

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, June 8, 2022
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

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

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

(Video Time 00:00:38)

MOTION: Commissioner Cameron moved to remove the first item on Consent from the agenda for further review: Approve an order revising the bylaws for the Marion County Public Safety Coordinating Council (MCPSCC). Seconded by Commissioner Bethell; motion carried. A voice vote was unanimous.

(Video Time 00:01:04)

PUBLIC COMMENT

David Beem:

- Mr. Beem expressed that he is a spokesperson for individuals with disabilities in the City of Salem area;
- Mr. Beem would like to see dancing events provided at foster homes in Marion County:
 - Many foster home residents are unable to get transportation to and from dance locations in the area.
- Mr. Beem would like to see more individuals with disabilities residing at residences outside of foster homes;
- Mr. Beem expressed that he is working with the City of Salem Mayor on the issue and that he is an ambassador for the following:
 - World Beat;
 - The Marion County Fair; and
 - The Oregon State Fair.

Board discussion:

- The commissioners expressed their appreciation to Mr. Beem for all the work that he performs.

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(Video Time 00:03:21)

Mike Riddle:

- Mr. Riddle is a custom home builder;
- Mr. Riddle expressed the following:
 - He is providing public comment on the building inspection onsite wastewater proposed fee schedule;
 - Marion County Public Works staff attended a meeting at the Home Builders Association:
 - The meeting addressed concerns related to the proposed fees;
 - Ideas were proposed; and
 - There was collaborative back-and-forth discussion.
 - In the past there has not been consistent fee increases;
 - There have been years where there has been an increase in permits and usage;
 - There have been years where there has been a decrease in permits and usage;
 - He feels the proposed fee schedule is acceptable;
 - It is a plan to move forward for sustainability;
 - In July 2025, the new fees will increase based off the prior year's Consumer Price Index (CPI); and
 - He expressed his appreciation to Marion County Public Works staff for their positive collaboration efforts with individuals that may be impacted by the fee increases.

(Video Time 00:05:25)

PRESENTATION

1. Wildfire recovery update. –Chris Eppley

Summary of presentation:

- It has been 21 months since the wildfires in the Santiam Canyon;
- An estimated 100 dwelling permits have been issued for the City of Detroit, and construction is occurring all over the city;
- An estimated 51 percent of the structures within the Santiam Canyon that were destroyed are under reconstruction;
- An estimated 73 percent of all properties in the canyon have applied for some level of permit:
 - This indicates the property owners are going to rebuild or utilize the property for another purpose.
- An interactive wildfire recovery map can be viewed on the county's website:
 - The map shows the status of all building permits.
- Marion County led recovery projects entail some of the following:
 - Septic Repair and Replacement:
 - The City of Detroit is waiting on the design of a community septic system for the city's business district:

- The Request For Proposals (RFP) that includes the design for the community septic system was released on May 20, 2022; and
 - The deadline for submission is June 21, 2022.
 - The Department of Environment Quality (DEQ) has grants available for individuals who are replacing or repairing their septic systems:
 - It is a competitive statewide grant;
 - An estimated \$15 million will be available; and
 - Applications can be submitted to the DEQ.
- The Fire Hardening Grant Program:
 - The county has received an estimated 105 applications; and
 - The grant provides funding for fire hardening materials for property owners who are rebuilding:
 - The materials can make a structure more resistant to wildfire;
 - The county is in charge of the project; and
 - Funding may be retroactive for individuals who have completed the rebuild process.
- Taylor's Grove Community Water Well:
 - There is a co-op of 16 properties located just north and east of the City of Lyons;
 - The community well was destroyed during the wildfires;
 - The community does not have a potable water supply;
 - Community members are receiving water shipments for drinking water; and
 - It is estimated the project will cost \$340,000 for the 16 homes:
 - It has been difficult to find funding for the project due to program requirements; and
 - Staff continues to look for an alternative solution.
- The City of Detroit held a ribbon cutting for their new Civic Center:
 - The Detroit Lake Foundation (DLF) built a structure that will house a community center and a city hall; and
 - It is anticipated that the ownership of the facility will be transferred from the DLF to the City of Detroit.
- Staff is working with the Federal Emergency Management Agency (FEMA) and the City of Detroit to get the city's water system rebuilt:
 - The entire project has been planned and designed;
 - Work is underway on the environmental assessments;
 - The City of Detroit has received funding from the United States Department of Agriculture (USDA) that will be utilized to begin construction on the building that will house the water treatment equipment; and
 - It is estimated that the water system will cost approximately \$7.5 million.
- Mackey Creek is the water supply source for the City of Detroit:
 - An exposed water line transfers the water;

- There are concerns with the water line being destroyed in the event of another wildfire;
- A mitigation project is underway to move the water line into a buried trench on an access road where it will travel to the water intake.
- The Long-Term Recovery Group (LTRG) coordinated the distribution and planting of 48,000 trees throughout the Santiam Canyon;
- The LTRG has donated over \$47,000 in labor and supplies to wildfire disaster recovery victims for rebuilding purposes;
- Christian Aid Ministries is winding down their building efforts for the summer:
 - The organization built eight homes in 2022; and
 - They plan to return in the fall to build an additional ten homes.
- The Santiam Canyon Wildfire Relief Fund was created following the 2020 wildfires to help impacted victims:
 - The original goal was to raise \$4 million;
 - The goal has changed to \$5 million due to an increase in funding; and
 - The organization will continue its fundraising efforts.

Board discussion:

- The county was awarded \$1.7 million to purchase three blocks located in the City of Mill City:
 - It is the largest amount of buildable land in the canyon;
 - The land will be utilized to provide housing for renters who were impacted by the wildfires:
 - Some individuals that were renting prior to the wildfires are still displaced and living in hotels.
 - The plan is to build approximately 80 individual single-family homes consisting of two to four bedrooms;
 - An estimated \$15 million in funding is still needed;
 - The state received an estimated \$422 million in Community Development Block Grant (CDBG) Disaster Recovery funds:
 - An estimated \$300 million of the funding has been allocated for housing;
 - Marion County is asking for \$15 million to build the City of Mill City homes; and
 - The county would like to partner with builders in the community to construct the dwellings.
 - The county's goal is to have owner occupied housing:
 - Down payment assistance may be available to buyers.
- Marion County has been awarded \$10 million in funding:
 - A portion of the funding will be utilized to assist with septic recovery;
 - Staff is working on building the program:
 - The program is still in the development phase;
 - The grant funding may be retroactive;

- The \$10 million will include both residential and commercial properties; and
 - The county has been awarded the funding by the state but has not received the funds yet.
- The county is moving forward with the RFP process in order to be prepared for when the funding becomes available.
- Marion County received \$50 million in funding:
 - An estimated \$40 million is for the cities of Mill City and Gates; and
 - An estimated \$10 million is for the cities of Detroit and Idanha to be utilized for the following:
 - Rebuilding the City of Detroit downtown septic system;
 - Further research, engineering, and development of the larger sewer system for the cities of Idanha and Detroit; and
 - A residual of grants with funding still to be determined:
 - The RFP includes the design of the entire system including the sewer piece.
- It has been almost two years since the wildfires and the county is still waiting on contracts from the state:
 - The delays negatively impact wildfire survivors and harms their ability to move forward.
- Oregon Housing and Community Services (OHCS) may adjust their current policy for the Taylor's Grove Community Water Well:
 - A portion of the property owners are secondary homeowners and not primary homeowners;
 - The allocation of funds that were received was to support primary homeowners; and
 - OHCS may adjust their policy to incorporate secondary homeowners.
- Commissioner Cameron thanked a local property owner for the land donation that the Detroit Civic Center was built on;
- Mackey Creek, the water supply source for the City of Detroit, dries up during the summer months:
 - Breitenbush is the secondary water source that supplies the city when Mackey Creek is dry.

(Video Time 00:32:12)

CONSENT

BOARD OF COMMISSIONERS

2. Approve an order revising the bylaws for the Marion County Public Safety Coordinating Council (MCPSCC).

(Motion made and approved to remove item from the Board Session Agenda.)

PUBLIC WORKS

3. Approve an order establishing a fee schedule for the administration and enforcement of the Marion County On-Site Wastewater Program administered by Marion County Building Inspection.

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

(Video Time 00:32:53)

ACTION

SHERIFF'S OFFICE

4. Consider approval of the incoming funds Intergovernmental Agreement with the City of Aurora in the amount of \$213,129 to provide patrol services for the city from July 1, 2022, through June 30, 2023. –Commander Jeff Stutrud

Summary of presentation:

- The Marion County Sheriff's Office (MCSO) has contracted with the City of Aurora since 2016;
- The MCSO provides police services to the City of Aurora;
- The assigned MCSO deputy engages in community outreach:
 - The deputy integrates into the community to learn the city's challenges and needs.
- The MCSO deputy addresses traffic safety issues and provides traffic enforcement for the portion of Highway 99 that runs through the City of Aurora; and
- The contract funds one deputy;
- The city can also utilize other resources provided by the MCSO if needed including the following:
 - MCSO Search and Rescue; and
 - MCSO detectives.

Board discussion:

None.

MOTION: Commissioner Cameron to approve the incoming funds Intergovernmental Agreement with the City of Aurora in the amount of \$213,129 to provide patrol services for the city from July 1, 2022, through June 30, 2023. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:35:54)

5. Consider approval of the incoming funds Intergovernmental Agreement with the City of Jefferson in the amount of \$396,659 to provide law enforcement patrol services within the city from July 1, 2022, through June 30, 2023. –Commander Jeff Strutrud

Summary of presentation:

- The MCSO has had a long-standing contract with the City of Jefferson since the 1990's;
- There are two MCSO deputies assigned to the City of Jefferson;
- Having dedicated MCSO deputies allows the officers to connect with the community and address the challenges and needs of the city;
- The Jefferson City Council voted to add a third MCSO deputy position to the contract:
 - The MCSO is working with the City of Jefferson to finalize the details.
- The busy community has challenges with some of the following:
 - A portion of Oregon highway 164, also known as Jefferson Highway No. 164, that travels through the city;
 - Traffic; and
 - Schools.

Board discussion:

None.

MOTION: Commissioner Willis moved to approve the incoming funds Intergovernmental Agreement with the City of Jefferson in the amount of \$396,659 to provide law enforcement patrol services within the city from July 1, 2022, through June 30, 2023. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:38:27)

BOARD OF COMMISSIONERS

6. Consider approval of the American Rescue Plan Act (ARPA) Subrecipient Agreements with cities located within Marion County for the following projects retroactive to March 3, 2021, through December 31, 2026:

- The City of Aumsville for the Wastewater System Project in the amount of \$1,000,000;
- The City of Donald for the New City Drinking Wells Project in the amount of \$1,000,000;
- The City of Gates for the Water System Improvements Project in the amount of \$1,000,000;
- The City of Gervais for the Wastewater Pump Station/Forced Main and Aeration Upgrade Project in the amount of \$1,000,000;
- The City of Hubbard for the Water System Improvements Project in the amount of \$1,000,000;

- The City of Jefferson for the Water Treatment Plant Excess Recirculation System Project in the amount of \$450,000;
- The City of Mill City for the Sewer Improvements Project in the amount of \$1,000,000;
- The City of Mt. Angel for the Marquam Sanitary Sewer Trunk Line Project in the amount of \$450,000;
- The City of St. Paul for the Water System Improvement Plan Project in the amount of \$1,000,000;
- The City of Stayton for the Ida Street Sanitary Sewer Pipe Construction Project in the amount of \$500,000;
- The City of Sublimity for the Water System Improvements Project in the amount of \$1,000,000;
- The City of Turner for the Lower Water Booster Pump Station Project in the amount of \$200,000; and
- The City of Turner for the Source Water Integration Study Overage Turner Storm Drain Project in the amount of \$450,000.

–Chris Eppley, Debbie Gregg, and Camber Schlag

Summary of presentation:

- The items for the board to consider are related to water, sewer, and broadband infrastructure projects;
- Marion County was directly allocated over \$67 million in American Rescue Plan Act (ARPA), Coronavirus State and Local Fiscal Recovery funds;
- The board awarded the funds in late January following an application process:
 - County staff is working to execute the agreements.
- The board approved a wide range of projects that are located all over Marion County; and
- The total cost of the projects for consideration today is approximately \$10 million.

The City of Aumsville, Wastewater System Project:

- The city has been awarded \$1 million for the project; and
- The funds will be utilized for engineering expenses associated with a wastewater treatment system.

The City of Donald, New City Drinking Wells Project:

- The city has been awarded \$1 million for the project; and
- The funds will be utilized for new drinking wells and water plant improvements.

The City of Gates, Water System Improvements Project:

- The city has been awarded \$1 million for the project; and
- The funds will be utilized for water system improvements including:
 - Installing watermain pipes; and
 - Replacing Polyethylene (PEX) piping.

The City of Gervais, Wastewater Pump Station/Forced Main and Aeration Upgrade Project:

- The city has been awarded \$1 million for the project;
- The funds will be utilized for upgrades to the following:
 - The wastewater pump station;
 - The forced main; and
 - The lagoon aeration system.

The City of Hubbard, Water System Improvements Project:

- The city has been awarded \$1 million for the project; and
- The funds are for phase one of the project.

The City of Jefferson, Water Treatment Plant Excess Recirculation System Project:

- The city has been awarded \$450,000 for the project; and
- The funds will be utilized for the following:
 - Design;
 - Permits;
 - Equipment; and
 - Piping construction.

The City of Mill City, Sewer Improvements Project:

- The city has been awarded \$1 million for the project; and
- The funds will be utilized for sewer improvements to the wastewater treatment facility including:
 - Design;
 - Permits;
 - Construction; and
 - Capacity improvements.

The City of Mt. Angel, Marquam Sanitary Sewer Trunk Line Project.

- The city has been awarded \$450,000 for the project.

The City of St. Paul, Water System Improvement Plan Project:

- The city has been awarded \$1 million;
- The funds will be utilized for the first phase of the project;
- The project entails a 500,000 gallon, above ground storage tank; and
- The tank will be integrated into the city's existing system to improve storage and pressure throughout the city.

The City of Stayton, Ida Street Sanitary Sewer Pipe Construction Project:

- The city has been awarded \$500,000 for the project;
- The funds will be utilized to increase the capacity of a sewer transmission main in one of the city's sewer basins; and

- Completion of the project will allow development in the area to continue.

The City of Sublimity, Water System Improvements Project:

- The city has been awarded \$1 million for the project;
- The funds will be utilized to construct a 750,000 gallon, above ground storage tank;
- The storage tank will be tied into a Supervisory Control And Data Acquisition (SCADA) system:
 - The system allows the tank and all of the wells to work together.
- Completion of the project is required to support growth and stabilize pressures throughout the city.

The City of Turner, Lower Water Booster Pump Station Project:

- The total estimated project budget is \$1.2 million;
- The City of Salem and the City of Turner have jointly secured \$1 million for the project;
- The City of Turner has been awarded the remaining \$200,000 to complete the project; and
- The funds will be utilized for the following:
 - To provide permanent housing for a water booster pump; and
 - To implement necessary algae toxin safeguards that are required for safe drinking water.

The City of Turner, Source Water Integration Study Overage Turner Storm Drain Project:

- The city has been awarded \$450,000 for the project; and
- The funds will be utilized to construct improvements that will help prevent localized flooding.

Board discussion:

- The projects are critical to the cities that are being funded;
- One role of the county is to create opportunities for a safe and healthy living environment for Marion County citizens;
- Marion County has the highest count of incorporated cities when compared to other Oregon counties;
- The county has worked to stretch the ARPA funding to as many Marion County communities as possible:
 - Communities within the county are also independently providing funding for the projects;
 - The county collaborated with the cities to determine the best way to utilize the ARPA funding to meet the needs of each community;
 - It can be challenging for small entities to access grant funds; and
 - The funding will allow communities to improve and move forward into the future.
- The commissioners expressed their appreciation to county staff for all their work collaborating with communities and assisting with the ARPA funding; and

- Investing in these projects will have positive impacts on future generations.

MOTION: Commissioner Camron moved to approve the American Rescue Plan Act (ARPA) Subrecipient Agreements with cities located within Marion County on the projects that are listed retroactive to March 3, 2021, through December 31, 2026. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:49:33)

PUBLIC HEARINGS

9:30 A.M.

PUBLIC WORKS

A. Public hearing continued from January 12, 2022, to consider Zone Change/ Comprehensive Plan Amendment (ZC/CP) Case #21-005/Enchanted Ridge Property Owners Association.

–Lindsey King

Summary of presentation:

- The board held a public hearing pertaining to Zone Change/ Comprehensive Plan Amendment (ZC/CP) Case #21-005/Enchanted Ridge Property Owners Association on January 12, 2022:
 - This hearing is a continuation of the original public hearing held on January 12, 2022.
- The application is requesting the following:
 - To change the Comprehensive Plan Designation from Primary Agriculture to Rural Residential; and
 - To change the zone from Exclusive Farm Use (EFU) to Acreage Residential (AR).
- The property is approximately 7.29-acres of an 85.6-acre parcel:
 - The property is located on the 2700 block of Enchanted View Lane SE in the City of Salem.
- The hearings officer first heard the case on July 29, 2021, and issued a recommendation of approval;
- The case was brought before the board on January 12, 2022:
 - The applicant requested that additional evidence and arguments be provided by the hearings officer; and
 - A motion was made and approved to continue the public hearing, leave the record open, and remand the case back to the hearings officer for further consideration.
- On May 26, 2022, the hearings officer issued a recommendation of approval;
- The applicant has changed their argument for the Goal 3 exception from the “reasons” exception to “irrevocably committed”:
 - The applicant provided additional evidence for why it is irrevocably committed which included the location of the proposed residential lots in relation to the farmable lands;

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- The current configuration of the lots does not allow for practical farming practices due to some of the following issues:
 - Topography;
 - Location;
 - Access; and
 - Neighboring uses.
- The Exception Areas have become increasingly isolated by adjacent development;
- Currently the property parcels have no common ownership:
 - The lack of connection represents a further change in the relationship between the following:
 - The Exceptions Areas;
 - The Farm Parcels; and
 - The surrounding areas.
- Marion County Public Works staff agreed with the hearings officer's recommendation but also suggested the following:
 - The removal of the condition that a future Zone Change on the remainder parcel be tied to a legislative process; and
 - That the existing goal exception process remains available to the property.
- Options for the board to consider include the following:
 - Continue the public hearing;
 - Close the hearing and leave the record open;
 - Close the hearing, and approve, modify, or deny the request; or
 - Remand the matter back to the hearings officer.
- Staff recommended the following:
 - That the board approve the Zone Change/Comprehensive Plan amendment; and
 - Exclude the hearings officer's suggested condition that a future Zone Change on the remainder parcel be tied to a legislative process.

Board discussion:

- The staff's recommendation to exclude the condition that a future Zone Change on the remainder parcel be tied to a legislative process is specifically referring to a restrictive covenant on the Farm Parcel;
- Staff suggested that the existing goal process remain:
 - The process includes this public hearing.

Testimony:

Support:

Mark Shipman – Attorney for the applicant:

- The Enchanted Ridge Property Owners Association is the applicant;
- Mr. Shipman expressed that there are no procedural objections;
- Remanding the matter back to the hearings officer allowed the applicant to:
 - Revise their proposal;

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- Streamline the proposal;
- Cleanup the findings;
- Clarify the applicant's request; and
- It provided time to collaborate with county staff and the hearings officer about the recommendation.
- Mr. Shipman expressed that the hearings officer's conclusion and recommendation are correct:
 - The applicant satisfied all the criteria for the following:
 - The Zone Change;
 - The Comprehensive Plan change; and
 - The exceptions to Statewide Planning Goal 3, Agricultural Lands, and Statewide Planning Goal 14, Urbanization.
- The applicant initially requested that there be a restrictive covenant placed on the property as a condition of approval:
 - There were concerns that the request may impact the main farm parcel.
- Mr. Shipman expressed a previous discussion with county staff concluded the following:
 - They should rely on the goal exception process; and
 - That the process itself is sufficient.
- Mr. Shipman expressed he agrees with county staff's recommendation to remove the hearings officer's suggested condition related to the legislative process; and
- Mr. Shipman requested the following:
 - That the board to close the hearing; and
 - Approve the combined applications as recommended by staff.

Board discussion:

- Commissioner Willis expressed he feels that the process is reasonable;
- The three property sites for consideration are sites that cannot be farmed;
- The exceptions criteria for Statewide Planning Goal 3 and Statewide Planning Goal 14 have been met;
- Mr. Shipman expressed that a letter from a former tenant farmer stated that the sites cannot be practicably farmed;
- The remaining 77-acres are farmable:
 - A restrictive covenant would not apply to the farmable land;
 - Currently the remaining 77-acres are being farmed;
 - The remaining sites are not being farmed but are maintained to prevent fire.
- Former property owners were approved in 1973 for a 40-lot subdivision:
 - The former owners did not follow through on the subdivision.
- The three land parcels that are being considered would correspond with the current area neighborhood and community;
- There are more processes that the applicant would be required to undergo if approved:
 - A Partition process; and
 - A geotechnical study to ensure that there is sufficient water in the area.

Testimony:
Opposition:

Dale Abraham:

- Mr. Abraham is concerned about the area's water supply that would be needed for additional homes;
- When he built his home in the late 1970's, he thought there was enough water in the area:
 - He later determined that there is not enough area water;
 - He has had to drill multiple times on his property to obtain water;
 - His current well accessed a 40-foot pool when it was drilled, but it has since decreased to 20-feet;
 - It has not been determined how much water is available underground:
 - Projections may be off because of varying water levels in different underground areas.
 - He is concerned that allowing additional homes will drain the water supply even further.
- Mr. Abraham expressed he saw the property being farmed in the summer of 2021;
- Mr. Abraham agrees with the restrictions for the 77-acres that are farmable:
 - He expressed concerns with this possibly changing in the future.
- Area neighbors may be negatively impacted if the zone change is approved; and
- Mr. Abraham expressed that he objects to putting any more housing on the property:
 - He is concerned that area neighbors could lose their properties if wells go dry.

Board discussion:

- The public hearing is only for the land zoning:
 - Any studies related to water or other concerns would occur after the public hearing as part of the process.
- Approval of the application allows for three new home sites on parcels that cannot be farmed:
 - The rest of the acreage is being farmed.
- The application is for the Zone Change and the Comprehensive Plan change only:
 - No application has been submitted to partition the parcels; and
 - There has not been a hydrogeology review performed for the water supply.
- If the application is approved, the applicant would then have to submit a partition application:
 - This would require a hydrogeology review to determine if there is an adequate supply of water;
 - The review must be performed by a professional hydrogeologist:
 - The results would be required to meet the code criteria.
 - There is a possibility that properties cannot be developed if there is not an adequate water supply:
 - There may be the option to drill deeper to obtain water; and
 - This may result in increased expenses.

- There are options to appeal a decision in a land use case;
- The states policies and goals have a safeguard to protect specific lands designated for farm use:
 - The applicant would be required to provide a reason as to why it is irrevocably committed and cannot be farmed.
- Ms. Vetto clarified that the boards motion was to approve the hearings officer's recommendation except to remove the recommendation for a restrictive covenant.

MOTION: Commissioner Willis moved to close the hearing, approve the request, and direct staff to prepare an ordinance consistent with the board's decision, not including the restrictive covenant on the farm parcel. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 01:10:16)

Commissioner Cameron read the calendar;
Commissioner Bethell adjourned the meeting at 10:12 a.m.

CHAIR

COMMISSIONER

COMMISSIONER

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