

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, February 28, 2024
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Kevin Cameron, Commissioner Danielle Bethell, and Commissioner Colm Willis. Also present were Jan Fritz, chief administrative officer, Jane Vetto as county counsel, and Brenda Koenig as recorder.

Commissioner Cameron called the meeting to order at 9:00 a.m.
Commissioner Willis arrived at 9:08

(Video Time 00:00:46)

PUBLIC COMMENT

None.

(Video Time 00:02:48)

PRESENTATION

1. Strategic Economic Development Corporation (SEDCOR) of the Mid-Willamette Valley Quarterly Report. –Kelli Weese; Erik Andersson, SEDCOR President; and Kip Morris, SEDCOR, Marion County Business Retention and Expansion Manager

Summary of presentation:

- Strategic Economic Development Corporation (SEDCOR) of the Mid-Willamette Valley is presenting their quarterly report for business retention and expansion services;
- The county’s grant agreement with SEDCOR allocates \$160,000 a year for economic development programs;
- The current contract expires on June 30, 2024;
- SEDCOR leverages public and private partnerships to assist with job growth and capital investments;
- Jobs that are created in communities generally come from businesses that are already established;
- SEDCOR has been in business for 42 years;
- The company specializes in business retention and expansion:
 - They work with several trade sector businesses; and
 - They have visited and toured many of the businesses.

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- Robotics are being designed and built for businesses that will work with humans;
- SEDCOR hosted an event to introduce businesses to local farmers:
 - Businesses are encouraged to buy locally and develop relationships with farmers.
- Supply chain projects include:
 - Northwest Distribution:
 - The company will be performing a 70,000 square foot expansion; and
 - They support the food, beverage, and wine industries.
 - Project Spice:
 - This is an aerospace project; and
 - The foreign owned company has several manufacturing facilities throughout the United States.
- SEDCOR's innovation and entrepreneurship projects include:
 - The Latino Microenterprise Development Program (LMDP):
 - Fifty-seven entrepreneurs registered for the third course;
 - Forty-seven individuals completed the course; and
 - Over 50 percent of the course participants were women.
 - The Mid-Willamette Valley Regional Innovation Hub:
 - Business Oregon provides resources for innovation entrepreneurs and trade sector businesses that want to innovate.
- SEDCOR's general business outreach and engagement included:
 - Hosted the Oregon District Export Council; and
 - The SEDCOR Construction Alliance:
 - They are continually looking for community projects to work on.
- Portland Airport invited SEDCOR to tour the new construction area:
 - Approximately nine acres of the ceiling decor was supplied by Freres Engineered Wood.
- An Agriculture Breakfast will be held at Mt. Angel's Festhalle in March;
- SEDCOR's five-year plans for the Mid-Willamette Valley details:
 - The area as a great place to start a business;
 - The area as an equitable and inclusive business community; and
 - The regions strengths including:
 - Agriculture;
 - Food production;
 - Manufacturing; and
 - Technology.
- The region is known internationally for the products that are grown or made locally; and
- There is economic opportunity in the region.

Board discussion:

- The commissioners expressed their appreciation for SEDCOR's work with the rural tax abatement program:
 - The program encourages businesses to stay within the county;

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- It is a tool to attract new businesses to the area;
- There have been millions of dollars in investments in rural Marion County because of the program; and
- Companies can expand their businesses and add value to their products.
- The county has parks projects that may benefit from SEDCOR's Construction Alliance.

(Video Time 00:24:42)

CONSENT

BOARD OF COMMISSIONERS

Board Committee Appointment – Public Safety Coordinating Council

2. Approve an order appointing the City of Woodburn Mayor, Frank Lonergan, to the Marion County Public Safety Coordinating Council with a term date ending July 31, 2024.

HEALTH AND HUMAN SERVICES

3. Approve Amendment #5 to the Contract for Services with EnSoftex, Inc. to add \$100,000 for a new contract total of \$5,209,912.20 for the implementation of a dedicated reporting database server and the addition of three report server users through September 1, 2025.

INFORMATION TECHNOLOGY

4. Approve the Dark Fiber Lease Agreement with Comcast Business Communications, LLC in the amount of \$750,000 for the continued use of Comcast Dark Fiber for five years and an order authorizing the Marion County Board of Commissioners, Chair to sign the agreement.

SHERIFF'S OFFICE

5. Approve the incoming funds Intergovernmental Agreement with the Oregon Department of Corrections (DOC) to provide funding in the amount of \$1,364,879 for programs that provide addiction treatment services to individuals who are at high-risk of reoffending retroactive to July 1, 2023, through June 30, 2025.

6. Approve the incoming funds Grant Agreement with the Oregon Criminal Justice Commission (CJC) to provide funding in the amount of \$5,635,332 for Marion County Justice Reinvestment Initiative programs through March 31, 2026.

TREASURERS OFFICE

7. Approve an order for the distribution of Oregon State Forestry timber revenues, as referenced in Exhibit A, in the amount of \$1,260,531.11 per ORS Chapter 530.

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

(Video Time 00:26:34)

ACTION

COMMUNITY SERVICES

8. Consider a resolution to approve the Marion County 2024 Economic Development Program Five-Year Strategic Plan. –Kelli Weese and Eric Gibson, Better City, Director of Strategic Analysis

Summary of presentation:

- The intent of the plan is to set guidance for the following for the next five years:
 - Program missions;
 - Goals;
 - Objectives; and
 - A high-level strategy.
- The county hired Better City, an economic development advisory firm, to assist in developing the new plan:
 - The company works with local governments throughout the country to develop and provide:
 - Strategic plans;
 - Feasibility studies; and
 - Project implementation services.
 - Better City has worked with both the City of Detroit and the City of Gates for redevelopment and community visioning following the 2020 wildfires and the COVID-19 pandemic.
- The project timeline included:
 - Data from the county's past plans was reviewed;
 - A survey period for both the public and elected officials was started;
 - A plan was then drafted and shared with the following:
 - Stakeholders;
 - The Marion County Board of Commissioners; and
 - The public.
 - Feedback was received and addressed; and
 - The final plan was drafted and is ready for review.
- Public outreach focused on stakeholders engaged in economic development including:
 - The Strategic Economic Development Corporation (SEDCOR);
 - The workforce board;
 - Colleges;
 - Universities; and
 - Local chambers of commerce.
- Better City met with the commissioners and county employees to understand the program's role;
- It was important to understand the projects, needs, and priorities of the cities and the county;

- The feedback received included three factors:
 - The role of the economic development program needed to be refined and publicized;
 - Identifying community and county needs; and
 - A potential for growth in value-added agriculture and adopting better technology innovations.
- The intent is to leverage county resources to enhance businesses so that they thrive;
- The plan has four strategies:
 - The first strategy is Flexible Capacity Enhancement:
 - The goal is to enhance the narrative so that individuals understand the program's role and how it will interact with businesses and stakeholders.
 - The second strategy is Community Collaboration and Support:
 - Instituting quarterly meetings with municipal staff;
 - Ensuring communities can leverage available funds;
 - Developing a strong partnership between the county and cities for projects.
 - The third strategy is Sustainable Business Ecosystem:
 - Meet with chambers bi-annually for support; and
 - Continue a business-driven collaboration with the agriculture sector.
 - The fourth strategy is Vibrant Communities:
 - Creating clearly defined unique downtowns;
 - Improve and create tourism to make the county a destination; and
 - Support infrastructure development.

Board discussion:

- The board has provided input and comments related to the plan in prior meetings; and
- Infrastructure development is important to the county so that business survive.

MOTION: Commissioner Bethell moved to approve a resolution approving the Marion County 2024 Economic Development Program Five-Year Strategic Plan. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:36:35)

HEALTH AND HUMAN SERVICES

9. Consider the first title reading of an ordinance to amend and certify the Marion County Ambulance Service Area (ASA) Plan as shown in Exhibit B. –Katrina Griffith and Matt Neuenheim

Summary of presentation:

- The map was part of the Marion County Ambulance Service Area (ASA) Plan that was adopted in the spring of 2023;

- Staff reviewed the document and determined that emergency medical services and fire services did not match up when dispatched from the same agency;
- Staff met with the both the Turner Fire Department and the Salem Fire Department to address the issue:
 - It was agreed that the plan needs to revert back to how it was previously;
 - This will prevent dispatch delays for calls; and
 - Calls and dispatch will now come from the same call center.
- Fire boundaries are not the same as ASA boundaries:
 - This created a discrepancy with dispatch centers;
 - METCOM 911 dispatches to the City of Turner area; and
 - The Willamette Valley Communication Center (WVCC) provides dispatch for fire in the area.
- The change was initiated by the Turner Fire Department and not Marion County;
- Marion County code requires the map to be recertified:
 - The map recertification is also part of the Oregon Health Authority (OHA) process.
- The county also addressed other findings from OHA:
 - The changes are related to the coordination of special rescues and responses and include:
 - Hazardous materials;
 - Search and rescue;
 - Specialized rescue; and
 - Extrication.
 - OHA also requested a list and contact information for dispatch and responding agencies.
- The county received the OHA certification in December.

Board discussion:

- The second title reading, and motion will come to board session in two weeks.

Motion: Commissioner Willis moved that the chair read the ordinance by title only once. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

Commissioner Cameron read the title of the ordinance once.

(Video Time 00:42:53)

***Recess as Board of Commissioners.
Convene as Contract Review Board.***

CONTRACT REVIEW BOARD ACTION

HEALTH AND HUMAN SERVICES

1. Consider approval of an order granting an exemption to the Marion County Public Contracting Rules to reinstate an expired Contract for Services with Bridgeway Recovery Services, Inc. as referenced in Exhibit A. –Toby Giddings and Carol Heard

Summary of presentation:

- The contract with Bridgeway Recovery Services, Inc. has expired;
- The contract has exceeded the number of days that the Marion County Public Contracting Rules allows for reinstatement;
- An exemption to the county’s public contracting rules that would allow the contract to be reinstated, requires approval by the Marion County Contract Review Board; and
- Reinstating the contract will allow the county to pay for services rendered through the end of the 2023 calendar year.

Board discussion:

- Staff has met with Marion County Health and Human Services (MCHHS) to address some challenges;
- Expiring term dates for the contract have been an ongoing issue for several years because funding provided by the state can be delayed; and
- Staff is implementing a new process so that services can continue while the county waits for state funding to become available.

MOTION: Commissioner Bethell moved to approve an order granting an exemption to the Marion County Public Contracting Rules to reinstate an expired Contract for Services with Bridgeway Recovery Services, Inc. as referenced in Exhibit A. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

***Adjourn as Contract Review Board.
Reconvene as Board of Commissioners.***

(Video Time 00:46:14)

ACTION

HEALTH AND HUMAN SERVICES

10. Consider approval of Amendment #2 to the Contract for Services with Bridgeway Recovery Services, Inc. to add \$221,843.98 for a new contract total of \$1,494,281.98 to provide funding for services to non-Medicaid individuals needing substance use treatment services retroactive to January 1, 2022, through March 31, 2024. –Carol Heard

Summary of presentation:

- The county contracts with Bridgeway Recovery Services, Inc. to provide substance use disorder services for uninsured individuals;
- Services that Bridgeway Recovery Services, Inc. provide includes:
 - Detox;
 - Outpatient substance use treatment; and
 - Driving Under the Influence (DUI) treatment services.
- Funding is provided by an Intergovernmental Agreement (IGA) with the Oregon Health Authority (OHA); and
- Bridgeway Recovery Services, Inc. receives reimbursement for services rendered by submitting invoices to the county.

Board discussion:

- None.

MOTION: Commissioner Willis moved to approve Amendment #2 to the Contract for Services with Bridgeway Recovery Services, Inc. to add \$221,843.98 for a new contract total of \$1,494,281.98 to provide funding for services to non-Medicaid individuals needing substance use treatment services retroactive to January 1, 2022, through March 31, 2024. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:48:27)

PUBLIC HEARINGS

9:30 A.M.

FINANCE

A. Public hearing to consider adopting the Fiscal Year 2023-2024 Second Supplemental Budget. –Daniel Adatto

Summary of presentation:

- The request increases the county's budget by approximately \$1.8 million;
- The total county budget is under \$720 million;

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- Public notice was posted in the Woodburn Independent on February 21, 2024;
- Copies of the budget are available to review on the Marion County website and in the Board of Commissioners office;
- The supplemental budget was reviewed in detail by the board at a Management Update meeting on February 20, 2024;
- Thirteen funds were modified;
- There is a net total reduction of 0.3 Full Time Equivalent (FTE):
 - The reduction is primarily incremental adjustments within Marion County Health and Human Services (MCHHS).
- Marion County Public Works (MCPW) moved 1.2 FTE between funds:
 - This did not result in any net increases or decreases.
- General Fund transfers to other funds increased by approximately \$42,000 including:
 - A parks fund allocation in the amount of \$27,000 for personnel cost adjustments; and
 - The purchase of two used vehicles totaling \$15,000 for the Marion County Sheriff's Office.
- Approximately \$192,000 of the Public Works Fund will be utilized for the House Mountain Generator Fire Recovery Project:
 - The recovering costs are for structure and equipment replacement.
- Approximately \$139,000 of the Public Works Fund and the Parks Fund will be utilized for the purchase of five new automated parking payment machines in the North Fork corridor:
 - The machines will accept credit card payments.
- A new project has been proposed to replace a failing Heating, Ventilation, and Air Conditioning (HVAC) system at the Marion County Jail Annex Building:
 - The project will utilize Facility Renovation Funds;
 - The total project cost is estimated to be \$843,000; and
 - Approximately \$22,000 will be appropriated for this fiscal year.

Board discussion:

- No one signed up for public comment; and
- Commissioner Cameron closed the public hearing and moved to Action item #11 on the agenda for a motion.

(Video Time 00:53:25)

PUBLIC WORKS

B. Public hearing to consider an appeal of the hearings officer's decision approving Floodplain/Greenway Case #23-010/Friends of Historic Butteville (FOHB). --Brandon Reich

Summary of presentation:

Brandon Reich:

- Floodplain/Greenway Case #23-010/Friends of Historic Butteville (FOHB) is for a permit application to install a gangway and dock at Butteville Landing:
 - The location is in a public right-of-way (ROW) and is within an Acreage Residential (AR) zone.
- The area is situated within the 10700 block of Butte Street Northeast;
- Marion County Public Works staff recommended approval to the hearings officer;
- The hearings officer held a public hearing on August 17,2023;
- The hearings officer approved the request subject to conditions;
- The hearings officer's decision was appealed;
- The applicants were concerned with the following:
 - The compatibility of the proposed use with surrounding uses; and
 - The challenge of obtaining the required permits for the development of the use.
- The appellants were also concerned with the following:
 - The availability of the staff report;
 - The notice of hearing; and
 - The documents in the record:
 - Holding this public hearing has resolved these three concerns.

Board discussion:

- A navigable river is regulated by the state of Oregon:
 - Everything below the high-water mark is owned by the state.
- The Oregon Department of State Lands and the United States Army Corps of Engineers (Corps) regulate the development; and
- The intent of the application is for access to the river.

Testimony:

Jamie Howsley:

- Mr. Howsley is an attorney representing the Friends Of Historic Butteville (FOHB);
- Mr. Howsley expressed the following:
 - The application was approved by the board in 2021;
 - The opponents appealed the decision to the Oregon Land Use Board of Appeals (LUBA):
 - LUBA agreed with the county on several issues;
 - LUBA remanded the application back to the county to determine who can sign the application for a project in a public ROW; and

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- The board must also determine what an engineer must certify for flood water levels.
- A zoning code update in 2023 resolved the application signature issue;
- The engineer's certification was revised with new flood level calculations;
- The exhibits with the engineer's certification were submitted as part of the application but were not included in the hearings officer's record:
 - He will submit another copy to county staff for the records.
- He intends to submit a letter that addresses several additional application issues that were raised by the opposition;
- The application is discretionary, and a decision must be supported by substantial evidence;
- The application is supported by expert testimony from engineers and outside public agencies including:
 - The National Marines Fishery Service;
 - The United States Army Corps of Engineers (Corps);
 - The Oregon Department of Fish and Wildlife;
 - The Oregon Historic Preservation Office;
 - The Oregon Department of State Lands;
 - The Oregon Marine Board; and
 - Marion County Public Works.
- The opposition has not presented any expert testimony to challenge the application materials;
- Opposition arguments include:
 - The ROW;
 - Fish habitat; and
 - Flooding.
- All letters and comments from agencies will be submitted to Marion County Public Works staff.

Testimony:

Support:

Benjamin Williams:

- Mr. William's is the Friends of Historic Butteville, President;
- Mr. William's expressed the following:
 - The 2023 application revision complied with the requirements;
 - Engineering revised the no rise certification and an actual zero rise during flood conditions was achieved;
 - Opposition argues the project has negatively impacted their lives and property;
 - The Butteville Landing is frequently used by the public;

- Restoration of the area began in 2017 and included:
 - The removal of invasive species;
 - Slope stabilization;
 - The installation of a concrete road grade that would be utilized for:
 - A sidewalk; and
 - Emergency vehicle access to the river.
 - Replanting with native species; and
 - The installation of historic signage.
- The opposition alleges that the area is not well maintained by the non-profit;
- Staff testified in an August 2023 hearings officer's public hearing that the area is well maintained;
- Garbage is collected and documented weekly;
- The Marion County Sheriff's Office has no record of complaints or incidents from 2023;
- The application is for an allowed use and will comply with county, state, and federal requirements;
- Several state agencies have reviewed the project and provided favorable comments;
- The project has been approved by the State Historic Preservation Office (SHPO);
- The project has received a dock permit from the following:
 - The Oregon Department of State Lands (DSL); and
 - The Corps.
- The stormwater management and the dock were designed to National Marine Fishery Service standards; and
- He requested that the board deny the appeal and allow the project to proceed.

Testimony:

Opposition:

Erica Tatoian:

- Ms. Tatoian is an attorney representing the opponents;
- Ms. Tatoian expressed the following:
 - She objects to the letter submitted by the FOHB as it was turned in after the deadline;
 - Her clients are the undisputed fee title owners to Butte Street;
 - The property was developed without the permission of the owners;
 - There are five preliminary issues:
 - The record on appeal;
 - Burden of proof and facial deficiencies;
 - Ownership of the property; and
 - The FOHB's prior restoration work.
 - The opponents have submitted five letters with exhibits;

- The FOHB has the burden to show that they satisfy all approval criteria;
- The FOHB's application was deficient due to the following:
 - No copy of the recorded title transfer showing legal description for the parent parcel was included;
 - The application was not signed by an authorized Marion County agent; and
 - The application lacks documentary evidence to support the FOHB self-serving statements.
- The parties are involved in litigation regarding rights to the disputed property;
- The county has not compensated the owners for the public use of the property;
- The site was a private commercial dock until 1908;
- In 2015, the FOHB asked the county to add a new park which would also supplement the struggling Butteville Store; and
- It is unknown who owns the easement to the disputed property;

Board discussion:

- Commissioner Bethell expressed that the hearing is for the permit criteria and that the focus should remain on the application;
- Ms. Vetto expressed the following:
 - The public hearing is for a permit application;
 - This is a land use hearing; and
 - It was requested that Ms. Tatoian address the criteria that she feels the applicants have not met.
- Commissioner Willis expressed the following:
 - If the state owns the river;
 - If the public has a right to access the river;
 - Then what the opponents are arguing about is not relevant to the board's decision for the application; and
 - He has never heard of a Right-Of-Way (ROW) that does not confer a ROW.
- Commissioner Cameron expressed the following:
 - The ROW is not at issue for this hearing; and
 - The two criteria outlined by the hearings officer is what pertains to the hearing.

Erica Tatoian:

- The work performed beginning in 2017 by the FOHB was done without a permit:
 - A Memorandum of Understanding (MOU) was executed two years after the development took place.
- The county cannot grant a permit if land is being used in violation of Marion County code and other laws;
- The county is not the owner of the property;

- Marion County Code (MCC) requires the property owner to sign and record a declaratory statement in the county records that states the property is within the floodplain before obtaining a building permit;
- MCC states that the application shall include certain information about the property and the proposed development:
 - The criteria have not been mentioned or evaluated by the FHOB, Marion County, or the hearings officer.
- The FOHB proposed no-rise standard is not permitted by their Department of State Lands (DSL) permit;
- The FOHB proposal to satisfy the standard is to dig two large holes and remove 40-cubic yards of riverbank to compensate for the installation of pilings:
 - The FOHB does not have permission from the DSL to remove riverbank from the Willamette River; and
 - Oregon law prohibits any removal from waters designated as essential salmon habitat, which includes the Willamette River.
- The criterion is unmet as it is unauthorized;
- The Willamette River Greenway criteria entail some of the following:
 - Most of the land along the river should remain in private ownership;
 - Public access points should be made available in urban areas and public parks;
 - Significant fish and wildlife habitats shall be protected; and
 - Oregon law prohibits the removal of soil from the river without approval.
- The FHOB has not met the Oregon Department of Fish and Wildlife guidelines for docks in rivers:
 - The guidelines are designed to minimize the impacts to fish, wildlife, and habitat resources.
- Areas of archeological significance shall be protected, preserved, restored and enhanced;
- Ms. Tatoian requested a copy of a cultural survey from the Oregon Heritage, State Historic Preservation Office (SHPO):
 - The only document that SHPO has concerning the property cannot be released because it would reveal the location of protected archeological resources.
- The proposed development must be compatible with existing site uses and the surrounding area;
- The purpose of the project is to increase public use of the property and attract new recreational users to the area;
- Zoning in the area needs to be considered:
 - The entire Butteville Community is zoned Acreage Residential (AR):
 - This includes the disputed property.
 - The Butteville General Store is zoned Community Commercial; and
 - County code only permits parks in AR zones if they are operated by governmental entities:
 - The county has disclaimed responsibility for maintaining or operating the site.

Board discussion:

- Commissioner Bethell expressed that this is not an application for a park.

Erica Tatoian:

- Ms. Tatoian expressed the following:
 - The area is a quiet rural community;
 - Public parking or the blocking of private driveways is an issue;
 - Trespassing and theft in the area is a concern;
 - Private properties are being utilized to access the Willamette River;
 - Private docks are being utilized by the public for swimming; and
 - The proposed plan will increase visitors to the area.

Bob Steringer:

- Mr. Steringer is an attorney representing the opponents;
- Mr. Steringer expressed the following:
 - The project has already had a significant impact on his clients;
 - In 2023 county staff asked the board to amend the MCC to allow individuals to submit applications for Conditional Use permits:
 - The FHOB submitted an application for development on land that they do not own;
 - The actual property owners were against this; and
 - Opposition was raised for amending the MCC:
 - There were concerns with private property rights.
 - He agrees that the state owns the river below the high-water mark;
 - He agrees that any improvements built below the high-water mark would not be built on this client's property;
 - The gangway itself will be built directly on his client's property:
 - The dock will not be built unless a gangway has been created to access the dock:
 - The dock would be on state property;
 - The gangway that is needed for the dock would be on private property; and
 - The gangway would be located on property that is above the high-water mark.
 - The dispute is whether there is a public right-of-way and what the scope of the public right-of-way authorizes;
 - The county treats the stretch of land as a local access road;
 - Access roads were necessary to give access to land lots that were along the river; but
 - The property is not a thoroughfare that is available to the entire public.

Testimony:
Opposition:

Shay Putnam:

- Ms. Putnam expressed the following:
 - She has lived in the area since 2011;
 - She and her family have had issues since 2017;
 - They did file litigation related to the Right-Of-Way (ROW);
 - There has been a significant impact to their lives;
 - Ms. Putnam does not understand why development occurring since 2017 cannot be discussed;
 - The parked cars are blocking the only access to their home;
 - The dock installation will make parking worse;
 - There are two parks, in two directions, that are two miles away from the area:
 - French Prairie State Park; and
 - Champoeg State Park:
 - Both parks have adequate parking, restrooms, and are not next to residential housing.
 - She is not seeing where private property rights are being protected;
 - This is an attempt to get more parking for the local store;
 - A recreational grant was received for the dock;
 - There is drinking and drug activity in the area at all hours of the day;
 - The roadway is utilized for parking;
 - Individuals trespass onto their property;
 - They have encountered theft of personal property;
 - Ms. Putnam is fearful for her family's safety;
 - She no longer calls the police as it can take 45 minutes for an officer to arrive; and
 - Free access to the river has had a negative impact on her family.

Scott Putnam:

- Mr. Putnam expressed the following:
 - The proposed dock will be five to ten feet from their dock;
 - He moved to keep his young family away from issues in urban areas;
 - They have witnessed all kinds of problems and illegal activity; and
 - These problems will continue with the completion of this project.

Julie Kraemer:

- Ms. Kraemer expressed the following:
 - This has been a long and expensive battle, with no end in sight;
 - There is a pending case in the circuit court;
 - Butteville has a population of 265;

- She has lived in the area for 25 years;
- Marion County and the FOHB have both acknowledged that they are not the fee title owners of the property;
- The project that FHOB completed in 2018 has resulted in the following occurring around the clock:
 - Trespassing;
 - Theft;
 - Vandalism;
 - Homelessness camping;
 - Drug abuse;
 - Alcohol abuse;
 - Loud fights and altercations;
 - Parking issues;
 - The accumulation of trash and debris;
 - Blockage of access to personal homes; and
 - Loss of privacy.
- Before 2017, Butteville Landing had a natural ivy and dirt trail with tall native maple and fir trees on the property:
 - The area has been clearcut and wildlife has left.
- No written notice or permitting was provided before the 2017 project started;
- The Historic Butteville Store is owned by the Oregon Department of Parks and Recreation;
- The FOHB felt the addition of a park, a local dock, and a gangway would promote the store and make it more profitable;
- The county allowed FHOB to create a park:
 - Trees were clearcut;
 - A 10-foot concrete path was created;
 - Picnic tables and a park bench were installed;
 - Signage was installed; and
 - A commercial parking lot was allowed on a local access road:
 - All of these items define a park.
- This is the only access to Butteville Landing so it must be open around the clock;
- There is no funding provided by the county for maintenance and security;
- Residents have tried to police the area;
- Intoxicated individuals are wandering around the area and onto private properties;
- Property owners are responsible for maintaining the access road because it is not a county road:
 - This is an additional burden for property owners.
- No FOHB board members live near the area, so they are not negatively impacted;
- Accidents may occur that could result in liabilities:
 - Who is responsible for the liabilities; and

- Any liabilities that occur will be directed to Marion County and the FHOB.
- There are already multiple access points to the river and a boat dock including:
 - Champoeg State Park;
 - Boones Ferry Marina; and
 - Rogers Landing.
- The county waived a building permit fee;
- The applicant needs to prove that the standards and criteria requirements are met; and
- Ms. Kraemer requested that the application be denied.

Testimony:

Conrad Herold:

- Mr. Harold expressed the following:
 - The decision made will directly impact the property owners; and
 - The rights of property owners should be protected.

Testimony:

Support

Jamie Howsley:

- A letter was provided today addressing the issues that were raised; and
- Mr. Howsley requested that the board keep the record open.

Board discussion:

- There is a provision in MCC that a ROW can be cleared, cleaned, or maintained;
- The access is designated as a non-county road:
 - The property owners may be responsible for the maintenance of the ROW; and
 - Ms. Vetto expressed that this may be a condition of the 2019 Memorandum of Understanding (MOU).
- Commissioner Bethell expressed the following:
 - She is prepared to send this request back to the hearings officer to address several questions;
 - There were a lot of issues raised in this meeting;
 - She has concerns with granting the application;
 - She feels there is a public safety concern based on testimony during this public hearing:
 - Public safety is part of the criteria that needs to be met.
 - She would like to have a conversation with the Marion County Sheriff's Office to understand the perspective of the public safety component; and

- She does not feel that the application sufficiently addresses how public safety is provided, asserted, and supported:
 - She does not think the hearings officer accurately addressed the issue so that she can make a comfortable decision.
- Commissioner Willis expressed the following:
 - He was very much affected by the opponents' testimony;
 - He feels things were lumped together during the testimony that need to be separated;
 - The question is whether permitting the dock will increase or have an effect on public safety;
 - One thing he did hear during the testimony is that there already are public safety issues now:
 - His thinks that this is independent of whether there will be additional public safety issues if the dock is built;
 - The public safety issues now exist in the current state; and
 - The question is whether there will be additional public safety issues if the dock gets built.
 - He stated for the record that he believes that the situation that we are in, and the comments and the concerns are a direct result of the Democrats in Oregon not being serious about public safety:
 - About people passing Oregon Measure 110;
 - Legalizing drugs;
 - Allowing criminals to basically go in and out of jail over and over again; and
 - Having people not feeling safe in their communities:
 - It is not necessary;
 - There are places within the country where there is not criminal activity all the time;
 - There are not livability crimes;
 - There is not constant theft:
 - If we had places with low crime, then there would be less concern about parks;
 - He is against unregulated homeless camping in parks; and
 - If you allow unregulated homeless camping in parks, then you do not allow kids there.
 - This is a bigger issue with crime occurring all over the county;
 - He cannot prevent people from using the street next to his home;
 - He cannot prevent people from going to parks near his home;
 - He does not want to live in a place where there is no public access to parks and streets;
 - He expressed that we do not have to live in a place where we have the kind of crime that we are seeing on a daily basis in our community; and

- The public safety issues are here because the state has failed at public safety.
- Commissioner Bethell expressed the following:
 - It is the Board of Commissioners job to decide what accountability looks like in this particular case;
 - One of the criteria has to do with the interference with the adjacent lands and public safety;
 - Comments declared today by area residents are on the record:
 - Residents living next to the proposed area expressed their concerns with safety.
 - Different community populations within the county have different public safety supports;
 - Public safety was not emphasized by the applicant, and it is not their responsibility;
 - The proposed dock is an additional burden for community residents; and
 - The issue has evolved since it was discussed in a prior meeting.
- Commissioner Cameron expressed the following:
 - He appreciates the discussion for public safety;
 - It can take 45 minutes for the Sheriff's Office to respond to a call;
 - He has questions related to the following that he would like answers to:
 - The FOHB's permit with the Oregon Department of State Lands (DSL) for the removal of soil;
 - Comments and private access for the greenway proposal; and
 - Oregon Department of Fish and Wildlife (ODFW) dock standards.
- Mr. Reich provided the following options for the board:
 - There is a time frame to make a decision for this case:
 - The applicant has a right for a seven-day final argument:
 - If the hearing is closed today, the applicant has seven days;
 - The board would reconvene to make a decision; and
 - This would be within the required time frame.
 - If the hearing is continued the county may not have time for a rebuttal before the deadline:
 - An extension may be needed.
 - The case may be referred back to the hearings officer for review:
 - A 60-day extension will be needed;
 - The extension request must be approved by the applicant;
 - If an extension is not approved by the applicant, then the county has seven days for the rebuttal only; and
 - The issue may go to a circuit court to make a decision.
 - If a decision is made within the time frame, the decision may be appealed:
 - There would not be time for the board to accept the appeal within the time frame; and
 - The hearings officer's decision would be the final decision for the county.

- Ms. Vetto expressed the following:
 - If it is remanded back to the hearings officer, the board may have specific criteria and elements within the criteria for the hearings officer to revisit including:
 - The flood plain criteria; and
 - Public safety and the impacts to adjoining neighbors.
 - It sounds like new information was submitted after the hearings officer issued her decision:
 - The hearings officer will be able to consider the new information along with additional testimony; and
 - New arguments may have been raised related to the underlying permits process that the hearings officer can review.
- Commissioner Cameron expressed he would like the hearings officer to address liability questions and concerns if something does happen in the proposed area;
- Commissioner Bethell expressed she would like the hearings officer to review the following:
 - Who will maintain the road if the application is approved;
 - Who is liable if someone is harmed if the application is approved;
 - The development criteria and the interference with the adjacent lands and public safety;
 - She would like to understand what public safety looks like in this environment; and
 - Who is responsible for any harm that comes from any interference.
- Ms. Vetto expressed that the hearings officer is looking at the case from a land use perspective:
 - Liability concerns may need to be addressed by the Legal Counsel team.
- Mr. Reich expressed that staff could update the report if needed;
- The applicant agreed to the 60-day extension;
- Commissioner Willis requested testimony from the Marion County Sheriff's Office regarding public safety in the area:
 - It sounds like there is an existing situation that needs to be resolved; and
 - He would like to know what the public safety impacts are if the dock is permitted.
- Commissioner Bethell expressed for the record that the testimony has been heard:
 - She understands the opponents' concerns;
 - She understands the desire to have accessible pathways; and
 - This is a complicated case.

MOTION: Commissioner Bethell moved that the matter be referred back to the hearings officer to address additional questions. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

Commissioner Cameron closed the public hearing.

(Video Time 00:52:23)

ACTION

FINANCE


11. Consider approval of a resolution to adopt the Fiscal Year 2023-24 Second Supplemental Budget. **(TO BE ACTED ON FOLLOWING THE PUBLIC HEARING)** –Daniel Adatto

Board discussion:


- Ms. Vetto clarified for the record that the Supplemental Budget is for Fiscal Year 2023-24 and not 2022-23; and
- Commissioner Bethell amended the motion to reflect Fiscal Year 2023-2024.

MOTION: Commissioner Bethell moved to approve a resolution to adopt the Fiscal Year 2023-24. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.


Commissioner Cameron adjourned the meeting at 11:50 a.m.



CHAIR



COMMISSIONER



COMMISSIONER

Board Sessions can be viewed on-line at
<https://www.youtube.com/playlist?list=PLSUQ1gg6M78UsBE3q6w4rdf59Z5rXkEi5>