

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, February 26, 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 9:00 a.m.
Commissioner Willis arrived at 9:11 a.m.

(Video Time 00:04:46)

MOTION: Commissioner Cameron moved to move item #7 under the Sheriff's Office, the incoming funds grant award agreement with the United States Department of Justice (DOJ) from the Consent agenda to the Action agenda. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:05:13)

PUBLIC COMMENT

None.

(Video Time 00:05:19)

CONSENT

BOARD OF COMMISSIONERS

OLCC Application – Recommended Approval

1. Hickory Spoon, LLC, dba, The Hickory Spoon – Aumsville, Oregon

FINANCE

2. Approve an order authorizing the Marion County Chief Administrative Officer to sign a License Agreement with Willamette Information, News, and Entertainment Service, dba, KMUZ-FM for the use of building space at 575 Trade Street SE in Salem, Oregon.

G:\BOARD SESSIONS\BOARD SESSION MINUTES\2025\2-26-2025

INFORMATION TECHNOLOGY

3. Approve Amendment #5 to the Contract for Services with Plante and Moran PLLC to add \$317,020 for a new contract total of \$2,210,160 to provide data migration support for the Enterprise Resource Planning (ERP) system through December 31, 2028.

PUBLIC WORKS

4. Approve the Construction Contract with Roy Houck Construction, LLC, utilizing American Rescue Plan Act (ARPA) funding in the amount of \$2,049,280.85 for the design and construction of intermittent safety improvements for the McKay Road Traffic Safety Improvements Project through May 30, 2027.

5. Approve a resolution to authorize acquisition and eminent domain of certain real properties for permanent easements on three existing properties located in the unincorporated Brooks community as described in “Exhibits A” and depicted in “Exhibits B”, for the Brooks-Hopmire Drinking Water Improvement Project.

6. Receive notice of the hearings officer’s decision denying Conditional Use (CU) Case #24-034/Jensen Living Trust.

SHERIFF’S OFFICE

7. Approve the incoming funds Grant Award Agreement with the United States Department of Justice (DOJ), Bureau of Justice Assistance (BJA) in the amount of \$176,810 for the Fiscal Year 2024 State Criminal Alien Assistance Program (SCAAP) through December 31, 2025.

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

TAX OFFICE

8. Approve orders for a property tax refund for the following tax accounts:

- Oregon Realtors Plaza, LLC, account 527870, in the amount of \$23,073.38;
- Orion Salem, OR, LLC, account 328222, in the amount of \$39,244.94; and
- Scenic Cold Storage, LLC, account 351182, in the amount of \$22,991.03.

9. Approve an order designating the Woodburn Independent as the newspaper for publication of the 2025 Marion County Tax Foreclosure List.

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

(Video Time 00:08:53)

ACTION

SHERIFF'S OFFICE

7. Approve the incoming funds Grant Award Agreement with the United States Department of Justice (DOJ), Bureau of Justice Assistance (BJA) in the amount of \$176,810 for the Fiscal Year 2024 State Criminal Alien Assistance Program (SCAAP) through December 31, 2025. –Commander Jacob Ramsey

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

Summary of presentation:

- Before the board for consideration is a State Criminal Alien Assistance Program (SCAAP) grant award in the amount of \$176,810;
- The United States Department of Justice (DOJ), Bureau of Justice Assistance (BJA) is awarding the grant funds;
- SCAAP provides reimbursement for costs incurred when housing individuals in jails who have been charged with violating state laws and are non-citizens;
- The grant is not related to immigration enforcement:
 - Under state law counties are not allowed to enforce federal immigration laws;
 - Under federal law counties are not allowed to obstruct federal enforcement of immigration; and
 - The county follows both state and federal laws.
- Marion County Legal Counsel has reviewed the grant award to ensure the county is in compliance with state and federal laws.

Board discussion:

- Commissioner Bethell expressed the following:
 - Legal analysis is important to ensure compliance with both state and federal laws:
 - The county is navigating federal changes in a fluid space; and
 - Accepting the grant will allow the county to free up General Fund dollars that can be utilized for other community needs.
- The grant agreement was reviewed in detail at a prior meeting; and
- Commissioner Willis expressed the following:
 - If a crime is committed by an undocumented immigrant or an illegal immigrant, then they will go to jail; and
 - The federal government will pay the county to jail undocumented immigrants that commit a crime.

MOTION: Commissioner Cameron moved to approve the incoming funds Grant Award Agreement with the United States Department of Justice (DOJ), Bureau of Justice Assistance (BJA) in the amount of \$176,810 for the Fiscal Year 2024 State Criminal Alien Assistance Program (SCAAP) through December 31, 2025.

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

(Video Time 00:12:36)

HEALTH AND HUMAN SERVICES

10. Consider approval of Amendment #16 to the incoming funds Intergovernmental Agreement (IGA) with the Oregon Health Authority to add \$495,964.99 for a new contract total of \$17,243,683.56 for the operation of public health services retroactive to December 1, 2024, through June 30, 2025. –Ryan Matthews

Summary of presentation:

- Amendment #16 to the incoming funds Intergovernmental Agreement (IGA) with the Oregon Health Authority (OHA) adds funding in the amount of \$495,964.99 to the contract;
- There are two primary adjustments to the contract which include:
 - Carryover funds in the amount of \$199,000 from the Tobacco Prevention and Education Program:
 - The funds were awarded in the prior fiscal year;
 - The county has one full biennium to utilize the funds;
 - The funds were unspent;
 - OHA de-obligated the funds from the prior fiscal year;
 - OHA reissued the funding for the current fiscal year so that the county can utilize the funds; and
 - OHA contracts with the county for each individual fiscal year.
 - Program Element (PE) 80, Administration of Community-Based Organization (CBO) Mini-Grant Public Health Equity funds in the amount of \$297,550:
 - The state initially opened a Request For Proposal (RFP) to provide funding to CBOs across the state;
 - Marion County did not receive a lot of RFP applications so there were excess funds;
 - OHA wanted to award some of the excess funds to the county to make it easier to find organizations that may want to participate;
 - The funds are for non-profit organizations that support communities; and
 - The organizations would build capacity for emergency preparedness, response, and resiliency to adapt during extreme events which could include:
 - Extreme heat; and
 - Poor air quality due to wildfire smoke.
- The county will open an RFP or grant proposal process for projects:
 - Entities can submit a grant request for \$500 to \$25,000;
 - Staff will review the applications; and
 - Valid applicants may be awarded funds to help build resiliency.
- It is important to get the funding out to communities.

Board discussion:

- Commissioner Willis expressed the following:
 - Other counties may have a different method for distributing the funds; and
 - He is ok with accepting the funding so long as the money is distributed according to the county's mission, values, and business practices.

MOTION: Commissioner Willis moved to approve Amendment #16 to the incoming funds Intergovernmental Agreement (IGA) with the Oregon Health Authority to add \$495,964.99 for a new contract total of \$17,243,683.56 for the operation of public health services retroactive to December 1, 2024, through June 30, 2025. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:16:50)

11. Consider approval of the incoming funds Intergovernmental Agreement with the Oregon Health Authority in the amount of \$849,135 for the PRIME+ (Peer Recovery Initiated in Medical Establishments + Infectious Disease Testing and Linkage to Care) Program retroactive to September 30, 2024, through September 29, 2027. –Carol Heard, Jason Wilburn, and Sean Bossen

Summary of presentation:

Carol Heard:

- The incoming funds Intergovernmental Agreement (IGA) with the Oregon Health Authority (OHA) is for \$849,135;
- The IGA is for three years and is retroactive to September 30, 2024;
- The ending term date for the IGA is September 29, 2027;
- Funding for the IGA comes from Oregon's Opioid Response Grant:
 - The grant funds the PRIME+ (Peer Recovery Initiated in Medical Establishments + Infectious Disease Testing and Linkage to Care) Program; and
 - The funding is utilized for health issues related to substance use.
- Marion County was the first county to receive funding to provide the service in 2019;
- The program is currently available in 24 out of 36 Oregon counties;
- Staff respond to overdose phone calls from hospitals on an around-the-clock basis;
- Staff meet with individuals at the hospital to provide the following:
 - Connections to resources;
 - Recovery support; and
 - Substance use treatment services.

Jason Wilburn:

- The program promotes positive change;
- The program is staffed with 58 people, across 24 Oregon counties;
- Nineteen organizations are connected through the program that provides services;

G:\BOARD SESSIONS\BOARD SESSION MINUTES\2025\2-26-2025

- Services provided include:
 - Substance use disorder prevention;
 - Education in both English and Spanish;
 - Recovery support:
 - A team of nine certified recovery mentors are available; and
 - Three of the mentors are bilingual.
 - Linkage to infectious disease testing; and
 - Treatment.
- The county currently partners with the Oregon Health Science University (OHSU) for the Paths Program:
 - Individuals that test positive are connected with an OHSU team member via a telemedicine appointment.
- Around-the-clock overdose response is provided at the following locations:
 - Salem Health; and
 - Santiam Hospital and Clinics.
- A potential partnership with Legacy Health in the City of Silverton is pending approval from administration;
- Prime+ staff are trained to work in medical establishments alongside medical teams:
 - Staff are all in a long-term recovery; and
 - They are credentialed by the state.
- Three core elements include:
 - Prioritizing working within and alongside:
 - Medical establishments;
 - First responders;
 - Hospitals; and
 - Urgent care clinics.
 - Fosters a relationship with community partners to develop referral pathways; and
 - Facilitates positive change while respecting client autonomy.
- The criteria for community members entail the following:
 - Medicaid, Medicare, or private insurance are not needed;
 - Anyone who has a history of a substance use disorder is eligible;
 - Clients must agree to engage with staff for services before a referral call is made; and
 - Clients must verbally consent to Prime+ services.
- Continuing care and livability resources include:
 - Acquiring the Oregon Health Plan (OHP);
 - Transportation to appointments;
 - Primary care services;
 - Housing and shelter; and
 - Employment.
- In 2024 staff responded to 118 overdose calls for the following organizations:
 - Salem Health Hospitals and Clinics; and

- Santiam Hospital and Clinics.
- Not all Substance Use Disorder (SUD) providers offer peer support services;
- Narcan training is available:
 - An estimated 362 community members were trained in 2024;
 - Approximately 230 internal county staff members were trained; and
 - Thirteen external agencies received training including:
 - Chemeketa Community College;
 - The Center for Hope and Safety;
 - Charter schools in the City of Woodburn School District; and
 - Foster homes.
- Staff distributed an estimated 580 units of Narcan in 2024.

Sean Bossen:

- The program aids individuals in need through education and prevention;
- Individuals who participate have an opportunity to change their lives; and
- Staff work to connect individuals with multiple services that are available.

Board discussion:

- Staff follow-up with individuals who decline service within 24 to 48 hours;
- Staff collect demographic information related to zip-codes;
- Staff respond to calls all over Marion County;
- It takes commitment to be in a space with individuals who are experiencing hardship and turmoil in their lives; and
- Individuals that seek help can change not only their life but the lives of their family.

Motion: Commissioner Cameron moved to approve the incoming funds Intergovernmental Agreement with the Oregon Health Authority in the amount of \$849,135 for the PRIME+ (Peer Recovery Initiated in Medical Establishments + Infectious Disease Testing and Linkage to Care) Program retroactive to September 30, 2024, through September 29, 2027. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:38:00)

PUBLIC WORKS

12. Consider the adoption of an administrative ordinance granting Zone Change (ZC) Case #24-005/Bill Stanley on behalf of Don Edwards. –Austin Barnes

Summary of presentation:

- Before the board for consideration is an ordinance for Zone Change (ZC) Case #24-005/Bill Stanley on behalf of Don Edwards;
- The hearings officer held a public hearing on November 7, 2024;
- The hearings officer issued a decision approving the application on January 14, 2025;

G:\BOARD SESSIONS\BOARD SESSION MINUTES\2025\2-26-2025

- The board received the decision and held the application for the mandatory appeal period;
- No appeals were received;
- Staff have prepared the ordinance and findings;
- Notice of the ordinance adoption was submitted on February 19, 2025;
- The request is to change the zone from Urban Development (UD) to Multiple Family Residential (RM):
 - The change will match the existing RM plan designation.
- The board is not required to hold a public hearing for the request unless there is an appeal; and
- Only the zone and not the comprehensive plan will be changing.

Board discussion:

- The location for the request is on Blueberry Lane located near Silverton Road:
 - Blueberry Lane is a private road; and
 - It is located off 45th Avenue NE.
- There are currently four to six duplexes and a single-family dwelling on the road;
- The request pertains to the vacant lot at the end of the road;
- The owner would like to develop the lot with more RM dwellings;
- A zone change is required for the request;
- Changing the zone will match the City of Salem's Comprehensive Plan;
- The owner would like to build town homes on the lot; and
- Apartments are located to both the north and the south of the property.

MOTION: Commissioner Willis moved to approve an administrative ordinance granting Zone Change (ZC) Case #24-005/Bill Stanley on behalf of Don Edwards. Seconded by Commissioner Camer; motion carried. A voice vote was unanimous.

(Video Time 00:41:09)

13. Consider the adoption of an administrative ordinance 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. –Austin Barnes

Summary of presentation:

- The request before the board is an ordinance to amend the City of Woodburn Urban Growth Boundary (UGB);
- The city held a public hearing on October 28, 2024, to consider a 237-acre amendment to the UGB;
- The acreage will be utilized for industrial land;
- In November the city submitted an ordinance and a letter to Marion County requesting that the county concur;

- The board approved a resolution to initiate amendments to the county's comprehensive plan on December 18, 2024;
- The board held a public hearing on January 29, 2025;
- The board considered all the evidence in the record and directed staff to return with an ordinance that is consistent with their decision;
- On February 19, 2025, the board scheduled the ordinance adoption for the next regular board session;
- The board must consider adopting the ordinance to amend the City of Woodburn UGB; and
- The acreage is located south of the City of Woodburn in the urban reserve.

Board discussion:

- It has taken the city an estimated 20 years to get to this point in the process.

MOTION: Commissioner Cameron moved to adopt an administrative ordinance 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. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:43:21)

14. Consider approving Chair Bethell to sign, and Marion County Public Works to submit, a county application for grant funding from the Oregon Department of Environmental Quality (DEQ); Sewer Overflow and Stormwater Reuse Municipal Grant (OSG) Program for updates to the East Salem Service District (ESSD) Stormwater Master Plan. –Stephanie Pulvers and Ryan Wade

Summary of presentation:

- The request was discussed in detail at a prior Management Update meeting;
- The grant will be utilized to update the county's Stormwater Master Plan from 2006;
- Maintenance and infrastructure improvements have changed since the plan's original inception:
 - Development has occurred;
 - Permit requirements have changed;
 - Standards have changed; and
 - Basins that detain water have been added.
- Staff are requesting approval to submit an application to the Oregon Department of Environmental Quality (DEQ); Sewer Overflow and Stormwater Reuse Municipal Grant (OSG) Program;
- This is a federal grant that is passed down through the DEQ to municipalities;
- The county would like to utilize the funding to update the East Salem Service District (ESSD) Stormwater Master Plan;

G:\BOARD SESSIONS\BOARD SESSION MINUTES\2025\2-26-2025

- A consultant's estimate for the updates is \$500,000; and
- The grant has a maximum 20 percent match requirement:
 - The percentage may be lowered if the project impacts an Environmental Protection Agency (EPA) disadvantaged community.

Board discussion:

- The estimated cost from a consultant is information only;
- The county will need to go through a Request For Proposal (RFP) process before a consultant is hired;
- Staff are requesting approval from the board to submit the grant application to the DEQ;
- Commissioner Willis expressed that if the grant funds have strings attached that could potentially harm communities, then he will be happy to return the funding;
- The grant funding will be utilized for the ESSD area:
 - Most of the municipal storm sewer system is located in this area;
 - The area expands out a little past the ESSD area; and
 - The original plan was just for the ESSD area.
- A full assessment study of the county's stormwater infrastructure was performed in 2006:
 - The assessment provided the county with information on how to best manage all the water and prevent flooding; and
 - It provided recommendations related to the following:
 - Infrastructure improvements;
 - Maintenance; and
 - Detention.
- Staff will review the recommendations to make sure they are still necessary; and
- The staff's intent is to update the plan.

MOTION: Commissioner Willis moved to approve Chair Bethell to sign, and Marion County Public Works to submit, a county application for grant funding from the Oregon Department of Environmental Quality (DEQ); Sewer Overflow and Stormwater Reuse Municipal Grant (OSG) Program for updates to the East Salem Service District (ESSD) Stormwater Master Plan. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:50:01)

**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 00:50:42)

PUBLIC WORKS

A. Public hearing to consider Zone Change/Comprehensive Plan (ZC/CP) change
Case #24-004/Woodry Properties, LLC. –Austin Barnes

Summary of presentation:

- The hearing is for Zone Change/Comprehensive Plan (ZC/CP) change
Case #24-004/ Woodry Properties, LLC;
- Marion County Code criteria that are relevant to the application include:
 - Section 17.128, Acreage Residential Zone;
 - Section 17.164, Unincorporated Community Industrial Zone;
 - Section 17.123, Zone Change Procedure; and
 - Varies sections of the Marion County Comprehensive Plan related to the following:
 - Rural Development;
 - Rural Industrial Development;
 - Development Limitations;
 - Transportation System Management;
 - Development and Access;
 - The Brooks-Hopmere Community Plan; and
 - Oregon Statewide Planning Goals.
- The applicant's request entails:
 - Changing the zone from Acreage Residential (AR) to Unincorporated Community Industrial (IUC); and
 - Changing the Comprehensive Plan Designation from Rural Residential (RR) to Industrial.
- The application is for a 0.39-acre parcel near the western edge of Brooks-Hopmere:
 - It is located near the intersection of Brooklake Road and River Road.
- The hearings officer held a duly noticed public hearing on October 3, 2024;
- The hearings officer issued a recommendation to approve the changes on January 13, 2025;
- Staff concur with the hearings officer's recommendation;
- The applicant has addressed and met all the relevant criteria for the application;
- The property is the last residential parcel in an area surrounded by other commercial and industrial parcels;
- The change will make the parcel more congruent with other area land uses;
- The applicant does not propose a specific use:
 - It is anticipated to be some form of warehouse or storage; and
 - This is consistent with the other uses in the surrounding area.
- A low water intensity use has been proposed:
 - The parcel is not served by the Brooks-Hopmere water system; but
 - There is a well that can serve the parcel with water.

G:\BOARD SESSIONS\BOARD SESSION MINUTES\2025\2-26-2025

- Staff expressed that there are no issues related to traffic or utilities; and
- Staff received no public comment expressing concerns about the application.

Testimony:

Support:

Steve Kay:

- Mr. Kay expressed the following:
 - He is representing the applicant;
 - The property has been vacant since 2020:
 - A previous home was removed from the site.
 - The parcel is located in an active industrial and commercial use area;
 - Details for the parcel include:
 - It is smaller than half an acre;
 - It is covered with a gravel surface;
 - It is surrounded by existing businesses;
 - It is not suited for the development of a single-family residence;
 - The applicant owns an adjacent industrial parcel to the west;
 - The applicant owns a commercial zone parcel south of the site;
 - A storage use with no utility needs is being considered for the property;
 - Water service could be extended from the well on the adjacent property; and
 - A holding tank on the site can provide septic service.
 - The submitted application materials demonstrate how the proposed CP amendment and ZC meet the criteria for approval;
 - The applicant agrees with the hearings officer's findings; and
 - The applicant has no concerns regarding the conditions of approval.

Board discussion:

None.

Commissioner Bethell closed the public hearing.

MOTION: Commissioner Cameron moved to approve the application for Zone Change/Comprehensive Plan (ZC/CP) change Case #24-004/Woodry Properties, LLC. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:50:37)

Commissioner Bethell adjourned the meeting at 9:56 a.m.

Board Sessions can be viewed on-line at

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