

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, January 8, 2020  
9:00 a.m.

Senator Hearing Room  
555 Court Street NE  
Salem, OR 97301

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

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

**PUBLIC COMMENT**

*(Video Time 00:01:10)*

Gene Pfeifer:

- Addressed three agricultural topics:
  - Mr. Pfeifer believes hemp growers may fail because they do not know how to harvest, dry, store, or process;
  - The county hearings officer turned down a proposal for a processing plant:
    - Mr. Pfeifer believes the proposal should have been approved with conditions.
  - He believes the board should be more involved with these decisions and support such proposals.
- Mr. Pfeifer raised the question of why solar farms are being allowed on good farmland:
  - He has not found any municipal or county zoning laws that allow solar farms on farmland;
  - Willamette Valley has very productive, rich soil; and
  - Mr. Pfeifer believes the county should be more supportive of farmers.
- Mr. Pfeifer addressed conflicts around East Valley Water District's Drift Creek Dam proposal:
  - Too much heated water surface is detrimental to fish species;
  - He suggested a solution that would augment an existing dam at Findley Road and Cascade Highway, where more water can be collected and diverted for local farmers;
  - Water would be collected in large dug out areas; and
  - This solution would not require pipes, but would utilize hydrostatic pressure.
- Mr. Pfeifer supports using the former Hillcrest corrections campus as temporary housing for the homeless and getting them into the workforce:

- The Hope Crest Foundation is meeting on Thursday at first Baptist church at 6:00 p.m.

***Board Discussion:***

- The hemp processing plant has not come before the board yet, and they are unable to speak to the reasons for the decision made by the hearings officer;
- Commissioner Cameron stated that Marion County Public Works has approved hemp processing plants in the past;
- The board is not insensitive to agricultural processing; and
- There was a stay on solar farms about a year ago, and those are no longer allowed on Exclusive Farm Use (EFU) land until further analysis.

**CONSENT**

*(Video Time 00:13:37)*

**BOARD OF COMMISSIONERS**

Approve an order adopting the errata changes made to Administrative Policy #602, Discrimination and Harassment Free Workplace.

**PUBLIC WORKS**

Approve the incoming funds Supplemental Project Agreement with the Oregon Department of Transportation in the amount of \$180,000 for Marion County Public Works to conduct a Cordon Road Corridor Study and Management Plan.

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

**ACTION**

*(Video Time 00:14:57)*

**FINANCE**

1. Consider approval of the 2018-19 Comprehensive Annual Financial Report. –Jeff White and Cynthia Granatir

***Summary of presentation:***

- A work session was held to review the Comprehensive Annual Financial Report for fiscal year 2018-19;
- The county met with the new auditors from Moss Adams;
- The audit was conducted mostly in October, and has been completed;
- The auditor's opinion is unmodified, which is the highest level of assurance;
- No findings or deficiencies were noted;

- Once the board approves the report it will be posted on the Finance Department's website;
- For a first year audit things went very well; and
- The county was applauded for being forthcoming and transparent.

***Board discussion:***

- The commissioners are pleased with a successful audit;
- The Housing Authority was included in the audit; and
- Commissioner Brentano noted that although the county was happy with the previous auditor, it is good to get a new perspective.

**MOTION:** Commissioner Cameron moved to approve the 2018-19 Comprehensive Annual Financial Report. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

*(Video Time 00:19:07)*

**HEALTH AND HUMAN SERVICES**

2. Consider approval of an order appointing Sandii Butler to the Marion County Local Alcohol and Drug Planning Committee (LADPC) with a term ending January 31, 2022. –Sherry Lintner and Ray Wilson, Chair, Local Alcohol and Drug Planning Committee

***Summary of presentation:***

- The LADPC serves the public interest by participating with the Health and Human Services Department in:
  - Planning local programs for prevention of alcohol and other drug abuse;
  - Planning for local treatment services;
  - Community education; and
  - Advocacy around alcohol and drug abuse.
- The recommendation is to appoint Sandii Butler for a term ending January 31, 2022.

***Board discussion:***

- Ms. Butler is a former alcohol and drug professional and a retired school counselor; and
- She has been vetted and highly recommended by both the committee and Ray Wilson, who has worked with her in many capacities.

**MOTION:** Commissioner Brentano moved to approve an order appointing Sandii Butler to the Marion County Local Alcohol and Drug Planning Committee (LADPC) with a term ending January 31, 2022. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:22:15)

SHERIFF'S OFFICE

3. Consider approval of the incoming funds Grant Agreement with the Oregon Criminal Justice Commission in the amount of \$4,351,434.17 for the Criminal Justice Commission Justice Reinvestment Grant Program through December 31, 2021. –Sheriff Joe Kast and Commander Kevin Karvandi

**Summary of presentation:**

- Pool of funding for local public safety systems to address the four goals of justice reinvestment:
  - Reduce recidivism and enhance public safety;
  - Hold clientele accountable;
  - Implement evidence based practices; and
  - Decrease historical prison utilization.
- The Justice Reinvestment Program has two primary focus areas:
  - Prison reentry; and
  - Prison diversion.
- Has eight distinct programs;
  - Two are flagship programs:
    - SB 416 Prison Diversion Program; and
    - Student Opportunity for Achieving Results (SOAR).
- Programs started in 2012; and
- Marion County has led the state in these efforts.

**Board discussion:**

- Ten percent of the funding goes to victim services:
  - Liberty House; and
  - Center for Hope and Safety.
- There are two large funding streams;
  - Grant and Aid; and
  - Justice Reinvestment Fund.
- The programs took significant financial hits this biennium:
  - Statewide funding was reduced;
  - Funding formula for counties is based on population; and
  - Funding is competitive with other counties.
- Anticipation of funding shortfalls and good planning prevented layoffs.

**MOTION:** Commissioner Cameron moved to approve the incoming funds Grant Agreement with the Oregon Criminal Justice Commission in the amount of \$4,351,434.17 for the Criminal Justice Commission Justice Reinvestment Grant Program through December 31, 2021. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

(Video Time 00:30:35)

## **PUBLIC HEARINGS**

9:30 A.M.

### **PUBLIC WORKS**

A. Public hearing to consider Zone Change/Comprehensive Plan/Subdivision (ZC/CP/SUB)  
Case #18-002/Christ Good Shepherd Lutheran Church. –Joe Fennimore

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

- The initial request came before the hearings officer to change Zone and Comprehensive Plan designation from single family residential to multiple family residential on a 3.4 acre portion of a 6 acre parcel, and then to develop a portion of the property with apartments;
- The hearings officer conducted a public hearing on the initial request and recommended the request be denied;
- The applicant requested, and the board allowed, the application to be modified;
- The modified request is to change the zone from single family to multiple family residential on 1.76 acres of a 6 acre parcel;
- The parcel would be subdivided into twelve lots;
  - Ten lots would be single family residential;
  - One lot would contain church buildings; and
  - One lot would be a multifamily residential development.
- The property is rectangular in shape:
  - Frontage on State Street to the north;
  - Brink Court to the southeast; and
  - Mahrt Avenue to the South.
- The hearings officer held a public hearing on the modified application on May 1, 2019:
  - A recommendation to deny the request was issued on October 10, 2019.
- Public Works reviewed the proposal and provided conditions to be considered if the proposal is approved including:
  - Street frontage improvements and other infrastructure; and
  - Limited access to State Street to pedestrians and emergency vehicles only:
    - The applicant objected to this limitation and the matter was not resolved.
- Public Works met with the applicant resulting in revised conditions that would need to be met in order for future mutli-family development to have unrestricted access to State Street;
- The Board's options include:
  - Continue the public hearing;
  - Close the hearing and leave the record open;
  - Close the hearing and approve, modify, or deny the request; or
  - Remand back to the hearings officer.

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

- The list of revised conditions are based on comments from Public Works and the hearings officer's recommendations, and can be modified;

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- Commissioner Brentano would like discussion regarding a turn lane onto State street; and
- Access to State Street is dependent on applicant meeting the revised conditions.

*Testimony:*

*Support:*

Brad Kilby:

- Mr. Kilby is a senior land use planner with Harper Houf Peterson Righellis, and represents the applicant;
- The northern portion of the property is already zoned for multi-family residential;
- The southern portion of the property is already zoned for single family residential;
- The applicant is proposing to re-zone a portion of the southern half of the property to allow for multi-family development;
- There are adequate public utilities to serve the site for future multi-family development;
- Today's decision would only approve re-zoning, not any future multi-family development plans:
  - Will require another follow up discussion on design;
  - Traffic, parking, and open space need to be reviewed further; and
  - County development code includes standards intended to mitigate impacts of multi-family development on single-family residential areas.
- The proposed ten lots for single family homes include street improvements to both Brink Court and Mahrt Avenue:
  - Widening of streets;
  - Curb;
  - Gutter: and
  - Sidewalks.
- Applicant has addressed county and neighbor safety and traffic concerns over access onto State Street:
  - Negotiated with the church for more property to provide full access to State Street;
  - Traffic engineers conducted additional crash and safety analysis;
  - Would be two driveways onto State Street:
    - One for the church; and
    - One for the multi-family units.
- County Master Plan includes improvements to State Street, and applicant would pay proportionate share towards improvements; or
  - Will complete frontage road improvements when housing development is built.
- There is a housing shortage in the state;
- There is a clear and demonstrated need in the Salem Urban Area Housing Needs Analysis that shows 208 acres are needed for multi-family housing to provide housing stock for the next 20 year planning horizon;
- There is a deficiency of over 1,970 multi-family units;

- The Concept development plan would provide 42 of those needed units:
  - Close to services, transit, and employment areas.
- Evidence suggests new development, regardless of type of housing stock, will always increase the value of homes and properties immediately surrounding the area because of the infrastructure improvements and amenities that are provided;
- Mr. Kilby believes it is good to have a mix of multi-family and single family homes; and
- Multi-family developments provide affordable housing options for the community.

*Support:*

Chris Blackburn:

- The developer significantly changed plans based on suggestions from neighborhood residents;
- The county already has strict limits on the number of units per acre;
- Past projects are typically one and two bedroom units;
- Over 91 parking spots are available for the proposed 42 units; and
- Mr. Blackburn believes they have done a good job accommodating the needs of both the housing development and those of the neighborhood.

*Support:*

Chris Anderson:

- According to the applicant's traffic report, 481 additional trips would be generated by this plan;
- Of 1300 trips per day on State Street, 650 are going eastbound, and 650 are going westbound;
- Of 650 trips, 60 percent are coming from State Steet, and 40 percent from Mahrt;
- Development will generate 3.2 trips per hour;
  - Analysis is based on traffic at peak hours in the evening.
- The trigger for left turn lane is 30 trips; and
- The development would add only 10 percent of the load needed to trigger the left turn lane.

*Opposition:*

Melinda Hilgers:

- Ms. Hilgers is concerned about the traffic impacts to the neighborhood without significant improvements to State Street;
  - It already takes several minutes to get onto State Street from the neighborhood;
  - There is no turn lane onto State Street; and
  - She believes adding more traffic from the development would compound this problem.
- Her secondary concern is crime:

- There is not enough police presence; and
- The county jail is already overwhelmed.
- She is also concerned the complex will not be maintained over time; and
- She does not believe a three story apartment complex will fit with the character of the neighborhood.

*Opposition:*

Jim Beukelman:

- Mr. Beukelman is concerned with traffic on Mahrt Avenue and 44<sup>th</sup>:
  - Mahrt is a small, residential street; and
  - 44<sup>th</sup> is narrow, especially with cars parked along either side of the street.
- He agrees with Ms. Hilgers' traffic concerns regarding State Street:
  - Heavy traffic during peak hours.
- The 91 parking spots do not account for visitors or guests.

*Opposition:*

Kathy Beukelman:

- The property in question is not on the outskirts of the neighborhood, but has single family housing all around it;
- No three story apartment complexes currently exist in the neighborhood;
- There is a two story apartment complex to the east of the church;
- Ms. Beukelman believes a three story complex would stand out; and
- She would like clarification on the developer's plan for upkeep of the driveway from the church to State Street:
  - The plan calls for a neighborhood association to do the work; and
  - There is currently no neighborhood association.

*Opposition:*

Mike Hanson:

- Mr. Hanson's main opposition is to rezoning the southern portion of the property to multi-family residential;
- His preference is single family only;
- He disagrees with the assertion there is low crime in the neighborhood;
- He believes the neighborhood is a high crime area;
  - Stolen cars;
  - Car break-ins; and
  - He has had four car break-ins personally.
- He has heard there is a proposal to increase the number of deputies in the area to address the increased crime;
- Traffic has increased over the years;



- Number of cars parked on the street has increased;
  - Nowhere to put garbage can; and
  - No parking available for guests.
- The neighborhood is no longer quiet;
- Mr. Hanson is concerned about noise, overcrowding, and loss of privacy; and
- He wants his neighborhood to stay safe.

*Opposition:*

Gail Weedman:

- Ms. Weedman is concerned with traffic, water, and sewage;
- There is currently only one fire hydrant on 45<sup>th</sup> and she wants additional hydrants put in;
- She lives right across the street from the property;
- She has problems with stolen packages dropped off on her property;
- Ms. Weedman is concerned about what will happen to the crime rate and drug problems if apartments go in;
- She is concerned about adding more traffic to State Street, especially with no turn lanes;
- She believes there will be a need for a turn lane and widening on some streets in the area;
- Brink Court is only 29 to 34 feet wide; and
- There is no room for fire trucks when cars are parked on sides of the street.

*Opposition:*

Leonard Sparks:

- Mr. Sparks stated it is already hard to get onto State Street if heading towards Lancaster;
- He uses Mahrt to get to Lancaster, and will not take State Street;  
He is concerned a three story building will block the view and shade properties for residents;
- He is concerned cars will be piled up trying to get out during peak hours of 7:00-8:30 a.m.;
- Development was supposed to be at the mushroom plant property; and
- He is concerned about overcrowding in the schools.

Brad Kilby:

- Mr. Kilby stated that transit becomes more efficient as density increases;
- If rezoned they can get a maximum of 51 units, but that does not mean it will be three stories;
- The developer will be held to height standards;
- The developer talked with the Sheriff's Office to make sure adequate service is available to that location;
- Fire hydrants are required to be added when building;
- Adequate capacity already exists for water and sewer for this development;
- The project includes widening of Brink Court and Mahrt Avenue;

- The traffic analysis shows 42 units would generate 136 average daily trips during peak hours;
- If the property is rezoned, a second transportation analysis will be done;
- Mr. Kilby noted that people who live in apartments may not be able to afford homes and tend to use transit more and generate less traffic; and
- Crimes may be committed by individuals who live in single family homes as well, and are not limited to apartment dwellers.

***Board Discussion:***

- The closest bus stop is in front of the church;
- Two-car garages will be on the single family units;
- Commissioner Brentano would like the left turn lane built prior to construction;
- Condition D-1 requires the turn lane to be done prior to construction of the multi-family unit;
- Board approval will be contingent on agreement with this condition;
- A list of specific conditions should be included when the matter comes back before the board to adopt the ordinance;
- Commissioner Cameron noted that Salem is approximately 15,000 units behind population growth;
- Conditions submitted with the ordinance will hopefully mitigate potential negative impacts on the neighborhood; and
- John Rasmussen from Public Works responded to a question by the commissioners:
  - State Street improvements are in a preliminary phase;
    - Not yet formally adopted.
  - If adopted, will begin preliminary engineering and right of way acquisition;
  - Construction is set to begin 2026 to 2028;
  - Improvements would include a continuous center turn lane;
  - A left hand turn lane will not solve all traffic problems alone;
  - He believes Mahrt Avenue should be full-fledged access, not just emergency vehicles;
  - The needs of residents will dictate use; and
  - He encourages the board not to focus on the number of trips generated in the traffic analysis.

**MOTION:** Commissioner Brentano moved to close the public hearing and approve Zone Change/ Comprehensive Plan/Subdivision (ZC/CP/SUB) Case #18-002/Christ Good Shepherd Lutheran Church. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Commissioner Willis read the calendar.

Commissioner Willis adjourned the meeting at 10:58 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>**

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