

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, December 18, 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, Steve Elzinga as county counsel, and Brenda Koenig as recorder.

Commissioner Cameron called the meeting to order at 9:01 a.m.  
Commissioner Willis arrived at 9:05 a.m.

*(Video Time 00:05:44)*

Commissioner Bethell moved to remove item #7 from the Consent Agenda under Community Services, the Subrecipient Agreement with Santiam Memorial Hospital for pre-construction costs associated with the building of the Santiam Resiliency Center. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

***Board discussion:***

- Commissioner Bethell expressed the following:
  - They are in support of the project;
  - It is being delayed to better understand the project's scope; and
  - The county is awaiting federal funding assistance.

*(Video Time 00:06:40)*

Commissioner Bethell moved to add the Personnel Findings and Recommendations Report to the Consent Agenda under Human Resources. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:07:43)

## PUBLIC COMMENT

None.

(Video Time 00:07:55)

## CONSENT

### BOARD OF COMMISSIONERS

#### 2. OLCC Application – Recommended Approval

Barfly Investments, Inc., dba, Barfly’s Grill – Salem, Oregon; and  
St. Jory Winery, LLC, dba, St. Jory – Salem, Oregon.

#### Board Committee Appointment – Mental Health Advisory Committee

2. Approve an order appointing Dean Howes to the Marion County Mental Health Advisory Committee (MHAC) with a term beginning January 1, 2025, and ending December 31, 2028.

#### Board Committee Appointment – Intellectual & Developmental Disabilities Advisory Committee

3. Approve an order appointing Daniel Atsbaha to the Marion County Intellectual and Developmental Disabilities Advisory Committee (IDDAC) with a term beginning January 1, 2025, and ending December 31, 2028.

4. Approve an order appointing Danielle Bethell as Chair, Colm Willis as Vice Chair, and Kevin Cameron as Second Vice Chair of the Marion County Board of Commissioners to serve from January 6, 2025, until the first Monday of January 2026.

5. Approve an order establishing the committee and commission appointments for Marion County elected officials for 2025.

6. Approve the Memorandum of Understanding with Marion County Public Works to utilize American Rescue Plan Act (ARPA) funding in the amount of \$400,000 for the ARPA - Fargo Interchange Service District Sewer Collection System Improvements project through December 31, 2026.

### COMMUNITY SERVICES

7. Approve the Subrecipient Agreement with Santiam Memorial Hospital to provide United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding in the not-to-exceed amount of \$250,000 to help support the pre-construction costs associated with the building of the Santiam Resiliency Center retroactive to July 1, 2024, through June 30, 2027.

**(Motion made and approved to remove this item from the agenda.)**

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## HEALTH AND HUMAN SERVICES

8. Approve the Contract for Services with Applichat Limited in the not-to-exceed amount of \$175,000 for the consultation and creation of a digital marketing recruitment strategy and plan that is inclusive, efficient, and effective through January 1, 2028.

9. Approve Amendment #1 to the Purchase Order with School Health Corporation to add American Rescue Plan Act (ARPA) funding in the amount of \$314,730.25 for a new contract total of 691,230.25 for the purchase of generators and power stations for citizens in need through June 30, 2027.

## HUMAN RESOURCES

9B. Approve the recommendation to establish and adopt the classification of Stabilization Specialist, class code #376; and update the classification and uphold the pay grade for class code #093, Project Manager Senior

**(Motion made and approved to add this item to the agenda.)**

## INFORMATION TECHNOLOGY

10. Approve the Purchase Order with CVE Technologies Group, Inc., in the amount of \$164,500.06 to provide network infrastructure maintenance, subscription, and support for fiscal year 2024 through 2025.

11. Approve the Purchase Order with CVE Technologies Group, Inc., in the amount of \$352,165.90 for Information Technology (IT) network hardware, license, and maintenance for the IT Network Equipment Replacement Program.

## PUBLIC WORKS

12. Approve an order establishing the criteria that Marion County Public Works Land Development Engineering and Permits staff apply for secondary access requests as referenced in Exhibit A.

13. Approve the Construction Contract with Alpha Environmental Services Inc., to utilize American Rescue Plan Act (ARPA) funds in the amount of \$289,738 for construction improvements to the Fargo Sewer Collection Systems through December 31, 2027.

14. Approve Amendment #4 to the incoming funds Supplemental Project Agreement with the Oregon Department of Transportation (ODOT) to increase federal funding in the amount of \$755,000 and decrease county funding in the same amount with no change to the contract total of \$10,495,955.46 for the Hayesville Drive: NE Portland Road – Fuhrer Street project through August 24, 2026.

15. Approve Amendment #3 to the Contract for the Supply and Processing of Solid Waste with Reworld Marion, Inc. authorizing the limited operation of the Waste To Energy (WTE) facility through June 30, 2025.

#### SHERIFF'S OFFICE

16. Approve Amendment #1 to the incoming funds Intergovernmental Agreement with the United States Department of the Interior, Bureau of Land Management (BLM) to decrease funds in the amount of \$204,000 for a new contract total of \$301,000 for patrol services on BLM land through December 31, 2028.

17. Approve Amendment #3 to the Purchase Order with Oxford House Inc., to add \$52,000 for a new contract total of \$152,000 to continue to provide subsidy housing to clients of the Marion County Sheriff's Office through June 30, 2025.

#### TAX OFFICE

18. Approve an order for a property tax refund in the amount \$24,991.14 for OGSC2, LLC, tax account 589026.

#### TREASURERS OFFICE

19. Approve an order for the distribution of Oregon State Forestry timber revenues, as referenced in Exhibit A, in the amount of \$287,440.26 per ORS Chapter 530.

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

- Commissioner Willis expressed the following:
  - The items on the Consent Agenda were reviewed in a prior meeting.
- Commissioner Cameron expressed the following:
  - The Oregon State Forestry timber revenues total is approximately \$287,000;
  - The County School Fund receives approximately \$64,000 from the revenues;
  - Marion County receives approximately \$94,000 from the revenues;
  - The remaining revenues go to other jurisdictions including:
    - Chemeketa Community College; and
    - The Santiam Canyon School District.
  - This is important funding that comes out of the state's timber revenues; and
  - It is important to perform sustainable harvest.
- Commissioner Bethell suggested holding a public work session in the future for natural resource industry and the challenges faced due to less harvesting.
- Commissioner Willis expressed the 2020 wildfires were an impact.

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

(Video Time 00:15:22)

Commissioner Cameron requested unanimous consent to return to Public Comment to read an email into the record that was received.

(Video Time 00:15:35)

## **PUBLIC COMMENT**

Commissioner Bethell read an email from Ms. Kathy Rogers into the record.

- Ms. Rogers is a resident of the East Salem Service District;
- The email inquired about the garbage rate increases for public hearing “A”:
  - The email expressed that there was a rate increase in January 2024; and
  - The email asked if the cost increase is tied to the shutdown of Reworld Marion.
- The email also inquired about item 14 on the agenda the project agreement with the Oregon Department of Transportation ODOT for the Hayesville Drive NE project:
  - The email wanted to know if accidents on Hayesville Drive NE were related to the project; and
  - The email expressed community members in the area were not informed of the construction.

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

- Item #14 is switching funds from county to federal funds; and
- Rate increases will be further discussed during today’s public hearing.

(Video Time 00:17:24)

## **ACTION**

### **SHERIFF’S OFFICE**

20. Consider approval of the Intergovernmental Agreement with the Oregon Judicial Department in the not-to-exceed amount of \$145,000 to provide compensation for participants of the Restitution & Treatment On Route to Expungement (RESTORE) Court working on adult work crews with the Marion County Sheriff’s Office retroactive to September 1, 2024, through August 31, 2025. –Commander Mike Hartford

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

- The Intergovernmental Agreement (IGA) with the Oregon Judicial Department (OJD) allows the Marion County Sheriff’s Office (MCSO) to transfer revenue earned by participants in the Restitution & Treatment On Route to Expungement (RESTORE) Court, Work Crew Program to the OJD;
- The IGA enables OJD to pay the participants restitution while the participants complete their community service;
- The RESTORE Court Program is a collaborative effort between the following:

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- The Marion County District Attorney's (DA) Office;
- The MCSO;
- The Marion County Health Department; and
- The OJD.
- RESTORE is an innovative approach to providing meaningful support and reparations to victims of crime.

***Board discussion:***

- Commissioner Willis expressed the following:
  - RESTORE Court is something only Marion County is doing right now;
  - The state repealed Oregon Ballot Measure 110 and recriminalized drugs;
  - Money was made available for Law Enforcement Assisted Diversion (LEAD) Programs;
  - The county already had a LEAD Program in place where the funding could expand the program;
  - Recriminalizing drugs leads to accountability and safer communities;
  - There are individuals with substance abuse issues that commit low-level or property crimes in communities;
  - Communities and people feel less safe when property crimes are committed;
  - Many of the crimes are driven by addiction;
  - If we can address the addiction issues, then property crimes may decrease;
  - He feels the idea of restitution is a good option for individuals facing criminal charges;
  - Individuals facing charges can work off some of the money owed to the victims of the crime; and
  - Victims of a crime just want to be made whole, and they want to see the offenders get help for their addiction.
- Commissioner Bethell expressed that all components are being addressed:
  - There is work being done with both the victims and the offenders;
  - For a long time, victims have been disenfranchised from the crimes committed against them;
  - This is a creative solution that requires the offender to agree to participate in the RESTORE Court Program:
    - They are not forced into the program; and
    - The offender has several paths to choose from.
  - The program allows for the following:
    - The offender is able to take personal responsibility;
    - They still receive treatment;
    - They are able to serve the community; and
    - It may restore the victim into a whole status.
- The program currently has eight to ten participants;
- Individuals need to opt into the program;

- It will take time for the program to develop; and
- Commissioner Cameron expressed the following:
  - It is going to take time to completely develop the program;
  - Only certain individuals will qualify for the program:
    - Individuals are being held accountable in other ways.
  - The DA's Office, the MCSO, and the courts are working together to make communities safer.

**MOTION:** Commissioner Willis moved to approve the Intergovernmental Agreement with the Oregon Judicial Department in the not-to-exceed amount of \$145,000 to provide compensation for participants of the Restitution & Treatment On Route to Expungement (RESTORE) Court working on adult work crews with the Marion County Sheriff's Office retroactive to September 1, 2024, through August 31, 2025. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

*(Video Time 00:25:47)*

### PUBLIC WORKS

21. Consider approval of the Construction Contract with Knife River Corporation to utilize American Rescue Plan Act (ARPA) funding in the amount of \$353,770 for the Parkdale Park Improvement Project through June 30, 2025. –Kevin Thompson and Shane Ottosen

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

- The park is located in the Jan Ree neighborhood;
- Current conditions include the following:
  - It is maintained as an open space;
  - There are no formal pathways;
  - Minimal parking is available; and
  - Picnic benches are the only amenities in the park.
- Staff performed the following during the project's design phase:
  - Community outreach;
  - Open houses were held;
  - They attended several community meetings;
  - Fliers were distributed to community neighbors; and
  - An online survey was developed where community members could provide feedback.
- The project's scope includes:
  - A new playground;
  - Expanded parking including Americans with Disability Act (ADA) parking spots;
  - ADA accessible paths to the playground and picnic areas;
  - Expanded trails throughout the park;
  - Additional entrances to the park;

- Expanded picnic areas;
- The installation of solar-powered security lights; and
- The installation of informational and park signage.
- Staff submitted an Invitation to Bid;
- Knife River Corporation was the lowest bidder at \$353,770;
- The overall project is estimated to be around \$710,000;
- Knife River Corporation will perform some of the following:
  - Grading;
  - Earthwork; and
  - The installation of amenities.
- The project is funded by the following:
  - An Oregon Parks and Recreation Department (ORPD) grant; and
  - American Rescue Plan Act (ARPA) funding.
- No county funds will be utilized for the project;
- Construction is estimated to begin in February 2025; and
- It is anticipated that construction will be completed in June.

***Board discussion:***

- It is anticipated that there will be no lane closures on Hayesville Drive and other roads during construction;
- Work will be occurring within the park;
- The contractor has 10 weeks to complete the project once construction has started;
- Phase one of the project is anticipated to be completed in June 2025:
  - Currently there is no formalized plan to build the project past this date.
- The \$353,000 will be utilized for the following:
  - Earthworks;
  - Installing the playground;
  - Installing the trails;
- Expenses not included in the \$353,000 include:
  - Costs that have already been approved and incurred for the project:
    - Design costs; and
    - Engineering costs.
- The county has utilized ARPA funds for prior phases of the project including:
  - Public outreach; and
  - Design expenses.
- The ORPD grant requires a 50 percent match for the project:
  - ARPA funding will be utilized for the 50 percent match.
- The playground equipment was previously purchased and is not part of the \$353,000:
  - Purchasing the equipment in advance saved the county \$20,000 to \$25,000.
- It is anticipated that there will be a ribbon cutting in June.



**Motion:** Commissioner Bethell move to approve the Construction Contract with Knife River Corporation to utilize American Rescue Plan Act (ARPA) funding in the amount of \$353,770 for the Parkdale Park Improvement Project through June 30, 2025. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:34:22)

22. Consider approval of Amendment #3 to the Standard Professional Services Contract with Keller Associates to add American Rescue Plan Act (ARPA) funding in the amount \$1,308,631 to conduct preliminary engineering design for Phase I of the ARPA Brooks-HopmERE Drinking Water Improvement and Wastewater Projects through December 31, 2026. –Chris Einmo

**Summary of presentation:**

- Amendment #3 provides for engineering and other professional services for the Brooks-HopmERE Drinking Water Improvement and Wastewater Projects;
- Amendment #3 increases the contract by an estimated \$1.3 million;
- The new contract total is approximately \$1.87 million;
- The project expenses have been planned and budgeted for;
- The county is utilizing a phase concept in order to adapt to project complexities and work within the ARPA funding that is provided:
  - There is no impact to county and local funds.
- This will allow the contractor to go out for bids, solicit needed subcontracts, and procure equipment;
- A steel tank instead of a concrete tank will be utilized for cost saving measures;
- Main transmission lines that carry high water flow will be extended;
- The distribution system will be extended to allow for the replacement of older lines;
- The design allows for property procurement and determining connections; and
- The ARPA funding needs to be fully expended by December 2026.

**Board discussion:**

- This project has been in the works for an extended period of time;
- It is important for the ARPA funding to be invested well as it will impact future generations;
- The county is investing in projects that future generations can utilize;
- This is a long-term investment; and
- It is good to see community assets improve.

**MOTION:** Commissioner Willis moved to approve Amendment #3 to the Standard Professional Services Contract with Keller Associates to add American Rescue Plan Act (ARPA) funding in the amount \$1,308,631 to conduct preliminary engineering design for Phase I of the ARPA Brooks -Hopmere Drinking Water Improvement and Wastewater Projects through December 31, 2026. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:40:45)

23. Consider an appeal of the hearings of officer's decision granting Conditional Use (CU) Case #23-043/Tammy Perez. –Austin Barnes

**Summary of presentation:**

- The request before the board is to consider an appeal of the hearings officer's decision approving Conditional Use (CU) Case #23-043/Tammy Perez;
- Ms. Perez applied for a CU permit to place a non-farm dwelling on a 2.17-acre parcel in an Exclusive Farm Use (EFU) zone;
- The property is located just outside of the City of Silverton city limits;
- The request was approved by the planning director;
- The approved request was subsequently appealed to the hearings officer;
- The hearings officer held a hearing on March 21, 2024;
- A decision approving the request was issued on November 8, 2024;
- The hearings officer's decision was appealed to the Marion County Board of Commissioners (BOC);
- The appeal has been reviewed:
  - There appears to be no new arguments;
  - There is no new evidence; and
  - The BOC is not being asked to make a policy decision.
- The time-period allowed to make a decision has expired:
  - There is no time to schedule and hold a public hearing.
- Staff recommends the BOC decline to accept the appeal and uphold the hearings officer's decision.

**Board discussion:**

- There was a long period of time between the appeal hearing in March and the hearings officer's decision in November;
- There are 180 days allowed to make a decision;
- An additional 180 days is available through extensions:
  - All extensions have been used, and the county is now at the 360-day deadline.
- Staff felt that there would be opposition from the neighbors;
- Staff tried to condition the application so that if a home was placed, then it would not affect farmland in the surrounding area;

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- During the hearings officer's hearing, there was testimony that a farmer's spraying operations would need to change based on the placement of the house:
  - The hearings officer did not find the evidence substantial enough to deny the application:
    - The same neighbor already has a home on the parcel next to the crops that are already being sprayed; and
    - The home is lived in.
- It took the hearing's officer an extended period of time to weigh all the evidence and come to a decision;
- Commissioner Willis expressed the following:
  - He has concerns with the process;
  - It is not ok for the board to not have the ability to take an appeal because the statutory time has expired;
  - There was an extended period of time before the hearing's officer issued a decision after the public hearing:
    - The hearing was in March and the decision was issued in November.
- Mr. Barnes expressed that this is a situation that they do not want to occur again:
  - This is not how staff wants to administer land use permits;
  - Speeding up the times for a hearings officer's decision may be considered;
  - It would be beneficial to the county's planning team and the applicant to have a hearings officer's decision within three weeks; and
  - This would minimize time constraints.
- Commissioner Bethell expressed the following:
  - She does not feel that she has all the necessary information to make a decision;
  - There are a lot of people that are frustrated with the case;
  - She appreciates the spraying concept;
  - She also understands the land applicants wishes;
  - Typically, the BOC can gain the information that they need during a public hearing;
  - The BOC has not been afforded the opportunity to hold a hearing;
  - She is not comfortable with this;
  - She is unclear as to how the hearings officer has the right to put the BOC in this situation;
  - She would like Legal Counsel to make a recommendation because she is not comfortable with making a decision without providing the public time before the BOC to express their concerns;
  - She knows the decision can be appealed; and
  - An appeal is very costly to all parties.
- Commissioner Cameron expressed that he would like the decision before the BOC to be defined;
- Mr. Elzinga expressed that the decision is whether or not to accept the appeal:
  - If the appeal is not accepted the decision would be final:

- Upholding the planning director's and the hearings officer's decision.
- The appeal is from the opponents who are frustrated with farming practices needing to change;
- The appeal would come before the Land Use Board of Appeals (LUBA);
- Commissioner Willis expressed his frustration with the process because time has run out and the appellants will win on a technicality:
  - If the appeal is accepted, then whatever decision the BOC makes will violate the statutory time that the county has to make a decision.
- The case would need to be taken to the court of appeals to force a decision;
- If the BOC holds a public hearing and makes a decision following the hearing, then the statutory period will have been violated;
- The BOC has not had the opportunity to consider the following:
  - If they agree with the hearings officer's decision; and
  - If the hearings officer weighed the facts correctly.
- If a public hearing is held and the BOC comes to a decision, then the decision can be overturned because of the timeline constraints;
- There is concern because the BOC does not have the discretion or ability to make a decision;
- If the appeal is accepted, then an appeal hearing will be scheduled:
  - Everyone who attended the hearings officer's hearing would receive a 10-day notice;
  - An appeal hearing would be scheduled with the BOC; and
  - The BOC would need to issue a decision based on the hearing.
- Staff is recommending that the BOC deny the appeal:
  - If the appeal is denied there are no procedural issues.
- If the BOC accepts the appeal, then there may be potential procedural issues depending on what the various parties choose to assert or not assert;
- If the appeal is denied than anyone not satisfied with the BOC decision can appeal to LUBA:
  - Appealing to LUBA is another process that the parties can go through.
- Both the planning director and the hearings officer recommended approval;
- Commissioner Willis expressed that he is not happy that the final word from the county is not the BOC's word:
  - This is not the county's process;
  - He does not want to harm the parties involved in the case process because of a technical violation; and
  - He wants a decision to be made on the merits and not on a technicality.
- Commissioner Bethell expressed that the information provided in the packet is enough to feel comfortable with the work that staff performed:
  - She would move towards the decision that was made by the hearings officer to uphold the CU application;

- She expressed that future steps need to be taken to ensure this process does not happen again;
- Farming is a difficult practice in Oregon;
- Costs are escalating in all areas of agriculture;
- She recognizes the need for housing;
- The county needs to be creative, flexible, and protective of EFU land; and
- It is important that decisions are compliant with code.
- The non-farm dwelling process is spelled out in state code and entails:
  - A piece of land may not be suitable for farming:
    - The soil may not be good;
    - The size or shape may be irregular; and
    - The topographical features may not be conducive to commercial farming.
  - There may not be the ability to grow enough crops on a commercial farm parcel to turn a profit;
  - A non-farm dwelling analysis of the parcel is required;
  - Applicants are required to identify all the major types of farming within 2000 acres of the parcel;
  - Determine how and when all the homes within the 2000 acres were approved; and
  - If a home is attached to a farming operation, then determine what the farming operation is.
- The analysis will assist with determining if another home is added to the area will it detrimentally impact the farming operations, raise the cost of farming practices, or change the way people in the area farm;
- Factors utilized for the analysis include:
  - The use shall not increase the cost of accepted farming or forest practices in the area;
  - It shall not significantly and adversely affect:
    - Water impoundments in the area;
    - Ground water in the area; or
    - Create the following:
      - Dust;
      - Fumes;
      - Odors;
      - Noises;
      - Traffic; or
      - Going over the caring capacity of the land or the roads in the area:
        - This is a CU process.
- If the home passes the analysis, then the Conditions are passed which include:
  - Maintaining special setbacks away from farm practices ; and
  - There may be screening requirements which can include:
    - Trees;
    - Bushes;

- Hedges; and
  - Fences.
- Both the planning director and the hearings officer felt that the applicant met the Conditions;
- Commissioner Willis expressed the following:
  - He is comfortable accepting the recommendation to uphold the hearings officer’s decision and decline the appeal;
  - The BOC is in a situation where they may unfairly infringe on the rights of the parties if the appeal is accepted after the statutory timeline;
  - If the decision is appealed, then he senses it may be decided on the merits by LUBA because of the analysis; and
  - The analysis would be the heart of the case.
- Commissioner Bethell expressed that she appreciates that amount of detail in the document that was submitted for consideration;
- Commissioner Bethell stated for the record that the board wants to meet with the Planning Department and Legal Counsel to ensure this does not happen again;
- A procedure for the board to review was requested; and
- The timeline for the notice of appeal to LUBA is 21 days.

**MOTION:** Commissioner Bethell moved to approve the hearings officer’s decision granting Conditional Use (CU) Case #23-043/ Tammy Perez. Seconded by Commissioner Willis to uphold the hearings officer’s decision and decline to accept the appeal; motion carried. A voice vote was unanimous.

*(Video Time 01:02:48)*

24. Consider approval of a resolution initiating consideration of amending the Marion County Comprehensive Plan by adopting a 237-acre amendment to the City of Woodburn Urban Growth Boundary (UGB) for commercial and industrial land and consider scheduling a public hearing for January 29, 2025. –Austin Barnes

***Summary of presentation:***

- Before the board for consideration is a resolution initiating an amendment to the county’s Comprehensive Plan for the City of Woodburn Urban Growth Boundary (UGB);
- This is a large expansion for the City of Woodburn;
- The expansion is for employment land;
- The city performed an economic analysis a couple of years prior:
  - The analysis shows what the deficit of employment land is; and
  - The area will be zoned industrial once it is annexed into the City of Woodburn.
- If approved then a public hearing will be scheduled for January 29, 2025.

***Board discussion:***

- None.

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**MOTION:** Commissioner Willis moved to approve a resolution initiating consideration of amending the Marion County Comprehensive Plan by adopting a 237-acre amendment to the City of Woodburn Urban Growth Boundary (UGB) for commercial and industrial land and consider scheduling a public hearing for January 29, 2025. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 01:04:56)

**PUBLIC HEARINGS**  
**9:30 A.M.**

**PUBLIC WORKS**

A. Public hearing to consider recommended changes to the municipal solid waste collection and disposal rates within the unincorporated areas of Marion County.

–Brian May

***Summary of presentation:***

- The Annual Cost of Service Analysis (COSA) is provided by the franchised garbage and recycling haulers;
- The COSA annual process entails the following:
  - In January and February franchise haulers submit a detailed reporting document for the prior year's operation;
  - The report entails everything that is associated with their business performance within the county including:
    - The number of lists;
    - Collections;
    - Cost; and
    - Expenses.
  - All the information is compiled and given to the Chief Financial Officer (CFO) for the hauler's association:
    - The CFO reviews the documents for accuracy and performs a statistical analysis over a period of a couple months; and
    - The CFO then consolidates the information into a report and provides projections:
      - The projections are for the end of 2024 and the start of 2025; and
      - Adjustments will be for rate year 2025 and effective January 1st.
  - Each report is provided to an independent third party for review which includes:
    - An independent review including:
      - Verification of the reporting;
      - Projections; and
      - Review of the rate adjustments to determine what works and what makes sense for Marion County.

- All the information is then presented to the Board Of Commissioners (BOC) in the fall:
  - The county does not take rate adjustments lightly; and
  - Multiple Work Session meetings were held for discussion.
- Reworld Marion will be closing on December 31, 2024:
  - Medical waste will no longer be accepted within Marion County:
    - The county is no longer able to provide a reduced rate for medical waste.
  - The haulers association submitted three different proposals for the disposal of medical waste:
    - Bio Clean, a local company, was the lowest cost provider that can provide services.
- For a short period of time medical waste will be shipped to Idaho in order to meet the regulations and requirements;
- A rate increase of 70 percent for medical waste is anticipated;
- Increased rate adjustments are due to some of the following:
  - Labor adjustments;
  - Medical waste;
  - Benefits for haulers;
  - The cost of fuel; and
  - Disposal charges.
- Oregon's Recycle Modernization Act may assist with rate stability;
- Collection rate increases entail:
  - An urban rate increase:
    - Total is 2.35 percent;
    - Residential cart is 2.50 percent;
    - Commercial container is 1.46 percent; and
    - Industrial drop box is 3.98 percent.
  - A Rural rate increase:
    - Total is 2.39 percent;
    - Residential cart is 2.50 percent;
    - Commercial container is 0.58 percent; and
    - Industrial drop box is 3.90 percent.

***Board discussion:***

- Commissioner Cameron expressed the following:
  - Medical waste charges increased by 70 percent due of legislative changes:
    - Oregon Senate Bill (SB) 488 has restrictions for medical waste;
    - Medical waste will now need to be shipped elsewhere;
    - Local hospitals and doctors' offices will be impacted; and
    - The state has a potential bill being worked on possibly fix some of the issues.
  - Europe's waste is not put into the ground:



- Waste is utilized to produce steam and electricity.
  - Zero waste is not happening anywhere;
  - Reduction and recycling are needed; and
  - It makes sense to turn the waste into energy.
- No one signed up for public comment;
- Commissioner Bethell expressed the following:
  - Marion County has programs to help educate individuals with the following:
    - Purchasing appropriately;
    - Knowing what they are purchasing;
    - What the materials consist of; and
    - How the materials are processed.
  - State legislation restrictions hindered Reworld Marion from operating in Oregon:
    - The facility was able to keep costs low for county residents; and
    - The facility prevented waste from going to a landfill; and
    - A partnership and conversation are needed to produce a solid waste system that can benefit everyone.
  - Marion County is working on a process to implement and design a solid waste processing system that will hold individuals accountable; and
  - The BOC would like to work with legislature, environmental and solid waste partners to figure out how to provide residents the best service possible and produce energy.
- Commissioner Willis expressed the following:
  - The waste-to-energy facility is very popular with Marion County residents;
  - There is only so much the county can do if the state legislature says no;
  - A financial investment made by county residents in 1986 was a risk and a great return on investment;
  - The waste facility generated significant revenue helping to keep rates low in Marion County;
  - It is challenging to maintain a system when revenue from generating electricity is no longer available;
  - There is value when haulers' pick up the garbage:
    - It would be harmful to residents, their neighbors, and the environment if garbage was not picked up; and
    - Residents need to be able to afford it.
  - Individuals have multiple bills that may have increases and the board is conscious of this.
- Commissioner Bethell addressed a resident's concerns from an email that was read into the record earlier in the meeting:
  - The commissioners perform an annual review starting in August;
  - A public hearing is held typically in December to determine if the haulers request for a rate increase will be honored;
  - If approved the rate increase takes effect in January of the following year;

- There was a rate increase in January 2024;
- The board is not honoring all of the haulers' requests;
- There were at least three Work Session meetings with the haulers to discuss their needs;
- She appreciates all the time that staff, the haulers, and the independent third party provided:
  - The information provided was very fruitful.
- She is comfortable with staff's recommendation for the increase;
- In order for the county to have healthy businesses we have to help them sustain their operations;
- The climate for solid waste in Oregon is getting more difficult;
- Haulers must maintain their trucks to comply with state law:
  - There are processing requirements.
- The Commissioners are the only jurisdiction in Marion County that has rate setting authority that goes through a detailed process.

Commissioner Cameron closed the public hearing and moved to Action item #25 for a motion.

*(Video Time 01:30:41)*

B. Public hearing to consider an amendment to the Marion County Public Land Corner Preservation Fee. –Lani Radtke and Kent Inman

***Summary of presentation:***

- Staff is seeking approval to make adjustments to the Marion County Surveyor's Office fee schedule which entails:
  - Changing the revenue for the Government Corner Preservation Fund;
  - Approval of a new fee for customer service provided to the public; and
  - Approval of the revised fee list for the Surveyor's Office.
- The Surveyor's Office serves the public and maintains compliance with Oregon Revised Statutes (ORS) including:
  - Reviewing surveys;
  - Filing maps;
  - Reviewing partition, subdivision, and condominium plats;
  - Assisting the public, county departments, and other agencies;
  - Processes road vacations; and
  - Manages the Government Corner Program.
- The Surveyor's Office is funded by:
  - Public survey fees;
  - The county's road fund;
  - The public Land Corner Preservation Fund; and
  - General Fund contributions.
- Marion County adopted a \$10 fee in 1989 as allowed by ORS;

- There is a shortage for licensed professional's including land surveyors';
- ORS has restricted the fund to only Government Corner work;
- Surveyor fees have not been updated since 2012;
- The Surveyor's Office has a deficit every year;
- More funds are being utilized for customer service, which is required by ORS;
- There have been multiple Work Sessions and Management Update meetings where the issue was discussed;
- There is concern about increasing the fees when there is a Corner Fund balance:
  - The Corner Fund has restrictions for usage.
- Staff has changed the fee structure to reduce the impact to the public;
- Proposed changes to assist with budget issues include:
  - Establishing a new customer service fee; and
  - Reducing how much is taken into the Corner Fund.
- The proposed fee structure includes:
  - A \$10 fee per recorded deed:
    - Fifty cents goes to the Clerk's Office; and
    - \$9.50 goes to the Corner Fund.
  - A customer service fee for the surveyor:
    - Fifty cents goes to the Clerk's Office per recorded deed;
    - The restricted Corner Fund would be \$1.50; and
    - \$8.50 per deed will go to customer service.
  - There is no net change to the public.
- Other proposed fee changes include:
  - City partition and property line adjustments will increase from \$225 to \$425;
  - City subdivisions, condominiums, and cemetery plats will increase from \$500 to \$850; and
  - The hourly rate will increase from \$75 to \$90.

***Board discussion:***

- The commissioners appreciate that staff restructured the fee schedule;
- The new fee is not increasing existing fees but reallocating funds;
- Ms. Radtke clarified that the proposed surveyor fee will be \$8; and
- No one signed up for public comment.

Commissioner Cameron closed the public hearing and moved to Action items #26 and #27 for a motion.

(Video Time 01:28:17)

## ACTION

### PUBLIC WORKS

25. Consider an order to approve an adjustment to the solid waste collection rates within the unincorporated areas of Marion County as referenced in Exhibit A.

–Brian May **(TO BE ACTED ON FOLLOWING THE PUBLIC HEARING)**

**Motion:** Commissioner Bethell moved to approve an order to approve an adjustment to the solid waste collection rates within the unincorporated areas of Marion County as referenced in Exhibit A. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 01:38:40)

26. Consider approval of an order establishing the Marion County Surveyor Fee. –Lani Radtke and Kent Inman

**(TO BE ACTED ON FOLLOWING THE PUBLIC HEARING)**

**Motion:** Commissioner Willis move to approve an order establishing the Marion County Surveyor Fee. Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 01:39:01)

27. Consider approval of an ordinance amending sections 3.15.010 and 3.20.020 of the Marion County Code related to fees for the county surveyor, and declaring an emergency.

**(TO BE ACTED ON FOLLOWING THE PUBLIC HEARING)**

**Motion:** Commissioner Willis moved to approve an ordinance amending sections 3.15.010 and 3.20.020 of the Marion County Code related to fees for the county surveyor, and declaring an emergency, and 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.

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

- Commissioner Bethell clarified for the record that the second motion has some increase in cost:
  - Increasing fees are due to the high cost and time investment in reviewing subdivisions and city partitions;

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- Everything needs to be accurate before construction can begin:
  - This requires an excessive amount of time.
- There is a necessary relationship component between the county and the cities for the city partitions;
- Marion Cauty is taking on a higher cost in the county and city partnerships; and
- Quality and licensed staff is needed for services.

**Motion:** Commissioner Willis moved to approve the ordinance.  
Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

Commissioner Cameron adjourned the meeting at 10:54 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>