

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, March 19, 2025.
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Danielle Bethell, Commissioner Colm Willis, and Commissioner Kevin Cameron. Also present were Steve Elzinga as county counsel and Brenda Koenig as recorder.

ABSENT: Jan Fritz, chief administrative officer.

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

(Video Time 00:03:53)

PUBLIC COMMENT

None.

(Video Time 00:03:58)

CONSENT

PUBLIC WORKS

1. Schedule the adoption of an administrative ordinance for March 26, 2025, for Zone Change/ Comprehensive Plan (ZC/CP) change Case #24-004/Woodry Properties, LLC.
2. Approve an order authorizing the expenditure of county road fund dollars for emergency maintenance activities on Milton Street NE located in the unincorporated area of Marion County.

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

(Video Time 00:04:55)

ACTION

PUBLIC WORKS

3. Consider whether to accept or deny an appeal of the hearings officer's decision denying Conditional Use (CU) Case #24-034/Jensen Living Trust. –Austin Barnes

Summary of presentation:

- Mr. Barnes distributed documents for the record that contained emails and images of texts that were received regarding the application:
 - The applicant has requested to withdrawal the application; and
 - He would like time to move his tenant.
- The original application was for a Conditional Use (CU) to allow a manufacturing business on commercial land in an unincorporated community:
 - The property is located to the north of the City of Keizer.
- Marion County Planning Staff initially approved the application;
- An appeal for the application was submitted to the Marion County Hearings Officer;
- Area neighbors were concerned with noise impacts and welding processes associated with the business operations;
- The hearings officer approved the appeal and denied the application:
 - The business was not consistent with other area uses.
- The applicant appealed the hearings officer's decision to deny the application;
- Documents were submitted to the Board of Commissioners to determine whether to accept the appeal or deny the appeal:
 - Consideration of the appeal was scheduled for this meeting.
- The applicant has since formally withdrawn the application in writing and sent the request to the Marion County Planning Department; and
- Staff recommended the board take no action:
 - The application no longer exists; and
 - There is no case to take action on.

Board discussion:

- Commissioner Cameron requested to review a copy of the written documentation;
- The documentation will become part of the record;
- Staff received the documentation in the afternoon on Tuesday, March 18, 2025; and
- Mr. Elzinga, Marion County Legal Counsel, expressed that nothing else needs to be done:
 - The application has been withdrawn.

(Video Time 00:08:39)

Commissioner Bethell recessed the meeting at 9:08 a.m.

Commissioner Bethell reconvened the meeting at 9:30 a.m.

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(Video Time 00:30:53)

PUBLIC HEARINGS

9:30 A.M.

Commissioner Bethell opened the public hearing and read the Public Hearing Opening Statement for Land Use into the record.

(Video Time 00:32:08)

PUBLIC WORKS

4. Public hearing to consider a Mass Gathering (MG) permit for Case #24-003/ Whitewind Production, LLC, and Whitewind Woodland, LLC. –John Speckman

Summary of presentation:

- Marion County Code (MCC) criteria that are relevant to the application include:
 - MCC 9.25, Mass Gatherings;
 - MCC 17.136, Exclusive Farm Use Zone; and
 - MCC 17.119, Conditional Uses.
- Mr. Speckman noted the following for the record:
 - The event organizer is Whitewind Productions, LLC; and
 - The property owner where the proposed event will take place is Whitewind Woodland, LLC:
 - Staff referenced Whitewind Woodland, LLC, in both the staff recommendation and the hearing notice; and
 - Staff will reference the event organizer in future Mass Gathering (MG) permit applications.
- Before the board for consideration is a large MG permit application for three weekends in the month of July;
- The MG is for the Canterbury Renaissance Faire;
- MCC defines a large MG as an assembly of more than 3,000 people at any given time:
 - The applicant's proposal is for up to 5,000 people over a span of three weekends; and
 - The proposed dates are:
 - July 12-13, 2025;
 - July 19-20, 2025; and
 - July 26-27, 2025.
- MCC requires the approval of a Conditional Use (CU) permit before a large gathering event;
- In previous years the event was held over a two-weekend period in July;
- The application to expand the event to three weekends requires approval of a new CU permit;

- The Marion County Hearings Officer held a duly noticed public hearing on November 21, 2024;
- The hearings officer issued a decision approving the request on January 3, 2025;
- The subject property is designated Primary Agriculture;
- It is zoned as Exclusive Farm Use (EFU);
- The property is located off Cascade Highway 213 and is east of the City of Silverton;
- The proposed event property is over 80-acres in size;
- A single-family dwelling and accessory structures are located on the northern end of the property;
- A 50-acre forest and a timber and truffle production area are located on the southern end and western quarter of the property;
- The event will be held in the middle 23-acres of the property;
- Grass seed and hay are produced in a 7-acre field in the most northeastern corner of the property:
 - The field is harvested prior to the faire and then utilized for parking.
- The parcel does not contain any of the following:
 - Rivers;
 - Streams;
 - Wetlands;
 - Floodplains; or
 - Other natural hazards.
- Increased traffic in the area inhibits the ability for neighboring farms to move equipment, causing conflict:
 - In 2023 there was inadequate signage for the volume of vehicles dropping off faire visitors;
 - Visitors were being dropped off on Highway 213; and
 - This resulted in traffic backups on the highway.
- The applicant came up with a plan to mitigate the traffic issue for the 2024 faire event:
 - Ride services had a designated visitor drop-off area located on the property;
 - There was adequate signage to locate the drop-off area;
 - The applicant also provided free shuttles from two parking lots located in the City of Silverton to the event;
 - Visitors parking at the faire location were charged a fee;
 - Fees for parking were intended to reduce traffic in the area; and
 - No traffic complaints were received during the 2024 faire.
- Staff received a letter in opposition on March 18, 2025, that suggested traffic continues to impact area roads and farm operations;
- Staff received a phone call from a Marion County Sheriff's Office (MCSO) Commander on March 19, 2025, indicating that during one instance in 2024, event organizers attempted to bar MCSO Deputies from entry to check on the welfare of a dog trapped in a vehicle;

- MCC states that applicants applying for a permit must consent to allowing the following to come upon the premises at any time for the purpose of enforcement or inspection:
 - Law enforcement;
 - Public health; and
 - Fire control officers.
- The letter and the phone call that staff received indicates that there are still issues that the applicant needs to address; and
- Staff recommended the permit not be approved until the applicant can show that the issues have been resolved and will not be repeated.

Board discussion:

- The 2025 application is to expand the event from two weekends to three weekends; and
- The board has the option to allow the event to be held over a two-weekend period, but can deny the request for a three-weekend period.

Testimony:

Support:

Nancy White:

- Ms. White expressed the following:
 - She is the faire owner;
 - County staff were in the area prior to the event and no issues were found;
 - Most of the area traffic is from 9:00 to 1:00;
 - She has hired the same crew that worked at the 2024 event;
 - In 2024 ride-share vehicles stopped in the middle of the road to drop off event visitors:
 - Ride-share vehicles were supposed to go to the same area as the shuttles; and
 - The drop-off area was in a field away from the main traffic area.
 - She has called two major ride-share companies and requested that drivers follow the signage;
 - There will be more signage at the 2025 event;
 - 2024 traffic improvements included:
 - Digital road signs; and
 - Parking was located off the main road.
 - She will speak with staff to ensure MCC is followed for allowing officials entry when they request it;
 - She would like to extend the event to three weekends:
 - People love the show; and
 - Traffic will be spread out over three weekends versus the two weekends that are currently allowed.

- She plans to apply with the Oregon Department of Transportation (ODOT) to provide digital signage for the 2025 event;
- Large quantities of people swallow the event and take away from the faire experience:
 - Her goal is for visitors attending the event to have fun.
- The hired staff kept the traffic flowing;
- Engineers on site did not express any issues;
- She plans to utilize one field for hay:
 - Hay is harvested in May if the weather is good; and
 - The harvested field can be utilized for the event.
- The neighboring farmer is moving equipment on roads in the area of the faire:
 - Farm staff are being held up from transporting the equipment in a timely manner.

Board discussion:

- Ms. White expressed that stopping ticket sales will help to manage visitor capacity;
- Ms. White stated she discussed with the neighboring farmer the impacts of the faire on his farming operations;
- Commissioner Willis expressed the following:
 - The neighboring farmer has a short window to harvest;
 - Adding a third weekend to the faire event shortens the harvest time even more;
 - The third weekend will make it harder for the farmer to perform the necessary work;
 - He would like to see neighboring farmers attend the board session meeting in support of expanding the event to a third weekend; and
 - The board has a commonsense view and approach to land use in the Urban Growth Boundary (UGB).
- Ms. White expressed that ticket sales will have the same event capacity for all three weekends:
 - She is not planning on reducing the event capacity if a third weekend is approved.
- Commissioner Bethell expressed concerns with safety and liability:
 - It is dangerous for a small car to go around a large piece of farm equipment that may be in the roadway; and
 - Expanding the faire event to a third weekend may not be what is best for the community.
- Commissioner Cameron expressed the following:
 - There were a lot of improvements to the 2024 faire event;
 - The board received input from a farmer related to the third weekend expansion;
 - He is still good approving two weekends for the faire event;
 - He would like the applicant to work with neighboring farmers to fix the ride-share issue;

- Three weekends in 2026 may be an option if the applicant can get support from neighboring farmers;
- The faire is a great event that attracts a lot of visitors;
- Marion County is the largest agricultural producer in the state; and
- It is important to protect the county's UGB.

Testimony:

Commander Jason Bernards, Marion County Sheriff's Office:

- He requested that event staff be educated on MCC that allows the MCSO onto the property;
- The MCSO responded to three calls over the two weekend event in 2024:
 - A hit and run in the event parking lot;
 - A fireworks complaint that was called in by event security; and
 - Reports of an animal in a hot car.
- The MCSO Deputy that responded in 2024 may not have been aware of the Mass Gathering (MG) permit; and
- The MCSO would like to avoid a potential altercation with event security staff.

Board discussion:

- Commissioner Bethel expressed the following:
 - She requested that the MCC related to the MCSO accessing the MG property be addressed in writing with the event security team:
 - It is imperative that there be a good understanding of the role that the MCSO plays with both the MG permit and with public safety in communities; and
 - She does not want any security operation to operate in a way that may be combative.
 - She is concerned with the challenges of maneuvering farm equipment:
 - Agricultural season is a high risk for farming death;
 - Cars do not respect the dangers of farm equipment and the vulnerability of the individual in the equipment; and
 - Drivers need to be diligent and respect farm equipment when they encounter it.
 - She requested that the applicant work with ODOT for additional signage on Valley View Road that states the following:
 - No turn around; and
 - Parking is not permitted:
 - Additional signage may help prevent vehicles from entering onto the roadway and hindering farming operations.
 - She requested staff add language to the MG permit that addresses the commissioners' concerns:

- The additional language will be on the record; and
- The applicant will be able to show event staff, and community partners the permit requirements.

Testimony:

John Speckman, Marion County Planning:

- The following must occur if the decision is made to allow the faire event to be held on two weekends only:
 - The applicant needs to determine which two weekends the renaissance faire will be held;
 - The weekend dates need to be established; and
 - The board has the option of keeping the public hearing open for up to one month to allow the applicant to address the issues.

Board discussion:

- The commissioners gave the applicant the option of additional time to talk with neighboring farmers and gain their support:
 - Ms. White may be provided with an additional 30 days to try to navigate the challenges with the farmers;
 - Ms. White will need to return to a board session meeting with documented support and a solution that meets everyone's needs;
 - It is unknown if neighboring farms are aware that a third weekend is being requested for the faire event;
 - The board may receive backlash from neighbors if they are not aware that a decision may be made to approve the event for three weekends;
 - Ms. White expressed she is good with keeping the faire event to just two weekends; and
 - Ms. White would like to hold the event on the last two full weekends in July.
- The commissioners stated that they could approve two weekends in today's meeting;
- There is the potential for the event to be held on three weekends in 2026 to allow Ms. White time to meet with her neighbors and gain their support;
- Mr. Speckman requested Ms. White state the dates that she is requesting for the 2025 faire event;
- Ms. White requested the following dates:
 - July 19-20, 2025; and
 - July 26-27, 2025.
- Commissioner Bethell expressed that she appreciates Ms. Whites willingness to compromise:
 - She has not been resistant to board suggestions.

Testimony:

Brandon Reich, Marion County Planning Director:

- Mr. Reich asked to provide suggested MG permit conditions for the board to consider:
 - Marion County Land Development Engineering and Permits (LDEP) staff have already requested that the applicant increase the transportation shuttles to eight:
 - Four shuttles will be needed per parking site during peak faire events; and
 - There should be adequate signage on-site to direct transportation lift or ride-share services.
 - Under Compliance on the MG Permit the applicant will need to provide in writing evidence of cooperation with the event security team regarding access for the following onto the property:
 - The MCSO;
 - Fire department personnel; and
 - Health department personnel.

Board discussion:

- Mr. Reich expressed that the board could refer to the modified conditions in the motion;
- Mr. Elzinga, Marion County Legal Counsel, provided the board with the following options:
 - The board can close the public hearing and direct the planning director to prepare the conditions and bring them back to a future board session meeting for consideration; or
 - The modified conditions can be crafted now and finalized.
- Mr. Reich expressed that it is up to the board to determine when the MG permit with the modified conditions is approved:
 - Staff can draft the permit with the modified conditions;
 - The modified conditions can be discussed with the legal counsel team to make sure everything was addressed; and
 - Staff are happy to come back to a future meeting if needed.
- The commissioners expressed that they are ok with making the final motion in this meeting; and
- The application was approved for two weekends only in July 2025.

MOTION: Commissioner Cameron moved to close the public hearing and approve a Mass Gathering (MG) permit for the two weekends that were discussed and that are on the record, along with the additional conditions that were mentioned by staff and the conditions that are already in the existing report that was submitted. Seconded by Commissioner Willis; motion carried; A voice vote was unanimous

(Video Time 01:07:44)

Commissioner Bethell adjourned the meeting at 10:07 a.m.

CHAIR

COMMISSIONER

COMMISSIONER

Board Sessions can be viewed on-line at

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