

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, February 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 Jan Fritz, chief administrative officer, Steve Elzinga as county counsel, and Brenda Koenig as recorder.

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

(Video Time 00:00:49)

MOTION: Commissioner Willis moved to move item #10, the Assessor's Office contract with Helion Software, Inc., from the Action agenda to the Consent agenda. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:01:14)

PUBLIC COMMENT

Joe James:

- Mr. James expressed the following:
 - His son has been diagnosed with co-occurring psychosis and an Intellectual and Developmental Disability (IDD) disorder;
 - His son has been placed in various group homes over the years due to the lack of services to support him in the family home;
 - There are minimal or no services for individuals with an IDD, mental health, or behavioral health diagnosis;
 - His son currently receives services through Marion County's IDD service coordination;
 - His son's current service coordinator has been a tremendous resource and advocate for the family;
 - The family has faced numerous obstacles in trying to get his son the support and services he needs;
 - The Oregon Department of Human Services, Office of Developmental Disabilities Services (ODDS) and the Oregon Health Authority (OHA) promised support for his son and his family, but no services were in place;

- As policy makers, he would like the board to assist individuals with mental health and IDD disorders to get the support that they need;
- He understands that the state makes the rules for services and funding decisions; and
- He urged the board to advocate at the state level for the right level of services for individuals that have been diagnosed with mental health and IDD disorders.

Board discussion:

- Commissioner Bethell thanked Mr. James for attending the board session meeting, sharing his family's story, and advocating for his son:
 - She would like Mr. James to talk about his son's mental health and IDD challenges with legislature when the time is right;
 - Oregon legislative leadership is not making the issue a priority, despite there being several pieces of relevant legislation;
 - She will be participating in a phone call that focuses on civil commitment:
 - The issue that Mr. James's son is experiencing is part of the narrative that she is carrying forward on behalf of the challenges that many families in the community are facing.
 - There are challenging elements when taking care of individuals who are as vulnerable as Mr. James's son; and
 - The state needs to catch up with the needs of today's society and do things differently.

(Video Time 00:09:09)

CONSENT

BOARD OF COMMISSIONERS

OLCC Application – Recommended Approval

1. Lupulo, LLC, dba, TopWire Hop Project – Woodburn, Oregon

Board Appointment – Fair Board

2. Approve an order appointing Joseph Billington to the Marion County Fair Board with a term ending December 31, 2025.

PUBLIC WORKS

3. Schedule final consideration to adopt an administrative ordinance for February 26, 2025, for Zone Change (ZC) Case #24-005/Bill Stanley and Don Edwards.
4. Schedule final consideration to adopt an administrative ordinance for February 26, 2025, amending the Marion County Comprehensive Plan by adopting a 237-acre amendment to the City of Woodburn Urban Growth Boundary (UGB) for industrial land and rezoning land.

5. Approve an order for the vacation of a public right-of-way within Plat C of the Willamette Valley Irrigated Land Company subdivision in Marion County, Oregon as described in Exhibit A and depicted in Exhibit B.

6. Approve the Contract for Services with Knife River Corporation Northwest in the amount of \$493,580 for the supply and delivery of aggregate rock products for the 2025 Marion County Chip Seal Program through December 31, 2025.

7. Approve Amendment #2 to the Engineering and Related Services Contract with Harper Houf Peterson Righellis (HHPR), Inc. to add American Rescue Plan Act (ARPA) funding in the amount of \$67,135.96 for a new contract total of \$701,256.34 and update the statement of work for the McKay Road N.E. Traffic Safety Improvements Project through December 31, 2026.

8. Approve the Intergovernmental Agreement with the City of Salem in the amount of \$500,000 for the city to maintain and repair Marion County traffic signals, flashing beacons, and fiber optic interconnect infrastructure located outside the city limits but within the City of Salem Urban Growth Boundary (UGB) as referenced in Attachment A.

ASSESSORS OFFICE

Approve Amendment #3 to the Contract for Services with Helion Software, Inc., to add \$241,045 for a new contract total of \$1,532,655 and extend the term date to September 30, 2025, for Oregon Counties Assessment and Taxation System (ORCATS) services.

Motion made and approved to move this item from the Action agenda to the Consent agenda.

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

(Video Time 00:12:50)

ACTION

BOARD OF COMMISSIONERS

Board Appointment – Public Safety Coordinating Council

9. Consider approval of orders appointing Alison Kelley as a representative of community based nonprofit organizations to the Marion County Public Safety Coordinating Council with a term ending September 15, 2025; and Ashley Carson, Fire Chief David Gerboth, and Carlos Texidor Maldonado as Citizen Members with terms ending February 28, 2028. –Gary White

Summary of presentation:

- Before the board for consideration is the approval of orders appointing four candidates to the Marion County Public Safety Coordinating Council (MCPSCC):
 - Three candidates are new members; and
 - Ms. Kelley will be appointed to the Executive Committee to represent non-profit service agencies:

- She will finish the remainder of the term previously held by Jayne Downing.

Carlos Texidor Maldonado:

- Mr. Maldonado expressed the following:
 - He is an employee of Bridgeway Community Health;
 - He has been serving the community for over 25 years in the behavioral health field;
 - He worked for Marion County Health and Human Services as a supervisor for 13 years; and
 - He serves on the local Drug and Alcohol Planning Committee.

Alison Kelley:

- Ms. Kelley expressed the following:
 - She has been the Chief Executive Officer (CEO) of Liberty House for 11 years;
 - She has worked as a Department Director for Marion County;
 - Liberty House is a nonprofit organization that serves children who have experienced trauma including:
 - Physical abuse;
 - Sexual abuse;
 - Trafficking;
 - Neglect; and
 - Witnesses to violence.
 - The organization serves approximately 1,000 children every year in the medical clinic;
 - Liberty House programs include the following:
 - A therapy program; and
 - An education prevention program:
 - The prevention education program serves 1,200 to 1,500 adults every year.
 - Liberty House has recently earned national accreditation:
 - The organization is recognized in the top five percent of all the children's advocacy centers in the country.
 - The MCPSCC is an amazing group of people that collaborate well together.

Fire Chief David Gerboth:

- Mr. Gerboth expressed the following:
 - He is the City of Salem Fire Chief;
 - Has served 33 years in fire service;
 - Coordinating and collaborating with other agencies is a benefit; and
 - He looks forward to working with other MCPSCC members to strengthen public safety in the region.

Ashley Carson:

- Ms. Carson expressed the following:
 - She is Executive Director for the Center for Hope and Safety;
 - The organization advocates for survivors and victims of the following:
 - Domestic violence;
 - Assault;
 - Human trafficking; and
 - Stalking.
 - She had the opportunity to observe a MCPSCC meeting and was impressed by the collaboration from all the different entities and organizations; and
 - She is looking forward to sharing the victim's perspective with the council.

Board discussion:

- Commissioner Cameron expressed the following:
 - Liberty House and the Center for Hope and Safety are both nonprofit, victim services organizations:
 - Ten percent of the Justice Reinvestment Initiative funding helps to support the two organizations and the work they perform for women and children in the communities.
 - He appreciates Mr. Gerboth's statement related to community involvement and the actions he has taken in his role as the City of Salem, Fire Chief;
 - He appreciates all the knowledge that Dr. Carlos Texidor Maldonado will bring to the council; and
 - He thanked everyone for their service to communities.
- Commissioner Willis thanked everyone for the time that they dedicate to the council and their years of service to communities; and
- Commissioner Cameron clarified that the non-profit organization by statute is required to be a victim's assistant on the MCPSCC.

MOTION: Commissioner Willis moved to approve orders appointing Alison Kelley as a representative of community based nonprofit organizations to the Marion County Public Safety Coordinating Council with a term ending September 15, 2025; and Ashley Carson, Fire Chief David Gerboth, and Carlos Texidor Maldonado as Citizen Members with terms ending February 28, 2028. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:00:49)

ASSESSORS OFFICE

10. Consider approval of Amendment #3 to the Contract for Services with Helion Software, Inc., to add \$241,045 for a new contract total of \$1,532,655 and extend the term date to September 30, 2025, for Oregon Counties Assessment and Taxation System (ORCATS) services.

Motion made and approved to move this item to the Consent agenda.

(Video Time 00:21:08)

BUSINESS SERVICES

11. Consider approval of the Public Improvement Agreement with Spacesaver Specialist, Inc., in the amount of \$401,588.66 for the delivery and installation of storage units and lockers at the new Marion County Evidence Building through August 31, 2027. –Tamra Goettsch

Summary of presentation:

- The contract with Spacesaver Specialist, Inc., is for the installation of high-density storage units in the future Marion County Evidence Building:
 - Construction for the facility is scheduled to start in the spring.
- The modernized storage units and lockers are part of the design;
- Officers will utilize the units and lockers to safely store evidence until it is either destroyed as described in the law, or can be processed for the court system;
- The contract with Spacesaver Specialist, Inc., is for \$401,588.66; and
- Spacesaver Specialist, Inc. will assist with the purchasing and installation of the units.

Board discussion:

- The Invitation To Bid (ITB) will be released in the upcoming week; and
- Construction is anticipated to begin in late spring:
 - Special digging for the project has delayed construction.

MOTION: Commissioner Cameron moved to approve the Public Improvement Agreement with Spacesaver Specialist, Inc., in the amount of \$401,588.66 for the delivery and installation of storage units and lockers at the new Marion County Evidence Building through August 31, 2027. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:23:49)

PUBLIC WORKS

12. Consider approval of Amendment #1 to the Contract for Services with Alliance Solutions Group, Inc. (ASG), to add \$121,345 in Oregon Department of Emergency Management (ODEM) grant funding for a new contract total of \$203,937 and provide Emergency Operation Planning (EOP) services for nine Marion County cities through September 29, 2026. –Greg Walsh

Summary of presentation:

- Mr. Walsh attended a prior board session meeting to present a contract with Oregon Emergency Management (OEM) for the City's Emergency Operation Plan (EOP) Project;
- Alliance Solutions Group, Inc. was chosen for phase one of the project;
- A statement of work was submitted following discussion at a prior Management Update meeting;
- Amendment #1 adds funding to the contract with Alliance Solutions Group, Inc. to allow the contractor to continue to work with cities within the county; and
- The contractor will meet with every city to develop a comprehensive EOP for each city.

Board discussion:

- The county has been allocated \$121,345 for this phase of the project;
- The breakdown of funding includes the estimated cost of each plan for the cities;
- The project is currently in phase two;
- Staff are allocating funding to each plan to ensure that each city has a good quality plan; and
- Staff anticipate additional funding from OEM in the future so that each city within the county has a completed plan.

MOTION: Commissioner Willis moved to approve Amendment #1 to the Contract for Services with Alliance Solutions Group, Inc. (ASG), to add \$121,345 in Oregon Department of Emergency Management (ODEM) grant funding for a new contract total of \$203,937 and provide Emergency Operation Planning (EOP) services for nine Marion County cities through September 29, 2026. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:26:43)

13. Consider approval of the Construction Contract with Bent, LLC in the amount of \$1,999,459.50 of which an estimated \$1,794,115 will utilize federal funding and an estimated \$205,344 will utilize county funds for the Mill Creek Road Bridge Replacement Project through December 31, 2025. –Ryan Crowther

Summary of presentation:

- The Construction Contract with Bent, LLC is for the Mill Creek Road Bridge;

- The project is located between the cities of Aumsville and Turner on Mill Creek Road and is near 70th Avenue;
- The existing bridge was built in 1930 and is nearing the end of its useful life;
- The county was awarded a grant through a local bridge program to replace the bridge:
 - The program is a federal grant that the Oregon Department of Transportation (ODOT) will administer.
- The project scope entails the following:
 - Replace the existing substandard bridge with a new bridge that meets applicable standards; and
 - Realign 70th Avenue SE to accommodate the new structure:
 - Turning right from 70th Avenue onto Mill Creek Road is challenging; and
 - Staff plans to move 70th Avenue away from the bridge.
- Bent, LLC submitted the lowest bid of \$1,999,459 for the project;
- The project will utilize both federal and county funding for the project:
 - The federal funding is estimated to be \$1,794,115; and
 - The county funding is estimated to be \$205,344.
- The contract states the county will be able to reopen Mill Creek Road by November 30, 2025;
- It is anticipated that the construction will be substantially completed by May 30, 2026;
- The date listed on the Contract Review Sheet of December 31, 2025, is an error:
 - The completion date is in 2026.

Board discussion:

- Commissioner Bethell stated for the record that the date is updating to December 31, 2026;
- Currently Northwest Natural Gas is working on a separate project in the area that is not related to the Mill Creek Bridge project;
- Commissioner Cameron made a motion with a term date of May 30, 2026;
- Commissioner Bethell requested a date clarification for the contract;
- Mr. Crowther stated that the substantial completion date is May 30, 2026:
 - There is no contract expiration date because it is a federal project; and
 - The county closes the project once it is fully completed.
- Mr. Elzinga suggested taking the dates out of the motion and using the language “As reflected in the contract”; and
- Commissioner Cameron restated the motion with no term dates and the language “As stated in the contract”.

MOTION: Commissioner Cameron moved to approve the Construction Contract with Bent, LLC in the amount of \$1,999,459.50 of which an estimated \$1,794,115 will utilize federal funding and an estimated \$205,344 will utilize county funds for the Mill Creek Road Bridge Replacement Project as stated in the contract.

Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

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(Video Time 00:34:29)

PUBLIC HEARINGS

9:30 A.M.

Commissioner Bethell read the Public Hearing Opening Statement for Land Use into the record.

(Video Time 00:36:10)

A. Public hearing to consider Zone Change/Comprehensive Plan (ZC/CP) change
Case #24-003/Johnny C. Davidson. –John Speckman

Summary of presentation:

- The criteria for making a decision in this case include the following:
 - The Marion County Rural Zone Code:
 - Chapter 17.123, Zone Change Procedures;
 - Chapter 17.136, Exclusive Farm Use Zone; and
 - Chapter 17.128, Acreage Residential Zone.
 - Statewide Land Use Planning Goal #3:
 - OAR 660-004-0028, Irrevocably Committed Exception Requirement.
 - Marion County Comprehensive Plan Policies:
 - Rural Residential Policies.
- The request before the board is an application to change the following on a 2-acre parcel located in Aumsville, Oregon:
 - The zone from Exclusive Farm Use (EFU) to Acreage Residential (AR):
 - There is a 10-acre minimum requirement.
 - The comprehensive plan designation from Primary Agriculture to Rural Residential:
 - This involves an exception to Oregon Statewide Planning Goal 3.
- Details for the subject parcel include the following:
 - It is located approximately 2.5 miles southwest of the City of Aumsville's Urban Growth Boundary (UGB);
 - It is within the Santiam Water Control District;
 - It contains a temporary medical hardship manufactured dwelling that was placed in 1991;
 - A residence that was built in 1870 is located on the parcel;
 - Multiple small accessory structures are located on the parcel;
 - The parcel has high value soils which contain the following:
 - Clackamas Gravelly Loam;
 - Salem Gravelly Silt Loam; and
 - Sifton Gravelly Loam.
- Details of properties adjacent to the parcel include:

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- Parcels to the north are zoned AR:
 - The parcels contain rural homesites that are smaller than 1-acre in size.
- Parcels to the west are zoned EFU:
 - The parcels contain homesites and agricultural uses; and
 - The lots range in size from 10-acres to 30-acres.
- Parcels to the south are zoned EFU:
 - The parcels contain both rural residential and farm uses; and
 - The lot sizes range from 2.5-acres to 62-acres.
- The applicant is requesting to change the zone so that the 1870's home will qualify as an Accessory Dwelling Unit (ADU);
- The applicant would also like to change the temporary medical hardship manufactured dwelling into the primary dwelling;
- The Marion County Hearings Officer held a duly noticed public hearing on November 7, 2024;
- On January 13, 2025, the hearings officer issued a recommendation to approve the application;
- The applicant makes the argument that the property is no longer suitable for commercial farming due to its 150-year history of rural residential use and development:
 - The rural residential development occupies approximately 1.38-acres out of 2-acres of the subject parcel.; and
 - The remaining 0.62-acres are arranged in such a way that farm use is impracticable.
- AR zones to the north contain nonconforming parcels that are 0.3-acres to 0.6-acres:
 - The density is higher than normal for the rural area.
- Adjacent farm usage to the south is impacted by West Stayton Road SE;
- Farm usage to the west is impacted by the following:
 - An access road;
 - Mature trees; and
 - Residential structures.
- Farm usage to the east is buffered by parcels devoted primarily to rural residential;
- The subject parcel meets the criteria for an exception to Oregon Statewide Planning Goal 3;
- The applicant's request for a zone change conforms with the following:
 - The applicable policies for the Rural Residential designation in the Marion County Comprehensive Plan; and
 - The criteria in the Marion County Code.
- A representative of the applicant performed a 2,000-acre study of the surrounding uses:
 - Staff's analysis of the study determined the following:
 - The proposed zone change would not increase density; and
 - The existing pattern of development in the area would not be altered.

Testimony:
Support:

Margaret Gander-Vo:

- Ms. Gander-Vo expressed the following:
 - She is the applicant's attorney; and
 - The request is consistent with existing development patterns in the area:
 - This includes a subdivision to the north that was established before land use regulations were in place; and
 - Approval of the request would bring the applicant's property into conformity with the existing subdivision.

Board discussion:

- No one signed up to testify in opposition during the hearing.

Commissioner Bethell closed the public hearing.

MOTION: Commissioner Willis moved to approve the application. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:42:58)

Commissioner Bethell adjourned the meeting at 9:43 a.m.

CHAIR

COMMISSIONER

COMMISSIONER

Board Sessions can be viewed on-line at

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