

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, August 24, 2022

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, Jane Vetto as county counsel, and Brenda Koenig as recorder.

Commissioner Bethell called the meeting to order at 9:00 a.m.  
Commissioner Willis arrived at 9:03 a.m.

**PUBLIC COMMENT**

None.

*(Video Time 00:00:42)*

**CONSENT**

BOARD OF COMMISSIONERS

Board Committee Appointment

Local Alcohol and Drug Planning Committee

1. Approve an order appointing Laura Allen to the Marion County Local Alcohol and Drug Planning Committee (LADPC) with a term ending August 24, 2026.

PUBLIC WORKS

2. Schedule adoption of an administrative ordinance for August 31, 2022, amending the Marion County Code to permit an event business as a home occupation in the Exclusive Farm Use, Special Agriculture, and Farm/Timber (EFU/SA/FT) zones.

TREASURER'S OFFICE

3. Approve an order distributing Oregon State Forestry timber revenue in the amount of \$191,358.54 as per ORS Chapter 530.

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

(Video Time 00:02:29)

## ACTION

### DISTRICT ATTORNEY'S OFFICE

4. Consider approval of the Grant Agreement with the Oregon Department of Justice, Crime Victim Services Division in the amount of \$1,312,660.30 for the federal Victims of Crime Act and the state Criminal Fines Account retroactive to October 1, 2021, through September 30, 2023. –Pami Guerra

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

- This is an ongoing grant;
- The grant funds, or partially funds, six positions in the Victim Assistance office:
  - Funding for four full time advocates; and
  - Partial funding for two coordinators.
- An estimated 50 percent or more of the Victim Assistance office is funded by grants;
- An estimated \$398,236 is funded by state funds;
- An estimated \$865,383 is funded by federal funds; and
- The following services are provided by advocates and coordinators:
  - Attend court with victims;
  - Explain the criminal justice system to victims, and what their rights are;
  - Provide protective order services to victims;
  - Attend protective order hearings with victims;
  - Communicate with victims any changes or updates to their cases; and
  - Crisis intervention:
    - Safety planning; and
    - Assistance with finding housing and other resources.

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

- The CrossWalk event raises money for victim assistance every year:
  - Other small donations are occasionally received.

**MOTION:** Commissioner Willis moved to approve the Grant Agreement with the Oregon Department of Justice, Crime Victim Services Division in the amount of \$1,312,660.30 for the federal Victims of Crime Act and the state Criminal Fines Account retroactive to October 1, 2021, through September 30, 2023. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:07:29)

## PUBLIC WORKS

5. Consider approval of the Contract for Services with ACF West Construction Company Inc., for the not to exceed amount of \$762,300 for the seasonal removal and installation of the monofil coverings at the North Marion Transfer Station through August 31, 2025. –Andrew Johnson

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

- The contract is for the purchase and installation of interim tarping at the North Marion Ash Monofil site;
- The site accepts a portion of the ash residue from Covanta Marion:
  - Covanta Marion generates an average of 33,000 tons annually.
- The monofil is covered to minimize leachate generation:
  - Leachate is any liquid that touches the ash and waste in a landfill; and
  - Leachate has to be collected and disposed of according to Department of Environmental Quality guidelines.
- Each inch of rainfall that touches an acre of open monofil generates 27,000 gallons of leachate;
- The practice of tarping and un-tarping helps reduce leachate generation by a significant amount;
- A bid for the work was issued July 7, 2022:
  - One bid was received, and it was from ACF West Construction.
- The contract will allow the monofil to be uncovered in the spring, and covered in the fall;
- The contract includes an option to extend through August 31, 2027; and
- Annual expenses are estimated to be approximately \$150,000, depending on the need for replacement tarping.

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

- Management of the site is critical to keeping the county's water sources safe; and
- Due to weather conditions, it is difficult for staff to know exactly when to cover and uncover the monofil:
  - The goal is to have the monofil covered by the first part of October.

**MOTION:** Commissioner Cameron moved to approve the Contract for Services with ACF West Construction Company Inc., for the not to exceed amount of \$762,300 for the seasonal removal and installation of the monofil coverings at the North Marion Transfer Station through August 31, 2025. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

*(Video Time 00:12:43)*

6. Consider adoption of an administrative ordinance approving Comprehensive Plan/Zone Change (CP/ZC) Case #21-005/Enchanted Ridge Property Owners Association. –Lindsey King

***Summary of presentation:***

- The hearings officer held a noticed public hearing;
- On October 29, 2021, the hearings officer issued a report recommending the board approve the request;
- On January 12, 2022, the board held a noticed public hearing on the application;
- The board considered all the evidence in the record and approved the request;
- The board's decision was appealed to the state, and after consideration it was remanded back to the county;
- At the direction of the board the case was remanded back to the hearings officer;
- In March of 2022, the hearings officer issued a recommendation of approval;
- On June 8, 2022, the board held an additional public hearing, and approved the request;
- The ordinance and findings have been prepared, and the notice of adoption was given on August 10, 2022;
- The administrative ordinance is now set for formal adoption; and
- The board has the following options:
  - Adopt the ordinance as written;
  - Direct staff to prepare a modified ordinance; or
  - Choose not to sign and adopt the ordinance at this time.

***Board discussion:***

- The ordinance is reasonable, and it does not affect the farm; and
- Per statute, land use decisions may be reviewed by the Land Use Board of Appeals (LUBA) by filing a notice of intent within 21 days from the date the ordinance becomes final.

**MOTION:** Commissioner Willis moved to adopt an administrative ordinance approving Comprehensive Plan/Zone Change (CP/ZC) Case #21-005/Enchanted Ridge Property Owners Association. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

*(Video Time 00:16:22)*

Recessed at 9:17 a.m.

Reconvened at 9:29 a.m.

(Video Time 00:28:19)

Commissioner Cameron requested unanimous consent to allow Commissioner Willis to vote on the consent calendar. A voice vote was unanimous. Commissioner Willis voted to approve the consent agenda.

(Video Time 00:28:39)

## PUBLIC HEARINGS

9:30 A.M.

### PUBLIC WORKS

A. Public hearing to consider Zone Change/Comprehensive Plan Change/Partition/ Adjustment (ZC/CP/P/ADJ) Case #21-009/Roberts and Stickler. –Lindsey King

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

- The subject parcels are located within the City of Salem Urban Growth Boundary (UGB), and they are designated Single Family Residential (RS) in the Salem Area Comprehensive Plan;
- The parcels' current zoning RS is under the jurisdiction of Marion County;
- The applicant is proposing to partition the subject property into three lots;
- Upon recordation of the partition plat, two of the lots will contain the existing single-family homes, and they will remain zoned for single family use;
- The applicant proposes changing the existing single family residential comprehensive plan map designation, and single-family residential zoning, on the third lot to Multi-family Residential (RM) in the comprehensive plan and zoning;
- The applicant envisions developing the property with a townhome style development that will include common and private open spaces and amenities;
- The applicant is requesting an adjustment to the side yard setback for the RS zone, and an adjustment to the play area dimensions in the RM zone;
- Adjacent properties are zoned commercial retail, commercial office, and single-family residential:
  - These properties contain a mixture of retail, service, office, and residential uses.
- The hearings officer found that the request satisfied all applicable comprehensive plan policies, zone change criteria, criteria to partition the RS and RM zones, and the criteria for the adjustment of the play area standards;
- Staff recommends the approval of the request, subject to the conditions listed in the hearings officer's recommendation; and
- The board has the following options:
  - Continue the public hearing;
  - Close the hearing and leave the record open;
  - Close the hearing and approve, modify, or deny the request; or
  - Remand the matter back to the hearings officer.

**Testimony:**

**Support:**

Britany Randall:

- Ms. Randall represents the applicants;
- The application is a consolidated three parcel partition, comprehensive plan amendment, zone change, and adjustments to setbacks and open space dimensions;
- The open space dimensions are not to standard, but the amount of open space being provided exceeds the minimum requirement;
- The two subject properties are approximately 1.69 acres;
- The two existing family dwellings will remain on proposed parcels one and two;
- The plan is to construct an infill development on proposed parcel three;
- Multi-family developments should be located where they have direct access to services, including public transportation, shopping, entertainment, and employment opportunities:
  - The applicants' property has access to these services.
- The adjustments being sought are the minimum required to efficiently develop parcel three with multi-family dwellings, and to accommodate requirements for parking, open space, and fire department access; and
- The applicants provided the following response to Statewide Planning Goal 10:
  - Goal 10 is for housing to provide for the housing needs of citizens of the state;
  - In 2014 the city conducted a housing needs analysis to develop strategies for the community to meet housing needs through 2035, and to inform policy decisions related to residential land:
    - The housing needs analysis found that Salem has a deficit of capacity and multi-family designation, with a deficit finding of 2,897 dwelling units and 207 gross acres of residential land.
  - Obtaining a multi-family residential designation would allow the subject property to be developed as multi-family dwellings:
    - The rezone would help maximize density, while helping to meet the housing needs within the City of Salem UGB;
    - The proposed acreage would provide approximately 23 dwelling units based on the maximum density of the RM zone; and
    - The increased density would reduce the deficit of the identified lands in the housing needs analysis.

Mark Shipman:

- Mr. Shipman is a land use attorney representing the applicants;
- The housing needs analysis becomes final tonight at 5 p.m., unless it is appealed to LUBA;
- This application is an opportunity for Marion County to help fill the housing needs of the community;

- The application does not provide a substantial amount of housing, but it does provide for multi-family housing which is critically needed in our community;
- The housing proposed by the applicants is considered “needed housing” under ORS 197.303;
- Under ORS 197.307 there cannot be conditions of approval placed on the application that have the effect, either by themselves or cumulatively, of discouraging needed housing from being developed through unreasonable cost or delay;
- Mr. Shipman expressed that the hearings officer came to the right decision;
- The proposed conditions of approval are reasonable; and
- As the applicants satisfy all the mandatory approval criteria, Mr. Shipman respectfully requests that the board approve the combined applications as submitted.

***Board discussion:***

- The board is under no legal obligation to change the zoning on these parcels, or to make a comprehensive plan amendment; and
- The City of Salem is a different jurisdiction than the county, and their housing needs analysis does not require the county to make a decision here.

***Testimony:***

***Support:***

The following individuals signed up to comment in support of the application, but chose not to provide testimony:

- Jordan Schweiger;
- Mark Simmons; and
- Bernie Jueden.

Dale Roberts:

- Mr. Roberts is the property owner;
- He and his wife reside on the property in one of the existing houses;
- They do not oppose having multi-family housing next to them; and
- There is a housing shortage in the area, and the multi-family housing being proposed would help reduce this shortage.

Cheri Stickler:

- Ms. Stickler owns the property with her husband, Mr. Roberts; and
- They originally purchased one of the properties, and then they purchased the neighboring property with the plan to expand in the backyard with multi-family housing:
  - A single family can live in the additional existing house.

The following individual signed up to comment in support of the application, but chose not to provide testimony:

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- Lindy Schweiger.

**Board discussion:**

- Everyone who signed up for the public hearing today is in support of the request;
- The housing needs analysis and the “Our Salem Project” are City of Salem initiatives:
  - They are planning for what they are going to do for development in the City of Salem.
- East Salem is not a part of the City of Salem:
  - Most of the constituents in east Salem do not want to be annexed into the City of Salem.
- Policy decisions are made based on what is best for the residents of Marion County:
  - Decisions are not based on direction received from another jurisdiction, with that direction based on that jurisdiction’s own analysis.
- In the housing needs analysis, it states that the City of Salem has a deficit capacity in the multi-family designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land:
  - Since the analysis, the city has added 40 acres of multi-family designated land, which reduces the proposed deficit to 167 acres.
- A lot of individuals living in east Salem in single-family residential homes live on small incomes:
  - Their homes are smaller; and
  - One thing they do have is their home.
- There is a problem if the county allows Salem to say that a large quantity of multi-family housing is needed, and there are a lot of inexpensive houses in east Salem, and the housing shortage could be fixed by redeveloping east Salem into multi-family:
  - This would destroy the existing neighborhoods in east Salem:
    - These neighborhoods are really healthy, good, working-class neighborhoods.
- The commissioners could meet with the City of Salem to discuss the UGB, and if there is a need for more multi-family housing, determine where it would go:
  - It would need to be determined how much would go into east Salem, south Salem, and north Salem, and how it would be allocated.
- Home ownership is really important, so the county does not want to take owner-occupied single-family homes and redevelop them into rental properties, making home ownership less in our community, not more;
- There is nothing wrong with what the applicants are asking for, but the City of Salem does not decide what gets imposed on east Salem, disregarding what the residents of east Salem want;
- A policy decision is not a legal decision:
  - The board is making a policy decision of whether or not to rezone single-family housing in east Salem to multi-family on one acre.
- One concern in this case is that the parcels are surrounded by single family homes;



- The parcels are right next to Lancaster Drive, which is an arterial road, so it is a good location for apartments;
- County code does require the Board to consider local jurisdiction planning;
- The Board previously denied a similar application on property in the vicinity of this neighborhood, partially due to the neighbors not supporting the application:
  - The difference in the application today is the location of the property and how close it is to Lancaster Drive.
- The county is working with the Home Builders Association to identify available land that can be developed.

**MOTION:** Commissioner Cameron moved to close the public hearing and approve Zone Change/Comprehensive Plan Change/Partition/Adjustment (ZC/CP/P/ADJ) Case #21-009/Roberts and Stickler. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

*(Video Time 00:52:01)*

Commissioner Bethell adjourned the meeting at 9:52 a.m.



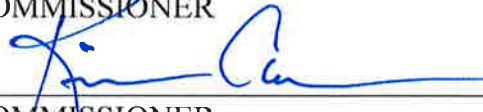

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CHAIR




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COMMISSIONER




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COMMISSIONER

**Board Sessions can be viewed on-line at**

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