Professional Services Agreement with David Evans and Associates in the amount of \$309,360.46 for construction inspection services for the Silverton Road, Little Pudding River Bridge Replacement Project through December 31, 2021. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 01:00:07)

11. Consider approval of an Intergovernmental Agreement and a resolution with the Oregon Department of Transportation for right-of-way services for the Hollywood Drive: Silverton Road to Greenfield Lane Project through September 30, 2022. –Ryan Crowther

Summary of presentation:

- The project is located on Hollywood Drive, running from Silverton Road to approximately 700 feet south of Greenfield Lane NE;

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- Approximately 750 feet of the project is within the City of Salem:
 - Salem will reimburse Marion County through a separate Intergovernmental Agreement (IGA), for the matching funds required for the design and construction of work completed within the city limits.
- The project scope includes the following:
 - Widening of paved shoulders to accommodate designated bike lanes;
 - Completion of sidewalks on both sides of Hollywood Drive;
 - Traffic signal installation at the intersection of Hollywood Drive and Silverton Road; and
 - A new westbound left turn lane on Hollywood Drive at Silverton Road to relieve the traffic congestion on Hollywood Drive northbound.
- The right of way (ROW) services IGA covers the following:
 - Details the relationship between ODOT and Marion County during the ROW acquisition phase of the project;
 - Requires Marion County follow the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 which details the process for acquiring ROW on federally funded projects;
 - ROW acquisition will include minor permanent ROW purchases in addition to temporary construction easements; and
 - Requires a resolution that commits the county to acquiring the property needed to construct the project.
- The project schedule is as follows:
 - The design phase and ROW acquisition will take place in Summer 2020 through Fall 2021;
 - The ROW acquisition will take place in Fall 2020 through Fall 2021; and
 - Construction of the project will be in 2022.
- The ROW budget for this project is an estimated \$250,000:
 - County funds of \$25,675; and
 - Federal funds of \$224,325.

Board discussion:

- Ms. Vetto clarified portions of the contract and the resolution:
 - The contract allows for ROW acquisition by ODOT or Marion County;
 - In the board resolution the county is assuming the responsibility for acquiring ROW, without any additional funding provided; and
 - If unable to negotiate ROW with property owners the resolution directs and authorizes the county's legal counsel to commence eminent domain proceedings against these property owners:
 - Legal counsel would meet with the board before commencing eminent domain proceedings.
- Public Works may be able to design around a property where ROW is not acquired; and
- The commissioners directed that the language of the board resolution be amended under Section 3 as follows:

- “the attorneys are ~~directed~~ and authorized to commence eminent domain proceedings.”

MOTION: Commissioner Cameron moved to approve an Intergovernmental Agreement and a resolution with the Oregon Department of Transportation for right-of-way services for the Hollywood Drive: Silverton Road to Greenfield Lane Project through September 30, 2022. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

PUBLIC HEARINGS

9:30 A.M.

(Video Time 01:11:02)

PUBLIC WORKS

A. Public hearing to consider Noise Variance (NV) Case #20-001/Section C, Concrete Pour. – Joe Fennimore

Summary of presentation:

- The application is for a noise variance to allow Bremik Construction to pour a concrete slab beginning at 4 a.m. on November 19, 2020, at Auburn Elementary School located on Auburn Road NE:
 - Contractor is building an addition at the school; and
 - At this time of year temperatures drop in the afternoon slowing the curing process, and necessitating an early start time.
- A noise variance can only be approved by the board following a public hearing;
- The criteria for allowing a noise variance are as follows:
 - The variant will provide a substantial benefit to the public;
 - A denial would significantly delay, increase the cost of, or impact the utility of the project; and
 - Effective measures will be implemented to mitigate significant noise impacts.
- The board has the following options:
 - Continue the public hearing;
 - Close the hearing and leave the record open; or
 - Close the hearing and approve, modify, or deny the request.
- Staff recommends the board approve the request.

Testimony:

Support:

Zach Beaton, Bremik Construction:

- At this time of year concrete curing times are longer due to lower air temperatures:
 - An early start time is required so the construction crew can finish the job at a reasonable hour.

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- Bremik Construction is planning to pour the concrete slab on November 19, 2020:
 - Could be delayed due to weather.

Board discussion:

- Since weather could be a factor the language of the order can be written to allow for a one time only noise variance, with the work being done on November 19, 2020 or later;
- The construction company plans to take measures to mitigate significant noise impacts; and
- Public Works has received no comments on this request.

MOTION: Commissioner Brentano moved to close the public hearing and approve Noise Variance (NV) Case #20-001/Section C, Concrete Pour. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 01:16:35)

B. Public hearing to consider Comprehensive Plan Amendment/Zone Change/Partition (CP/ZC/P) Case #19-003/Patrick and Taisia Alagoz. –Joe Fennimore

Summary of presentation:

- The application is to change the zoning of property located on the north side of Abiqua Road NE near the intersection with Cascade Highway:
 - Change the zone from AR-10, acreage residential with a ten-acre minimum; to AR-2, acreage residential with a two-acre minimum; with an exception to statewide Goal 14 (Urbanization), and then dividing the property into two parcels containing three acres and two acres each.
- In 2004 the zoning on this property and the property to the west was changed from Exclusive Farm Use (EFU) to AR-10;
- Surrounding properties to the north, west, and south are zoned EFU;
- The property to the east is zoned AR-2;
- The hearings officer held a public hearing on April 3, 2019:
 - Issued a recommendation that the board deny the request:
 - Found that the applicants had not met the burden of proving that the criteria for taking the Goal 14 exception were met;
 - Identified specific criteria where additional information is needed; and
 - It was recommended that the applicants provide the board with a more comprehensive analysis to aid in the evaluation of the Goal 14 exception request.
- If the criteria for the Goal 14 exception are met, the criteria for the Comprehensive Plan Amendment/Zone Change/Partition will also be satisfied;
- The applicants' representative submitted additional information for the board to consider;
- The board has the following options:
 - Continuing the public hearing;
 - Close the hearing and leave the record open;

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- Close the hearing and approve, modify, or deny the request; or
- Remand the matter back to the hearings officer.
- Written public comments were received in opposition of this zone change from a neighboring property owner and from Friends of Marion County.

Testimony:

Support:

Wallace Lien, attorney for applicants:

- The applicants' property is a five-acre parcel:
 - There is currently one house on the property.
- If approved, the application will result in one additional house being built on the property;
- The property is in a sensitive groundwater area:
 - A study was performed and the property can support the addition of another domestic well.
- The applicants have received approval for the addition of another septic tank on the property:
 - No adverse impacts on any of the surrounding properties.
- The property is located in an area that has a combination of AR and EFU zoned lands:
 - Some of these lands have been divided in to smaller parcels since the applicants built their house in 2007.
- Friends of Marion County questioned the study area submitted with the application:
 - The subject property is in the middle of the study area:
 - The applicants believe the study area is fair and accurate.

Board discussion:


- In 2004 two five-acre parcels were combined to make this ten-acre parcel:
 - If the application is approved there will be one five-acre parcel, one three-acre parcel, and one two-acre parcel.
- If the application is approved, access to the two parcels will be shared; and
- The current parcel is not farmable, and has not been farmed since before 1970.

MOTION: Commissioner Cameron moved to close the public hearing and approve Comprehensive Plan Amendment/Zone Change/ Partition (CP/ZC/P) Case #19-003/Patrick and Taisia Alagoz. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Commissioner Willis read the calendar;
Commissioner Willis adjourned the meeting at 10:49 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

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