



MARION COUNTY BOARD OF COMMISSIONERS

# Management Update Minutes

**Monday, November 18, 2019, 9:00 a.m.**

Courthouse Square, 555 Court St. NE, Salem  
5th Floor, Suite 5232, Silverton Conference Room

## ATTENDANCE:

Commissioners Sam Brentano and Colm Willis, Jan Fritz, Jane Vetto, Scott Norris, Brian Nicholas, Cary Moller, Colleen Coons-Chaffins, Brandon Reich, Joe Fennimore, Chris Trussell, Lani Radtke, Phil Jones, Matt Knudsen, Stacy Vrooman, Lisa Trauernicht, Barb Young, Chad Ball, Hitesh Parekh, and Kristy Witherell as recorder.

## GUESTS:

Ann Henson, Oregon Department of Transportation (ODOT)  
Ed Chamberland, David Evans & Associates

Jan Fritz called the meeting to order at 9:00 a.m.

## INFORMATIONAL:

### **Interstate 5: Aurora/Donald Interchange Reconstruction Update**

- Brian Nicholas & Lani Radtke, Ann Henson, ODOT, and Ed Chamberland, David Evans & Associates

### ***Summary of presentation: (See Attachment A)***

- Marion County is teaming with ODOT to apply for a BUILD grant:
  - The technical piece is almost complete.
- The Interchange Management Plan will bring the project in alignment with the county's Comprehensive Plan:
  - ODOT has been working with the Marion County Planning Division on issues regarding land use actions that will need to be approved for the project;
  - They have identified one action that may require a Transportation System Plan change due to the traffic moving off of Ehlen Road and moving it to the north;
  - The following issues have come up with ODOT:
    - Adopting alternate mobility standards for Phase 1 and the full build:
      - Phase 1:
        - V/C ratio for the intersections will be at 1 or approaching 1 at peak hours; and
        - Will want to adopt alternate mobility standards.
      - Full build:
        - The ramp terminals operate well at a 35 percent capacity ratio at peak hours;

- Want it lowered from a .8 to a .6; and
- ODOT wants to purchase access control at the Old Ehlen and New Ehlen Roads for the full build alternative, between the new signalized intersections of Delores Way and Bentz Road.

**Discuss Proposed Vacation of a Public Road in Scholl Acres Subdivision North of Hubbard**

- Phil Jones

**Summary of presentation:**

- The petition states that it is an unpaved dead end road between two farm properties;
- The owners would like to prevent unauthorized use of the existing gravel road;
- The plat was created and dedicated in 1911;
- In 1979, the east/west portion was vacated by board order;
- The road proposed for vacation is 400 feet long:
  - It is 30 feet wide; and
  - It has an 11 foot wide dirt gravel roadway that is within the right-of-way.
- There are two residents using this road for access;
- Wanting to leave the northern end intact;
- Wanting to vacate it for reduced public access;
- An easement would need to be granted to the property to the west in order to give them access to their property, as well as a utility easement;
- Public Works staff recommends continuing the proceedings without a public hearing due to the fact that the two property owners that are affected by the vacation are the petitioners; and
- The right-of-way is being used as farm field access and access to the two homes.

**Board discussion:**

- The commissioners approved moving forward with the vacation of the road.

**Review Recent Building Code Changes**

- Brandon Reich, Chris Trussell

**Summary of presentation:**

- Staff previously brought the changes to the board that the Oregon Building Code has removed from the code:
  - The ability for local jurisdictions to issue building permits for certain types of activities, which are non-residential activities.
- Staff is recommending to adopt a code change allowing permits to still be issued for the following:
  - Fences over 10 feet tall; and
  - Free standing signs over 20 feet tall.
- Cell towers have so much regulation and oversight previous to the building permit application:
  - Public Works only inspects the foundations;

- Other jurisdictions are looking into adopting code changes around cell towers that are essential facilities:
  - Communication towers for 9-1-1; and
  - Staff recommends including cell towers for essential facilities in the code change.
- Staff will work with Legal Counsel to create the code changes.

### **Discuss Beekeeping in Residential Zones**

- Joe Fennimore, Scott Norris

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

- There has been several public hearings regarding beekeeping in residential zones;
- The planning commission recommended that the board adopt the same standards that the City of Salem allows:
  - Five hives, except from April through August, which can have up to seven hives.
- Staff has amended the zone code to take the prohibition out and refer it to the Marion County Ordinance;
- At the hearing to adopt the ordinance, there was further discussion needed to determine whether the number of hives should be determined based on the size of the property; and
- Staff is asking for board direction.

#### ***Board discussion:***

- There are a few jurisdictions that determine hives by lot size:
  - The City of Bend allows for one colony per 5,000 square feet, up to 8,000 square feet;
  - The City of Ashland allows for no more than three hives on less than an acre lot:
    - No more than five on an acre or more lot.
  - The City of Veneta allows for one colony per 1,000 square feet of lot area.
- The commissioners propose one hive per 5,000 square feet:
  - A maximum of seven colonies.
- Staff will present at the next Management Update with a couple of options for the commissioners to choose from.

### **Discuss the Oregon Department of Environmental Quality's (DEQ) Proposed Willamette Mercury Total Maximum Daily Load (TMDL) Plan**

- Matt Knudsen

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

- Environmental groups sued DEQ, which lead to an outcome of DEQ issuing management strategies;
- In July, DEQ issued the management strategies in the Management Plan:
  - It is supposed to mitigate any mercury that enters the waters all over the state; and
  - The strategies can consist of erosion control practices and construction.

- DEQ did not seek county input:
  - DEQ is proposing to expand the plan to urban areas within the county.
- In August, the county submitted a letter to DEQ stating objections to the TMDL Plan;
- In October, DEQ met with the Association of Oregon Counties, cities, and counties that submitted letters of objection;
- The proposed changes are as follows:
  - Prohibition against pollution over the entire county:
    - Anything entering waters of the state.
  - Construction erosion requirement for the entire county:
    - The county has construction erosion requirements within urbanized areas:
      - Outside of those areas, there are no requirements; and
      - There is no pollution prevention within waters of Marion County or the state.
- Post construction requirements were removed from the plan;
- The next steps are as follows:
  - DEQ will issue the Management Plan to the Environmental Protection Agency (EPA); and
  - Once the EPA adopts the plan, it will be sent back to DEQ for enforcement.
- The TMDL Plan allows for more flexibility, but it does require construction erosion and prohibition for illicit discharge.

***Board discussion:***

- The commissioners are not in favor of the changes.

**Review Oregon Health Authority's Proposed Changes to the County Financial Assistance Agreement Aid & Assist Service Element, OAR Chapter 309, and Senate Bill 24 Legislative Fixes**

- Cary Moller, Jane Vetto, Ann-Marie Bandfield

***Summary of presentation:***

- Senate Bill 24 was signed by the Governor in July 2019:
  - The bill was written specifically for individuals under aid and assist whether they have fitness to proceed with the charges that they are under.
- As a result, the Oregon Health Authority is changing its rules and proposing to unilaterally change the county's financial assistance agreement;
- There is some legislative testimony happening this week that the board needs to be aware of;
- The bill was presented to the Marion County Public Safety Coordinating Council last month:
  - It was written due to the Oregon State Hospital being in violation of its agreement moving patients in and out of the hospital in a reasonable timeframe; and
  - The county has seen the backup in terms of people being able to get into the hospital once the order is written within seven days.
- This bill went through after it had been in a work group:

- It was changed and not brought out to the large group for deliberation.
- The following issues that the county had were that the bill was written as though it is a civil commitment and it is not, it's a criminal justice process;
- A legislative fix for the short term is to look at the liabilities that is set onto the community mental health programs:
  - Supervision and monitoring;
  - The goal is to create more community restoration;
    - The county currently has 28 people housed at the Oregon State Hospital under the aid and assist evaluation:
      - Only four have misdemeanors.
  - Language fixes.
- The aid and assist evaluation has doubled the workload for the mental health employees;
- There is a big push for secure residential treatment facilities, which is not the answer;
- There is a need to develop resources within the community;
- There is a service element within the bill that is written to the county's program:
  - Explains how the county gets reimbursed to provide services to individuals under aid and assist; and
  - Adding accountability language and realigning the contract cycle to 18 months in order to bring back accountability measures.
- There is a legislative budget note around how the county's outpatients system is being compensated for the state General Fund services:
  - There is an agreement to come back to the table to look at antiquated funding formulas; and
  - In the past, the county was paid per individual in the hospital:
    - The county is shifting to divert individuals from the hospital, which isn't counted in the numbers.
- There is a lot of services that the county offers for this population that is not billable;
- The last day to provide comments on the rules is Thursday, November 21<sup>st</sup>; and
- Staff is asking for board direction.

***Board discussion:***

- The commissioners would like staff to provide comments on the rules of Senate Bill 24; and
- This may be a topic at the Association of Oregon Counties.

**Santa Central Annual Campaign Update**

- Stacy Vrooman

***Summary of presentation:***

- The Santa Central Campaign has been going on for 25 years;
- It originally started in the Sheriff's Office;
- Partner with Marion, Polk, and Yamhill Counties Foster Parents Association;
- Last year, the county raised more than \$15,000 through gifts and monies donated;

- There are fundraisers that have already started:
  - Public Works holds a silent auction;
  - Business Services holds a dessert auction the week of Thanksgiving; and
  - There are several department sponsored raffles.
- The Christmas list has already been distributed to county employees; and
- Staff would like this campaign sanctioned by the board.

***Board discussion:***

- The commissioners will sign an order to recognize Santa Central as a board sanctioned fundraiser.

**OTHER:**

Lisa Trauernicht and Barb Young:

- A constituent had a concern about the Veteran’s Services Office (VSO):
  - The website did not accurately reflect the hours of operation as walk-in hours;
  - Trying to get through by phone, but could not get a hold of anyone.
- Ms. Trauernicht immediately took care of the concerns and updated the website:
  - She contacted the supervisor at the VSO regarding the phone issue:
    - The supervisor attempted to contact the constituent to resolve the issue, but he didn’t return her phone call; and
    - She was able to contact the constituent at his work and found out that he called four times in an hour span and did not leave a message.
- Jimmy Jones from Community Action Agency (CAA) attempted to help the constituent;
- Veteran’s Services Officer, James Riddle, contacted the constituent directly in August 2019, to walk him through his personal issues, as well as office issues and explained everything to him:
  - Mr. Riddle scheduled an appointment with the constituent and he was a no-show; and
  - The constituent has trauma issues and he is advocating for himself and for his clients, but he isn’t separating the two.
- The supervisor of the VSO reached out to the constituent’s organization as a courtesy and the constituent took that as the county was trying to get him fired from his job;
- The constituent has issues with CAA;
- The VSO had immediately responded to the constituent about his issues in August:
  - In October, the constituent stated that he has yet to receive a response from the county;
  - Ms. Kelley responded to the constituent stating that the website had been updated and that the county was aware that he had talked to the VSO;
  - The constituent really wants a response from someone in authority:

- Ms. Trauernicht referred his complaint to Ashley Hamilton from ARCHES:
  - He has not reached out to Ms. Hamilton.
  - The constituent is very angry with the county for causing trauma:
    - It wasn't the county's intention to cause him trauma.
- This constituent is stating that the board's office has caused him trauma, which has lead him to get mental health counseling; and
- Staff would like to bring it to the board's attention due to the constituent being connected in the community.

***Board discussion:***

- If a constituent has a complaint about another organization, it is the board's duty to reach out to the organization that the complaint is about to have them made aware of it.

Meeting adjourned at 10:11 a.m.

COMPLETED BY: **Kristy Witherell**  
*Reviewed by: Joanna Ritchie*

# I-5: Aurora-Donald Interchange (Exit 278)

---

House Bill 2017 Project

Presenters: Anna Henson (ODOT) and Ed Chamberland (DEA)

November 2019



# Agenda

---

- Project design update
  - Present revised preferred Diverging Diamond Interchange (DDI) alternative.
  - Present the Phase 1 project alternative.
- Next steps/schedule

## Project Activities Completed Since June

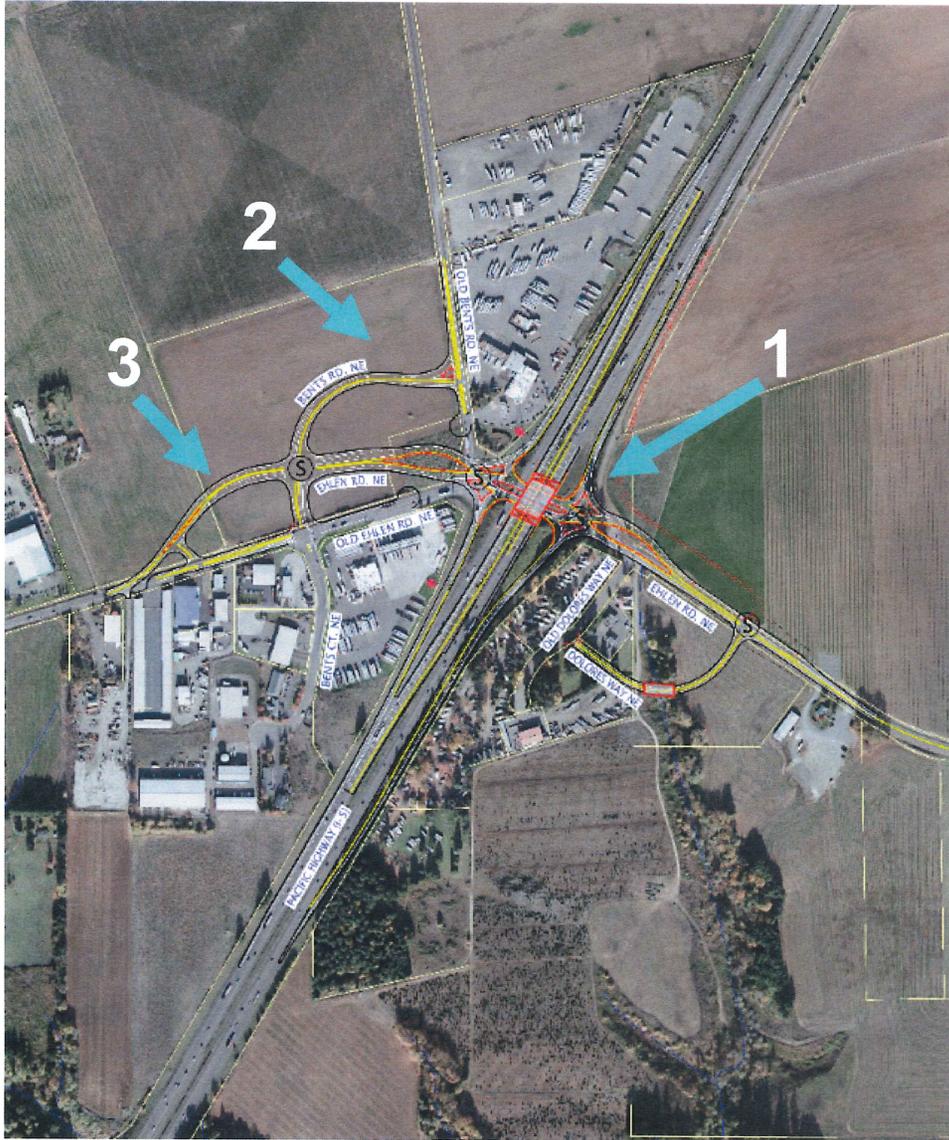
---

- July: completed ODOT Value Engineering Study.
- July – September: redesigned Preferred DDI Alternative and defined Phase 1.
- October: ODOT approved refined DDI Alternative and funds for Phase 1.
- November: local government presentations, stakeholder and public meetings.

## June 2019 Preferred DDI

- Two new I-5 bridges over Ehlen Road.
- Widen and lengthen on-ramps and off-ramps.
- Widen Ehlen Road.
- Relocate Bents Road.
- New Ehlen Road/Bents Road/Bents Court Intersection.
- Relocate Dolores Way.

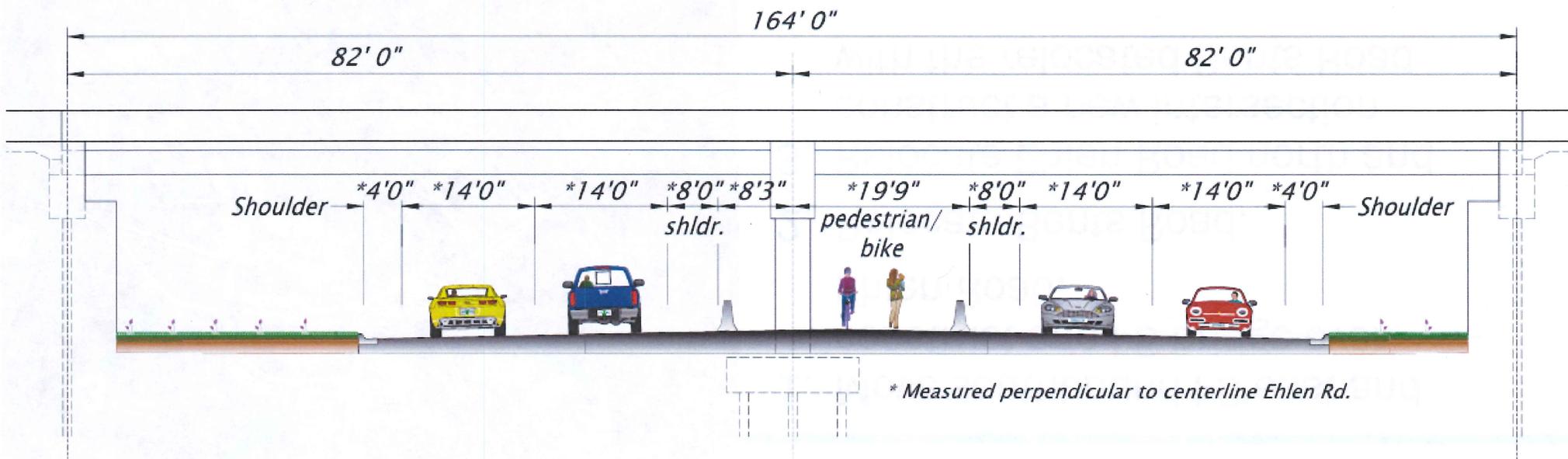




## September 2019 Refined DDI

1. Move southbound I-5 east and construct one I-5 bridge over Ehlen Road.
2. Relocate Bents Road.
3. Relocate Ehlen Road north and construct a new intersection with the relocated Bents Road

# September 2019 Refined DDI



Ehlen Road section looking east.

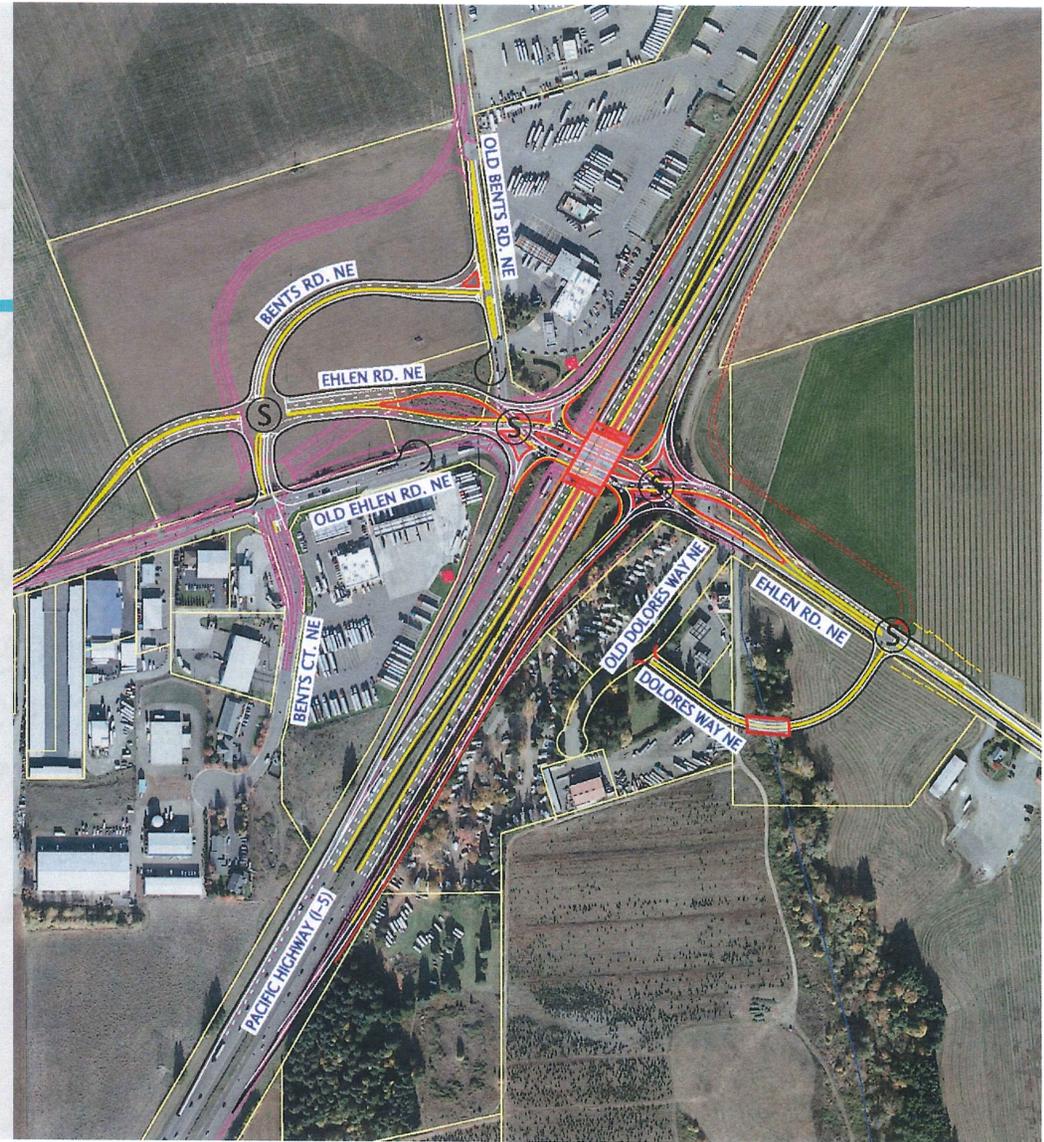
# Comparison of June versus September Refined DDI



June



September

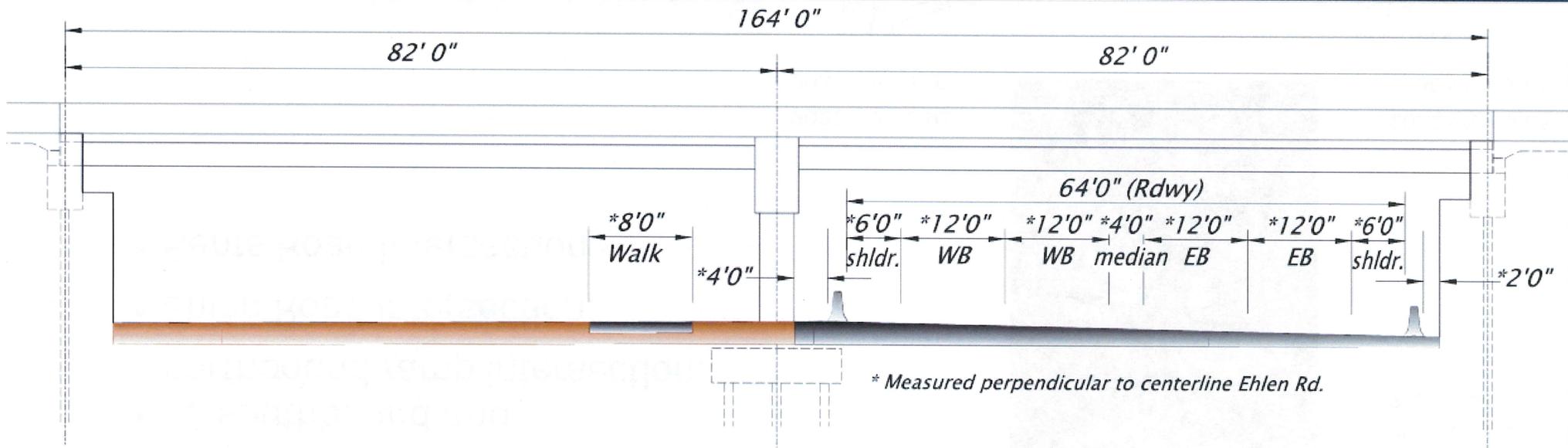




## Phase 1

- Move southbound I-5 east and construct one I-5 bridge over Ehlen Road.
- Widen and lengthen northbound and southbound off-ramps.
- Widen Ehlen Road.
- Relocate Bents Road.
- Improve Ehlen Road/Bents Road/Bents Court Intersection.

# Phase 1

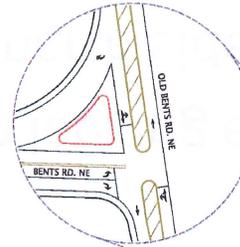


Ehlen Road section looking east with pedestrian sidewalk on north side of structure.

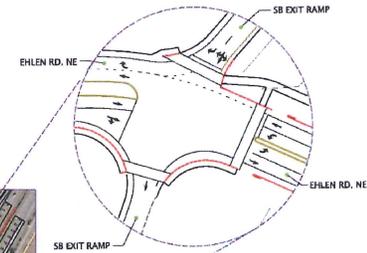
# Phase 1 Lane Configurations

- I-5 southbound and northbound ramp intersection.
- Ehlen Road intersection.
- Bents Road intersection.

OLD BENTS AND BENTS



EHLEN AND SB EXIT RAMP

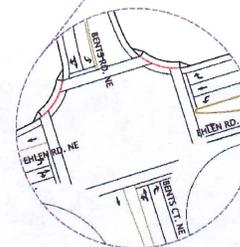


2022 v/c = 0.76  
2030 v/c = 0.87

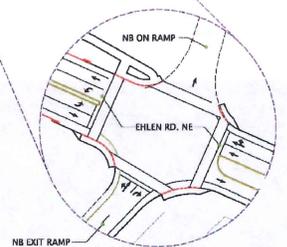


2022 v/c = 0.91  
2030 v/c = 1.07

2022 v/c = 0.85  
2030 v/c = 1.01



EHLEN AND BENTS



EHLEN AND NB EXIT RAMP

# Project Phasing

- Phase 1 (funded)



- Relocate Bents Road.
- Construct new I-5 bridge and exit ramps.
- Widen Ehlen Road and add traffic signals.

- Phase 2 (future funding needed)



- Re-align Ehlen Road.
- Reconstruct ramps.
- Relocate Dolores Way.



# Schedule and Next Steps

**Through  
March 2019**

Understand conditions, survey and field work, traffic data  
Review various concepts

**Through  
June 2019**

Develop two alternatives for comparison

Diverging Diamond Interchange (DDI) selected

**Through  
April 2020**

VE study Refined DDI Preliminary design Phase 1 and Full Interchange IAMP documentation

ODOT design approval  
OTC IAMP approval

**May 2020-2021**

Purchase right of way  
Phase 1 construction plans  
Phase 1 bid let in 2021

# Tentative Phase 1 Construction Schedule

---

- Bid opening: October 2021.
- Construction starts in 2022 and will last two seasons.



# Public Outreach



- November and December 2019
  - Aurora and Donald City Council Briefings
  - Local Stakeholder Meeting
  - Public Open House
  - Marion County Commissioners Briefing

# Have questions?

For more information, contact:

**Anna Henson**  
ODOT Project Manager



503-986-2639



[anna.henson@odot.state.or.us](mailto:anna.henson@odot.state.or.us)



[www.auroradonaldinterchange.org](http://www.auroradonaldinterchange.org)