



OREGON

"Delivering Excellence Everyday"

MARION COUNTY BOARD OF COMMISSIONERS

Wednesday, September 16, 2026
Board Session 9:00 a.m.

Senator Hearing Room
555 Court Street NE, Salem

PUBLIC COMMENT

PROCLAMATION

BOARD OF COMMISSIONERS

1. Consider approval of a proclamation designating the week of September 17-23, 2026, as Constitution Week in Marion County. –Day Westine, National Society Daughters of the American Revolution (NSDAR), Chemeketa Chapter

CONSENT

BOARD OF COMMISSIONERS

OLCC License – Recommended Approval

2. Dinsdale Wines, LLC, dba, Dinsdale Wines – Salem, Oregon

3. Approve an order appointing Alicia Cozad as the Marion County Juvenile Department Director effective September 16, 2026.

HEALTH AND HUMAN SERVICES

4. Approve Amendment #1 to the incoming funds Intergovernmental Agreement (IGA) with the Oregon Health Authority to update IGA language and add \$844,206.47 for Fund #804, Mental Health (MH) General Fund for Aid and Assist, and Fund #820, Civil Commitment for a new IGA total of \$24,671,687.51, and redirect already allocated funding from Fund #806, New Investment Mental Health (NIMH) General Fund to Fund #804 Mental Health (MH) General Fund through June 30, 2027.

PUBLIC WORKS

5. Schedule final consideration to adopt an administrative ordinance on September 23, 2026, for Zone Change / Comprehensive Plan Change, Case #25-004 / Jubitz Corporation.

6. Schedule final consideration to adopt an administrative ordinance on September 23, 2026, for Zone Change / Comprehensive Plan Change, Case #26-001 / TIBA Incorporated.

7. Approve Amendment #6 to the incoming funds Assistance Agreement with the Federal Highway Administration, Western Federal Lands Division to extend the term date to December 31, 2027, and add \$1,655,615.50, of which an estimated \$1,485,583.79 will utilize federal funding and an estimated \$170,031.71 will utilize county funding, for a new agreement total of \$9,957,495.22, for increased preliminary and construction engineering, inspection, and construction for the North Fork Road Slide Stabilization project.

8. Approve Amendment #1 to reinstate a Commercial Onsite Septic Grant Agreement with Sammy and Shane LLC, and add \$81,500 for a new agreement total of \$103,250 for the construction of onsite septic system improvements at 215 D Street West, tax lot 105E02AD05300, in the City of Detroit under the Marion County Commercial Septic Repair, Alteration, and Replacement Grant Program through October 31, 2026.

ACTION

None.

PUBLIC HEARINGS **Starting no earlier than 9:00 a.m.**

None.

Members of the public may submit written testimony by email to PublicHearings@co.marion.or.us For agenda items where in-person testimony is allowed, the public may sign up to provide testimony by telephone by emailing PublicHearings@co.marion.or.us at least 24 hours before the meeting. The email must specify the meeting date/time and agenda topic for which testimony is being submitted. For telephone testimony requests, the email must also include your name and the phone number that staff should use to call you at the appropriate time.

If you require interpreter assistance, an assistive listening device, large print material or other accommodations, call 503-588-5212 at least 48 hours in advance of the meeting. TTY 503-588-5168 Si necesita servicios de interprete, equipo auditivo, material copiado en letra grande, o culaquier otra acomodacion, por favor llame al 503-588-5212 por lo menos 48 horas con anticipacion a la reunion. TTY 503-588-5168 Marion County is on the Internet at: www.co.marion.or.us



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: September 16, 2026

Department: Board of Commissioners

Title:

Proclamation designating September 17-23, 2026, as Constitution Week in Marion County.

Management Update/Work Session Date: August 18, 2026

Audio/Visual aids ☐

Time Required: 15 min.

Contact: Brenda Koenig

Phone: (503) 589-3236

Requested Action:

Consider a proclamation designating September 17-23, 2026, as Constitution Week in Marion County.

Issue, Description
& Background:

Constitution Week is observed nationally the week of September 17th through the 23rd. In honor of this historic event the Marion County Board of Commissioners will issue a proclamation to the National Society Daughters of the American Revolution (NSDAR), Chemeketa Chapter.

The United States Constitution was signed on September 17, 1787. In 1956, the United States Congress requested that the President proclaim the week of September 17th through the 23rd each year as Constitution Week to join in the observance of this historic occasion.

Financial Impacts:

None.

Impacts to Department
& External Agencies:

None.

List of attachments:

Proclamation

Presenter:

Day Westine, Daughters of the American Revolution, Chemeketa Chapter

Department Head
Signature:



**BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON**

In the matter of observing September 17-23, 2026, as Constitution Week in Marion County.

PROCLAMATION

This matter came before the Marion County Board of Commissioners at its regularly scheduled public meeting on Wednesday, September 16, 2026.

WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS: We celebrate our heritage as a country bound together by fidelity to a set of ideas and a system of governance first laid out in America's Constitution. The product of fierce debate and enduring compromise, our Nation's Constitution has guided our progress from 13 to 50 United States that stretch from sea to shining sea; and

WHEREAS: September 17, 2026, marks the two hundred thirty-ninth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: This week, we reflect on the basic rights and responsibilities of citizenship, the founding documents from which they were drawn, and the extraordinary legacy of progress they have enabled. Let us forever uphold the ideals the Framers enshrined in our Constitution, and let us never cease in our pursuit of the more perfect Union they imagined so many years ago; and

NOW, THEREFORE, by virtue of the authority vested in us as Commissioners for Marion County, we do hereby proclaim the week of September 17th through 23rd as **CONSTITUTION WEEK.**

DATED this 16th day of September 2026.

MARION COUNTY BOARD OF COMMISSIONERS

Chairperson _____

Commissioner _____

Commissioner _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF MARION COUNTY, STATE OF OREGON

NO. 20175

In the Matter of the Application of

For a recommendation regarding the
application to the Oregon Liquor
Control Commission for

RECOMMENDATION

This matter coming before the Board of County Commissioners on the application of

Dinsdale wines for a recommendation to the Oregon
Liquor Control Commission under the provisions of ORS 471.166; and the Board having referred
said application to the Sheriff of Marion County, Oregon, and having the report of said Sheriff that
the applicant has not been convicted of a crime involving a violation of the liquor control laws, or
the gambling laws, or of crimes involving moral turpitude, and that the applicant is of good moral
character, a citizen of the United States of America, and otherwise qualified to be licensed under
the Oregon Liquor Control Act;

IT IS, THEREFORE RECOMMENDED TO THE OREGON LIQUOR CONTROL COMMISSION
that the application of the above be refused _____ granted _____

Dated at Salem, Marion County, Oregon this _____ day of _____, 20____

_____ County Commissioner

_____ County Commissioner

_____ County Commissioner

Approved by

Jordan Suttler
County Sheriff



OREGON LIQUOR & CANNABIS COMMISSION
Local Government Recommendation – Liquor License

Annual Liquor License Types

Off-Premises Sales	Brewery-Public House
Limited On-Premises Sales	Brewery
Full On-Premises, Caterer	Distillery
Full On-Premises, Commercial	Grower Sales Privilege
Full On-Premises, For Profit Private Club	Winery
Full On-Premises, Non Profit Private Club	Wholesale Malt Beverage & Wine
Full On-Premises, Other Public Location	Warehouse
Full On-Premises, Public Passenger Carrier	

Section 1 – Submission – To be completed by Applicant:

License Information

Legal Entity/Individual Applicant Name(s): Dinsdale Wines LLC

Proposed Trade Name: Dinsdale Wines

Premises Address: 5996 Riverside Dr. S

Unit:

City: Salem

County: Marion

Zip: 97306

Application Type: ☒ New License Application ☐ Change of Ownership ☐ Change of Location

License Type: Grower Sales Privilege Non - Consumption ☐ Additional Location for an Existing License

Application Contact Information

Contact Name: Jakob Pippin

Phone: [REDACTED]

Mailing Address: [REDACTED]

City: [REDACTED]

State: OR

Zip: [REDACTED]

Email Address: jake@multnomahwinestudio.com

Business Details

Please check all that apply to your proposed business operations at this location:

☐ Manufacturing/Production

☐ Retail Off-Premises Sales

☐ Retail On-Premises Sales & Consumption

If there will be On-Premises Consumption at this location:

☐ Indoor Consumption

☐ Outdoor Consumption

☐ Proposing to Allow Minors

Section 1 continued on next page



Local Government Recommendation – Liquor License

Section 1 Continued – Submission - To be completed by Applicant:

Legal Entity/Individual Applicant Name(s): Dinsdale Wines LLC

Proposed Trade Name: Dinsdale Wines

IMPORTANT: You MUST submit this form to the local government PRIOR to submitting to OLCC.
Section 2 must be completed **by the local government** for this form to be accepted
with your CAMP application.

Section 2 – Acceptance - To be completed by Local Government:

Local Government Recommendation Proof of Acceptance

After accepting this form, please return a copy to the applicant with received and accepted information

City or County Name: Marion County

Optional Date Received Stamp

Date Application Received: 7/30/24

Received by: Jeff Archuleta

30 JUL 26 PM 1:30
Marion County Clerk, Bill Burgess

Section 3 – Recommendation - To be completed by Local Government:

- ☐ Recommend this license be granted
- ☐ Recommend this license be denied (Please include documentation that meets [OAR 845-005-0308](#))
- ☒ No Recommendation/Neutral

Name of Reviewing Official:

Title:

Date:

Signature:

After providing your recommendation and signature, please return this form to the applicant.



OREGON LIQUOR & CANNABIS COMMISSION BUSINESS INFORMATION – LIQUOR LICENSE

Applicant Name	Dinsdale Wines LLC
Trade Name	Dinsdale Wines
Premises Street Address	5996 Riverside Dr. S Salem, OR 97306
License Type	Grower Sales Privilege - non - consumption

Business Contact	Jakob Pippin
Mailing Address	
Phone Number	
Email Address	jake@multnomahwinestudio.com

Operating Hours

Day of Week Open Time Closed Time Seasonal Variation Explanation

Yes ☐

☒ Not open to the public or by appointment only

Seating

Restaurant Seating: _____ Outdoor Seating: _____ Other Seating: _____

☒ No On-Premises Consumption

ENTERTAINMENT

Check all that apply:

- ☐ Live Music
- ☐ Recorded Music
- ☐ DJ Music
- ☐ Dancing
- ☐ Karaoke
- ☐ Coin-operated Games
- ☐ Social Gaming
- ☐ Pool Tables

- ☐ Video Lottery Machines
- ☐ Nude Dancing
- ☐ Live Entertainment
- ☐ Minor Entertainers
- ☐ Minor Entertainers in an Area Prohibited to Minors
**Need prior OLCC approval
- ☐ Other:

MARION COUNTY
BILL BURGESS
MARION COUNTY CLERK

Receipt #: 102220

Receipt Date: 07/30/2026 01:25 PM

Station: 5

Cashier: JA

Receipt Name: DINSDALE WINES

Comments:

Thank You!

BILL BURGESS, MARION COUNTY CLERK

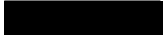
Please retain this receipt for your records.

Documents are recorded as submitted. The Marion County Clerk's Office assumes no liability for sufficiency, validity, or accuracy.

Miscellaneous Fees

LIQUOR LICENSE FEE	YES	\$25.00
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Receipt Total **\$25.00**

CREDIT CARD  \$25.00



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: 09/16/2026

Department: Board of Commissioners

Title:

Consider an order appointing Alicia Cozad as the Marion County Juvenile Department Director effective September 16, 2026

Management Update/Work Session Date: N/A

Audio/Visual aids ☐

Time Required: 1 Min

Contact: Jan Fritz

Phone: 5212

Requested Action:

Consider approval of an order appointing Alicia Cozad as the Marion County Juvenile Department Director effective September 16, 2026.

Issue, Description
& Background:

Financial Impacts:

None.

Impacts to Department
& External Agencies:

None.

List of attachments:

Board Order

Presenter:

Department Head
Signature:

Jan Fritz

**BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON**

In the Matter of appointing	)	
Alicia Cozad as Marion County	)	Marion County Juvenile Department
Juvenile Department Director.	)	

ORDER #: _____

This matter came before the Marion County Board of Commissioners at a scheduled public meeting on September 16, 2026, for the purpose of appointing a juvenile director for Marion County.

WHEREAS, a juvenile director may be appointed pursuant to ORS 419A.010(1)(a)(d)(2) to be the administrator of the juvenile department for the county, including the juvenile detention facility and the supervisor of the staff of the juvenile department and the detention facility, and to provide such additional services as the board determines; and

WHEREAS, the board finds that Alicia Cozad is qualified to serve as the juvenile director; now, therefore,

IT IS HEREBY ORDERED that Alicia Cozad is appointed as the Marion County Juvenile Department Director, effective September 16, 2026, to serve at the pleasure of the Marion County Board of Commissioners.

DATED this 16th day of September, 2026.

**MARION COUNTY
BOARD OF COMMISSIONERS**

Chair

Commissioner

Commissioner



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: 6/17/26

Department: Health & Human Services

Title: Amendment 1 to Community Mental Health Programs (CMHP) OHA IGA

Management Update/Work Session Date: 6/2/26 Audio/Visual aids ☐

Time Required: 10 min Contact: Kristina Ballow Phone: 503-588-5409

Requested Action:

Approve Amendment No. 1 to the CMHP/CFAA to award and reallocate specified mental health funds and update agreement language as outlined.

Issue, Description & Background:

Intergovernmental Agreement for the Financing of Community Mental Health Programs (CMHP). PO-44300-00054297

Amendment 1 - award funding for Aid & Assist Fund 804 (Mental Health General Funds) and award funding for new Fund 820 (Civil Commitment) while moving funds from 806 (Mental Health New Investments) to 804 (Mental Health General Funds) and also incorporating language changes to the base CFAA agreement.

Financial Impacts:

Additional incoming funds of \$844,206.47 and reallocation of existing awarded funds.

Impacts to Department & External Agencies:

Health and Human Services anticipates no financial impact to other departments.

List of attachments:

Amendment 1 plus exhibits, Original Agreement

Presenter:

Debbie Wells/Troy Gregg

Department Head Signature:

Contract Review Sheet

Intergovernmental Agreement

HE-6706-26 - Am1

Title: Community Mental Health Programs (CMHP)

Contractor's Name: Oregon Health Authority

Department: Health and Human Services

Contact: Kristina Ballow

Analyst: Chalyce MacDonald

Phone #: (503) 588-5409

Term - Date From: January 1, 2026

Expires: June 30, 2027

Original Contract Amount: \$ 23,827,481.04

Previous Amendments Amount: \$ 0.00

Current Amendment: \$ 844,206.47

New Contract Total: \$ 24,671,687.51

Amd% 4%

Incoming Funds



Federal Funds



Reinstatement



Retroactive



Amendment greater than 25%

Source Selection Method: 50-0010 General Exemptions (IGAs Grants QRFs)

Description of Services or Grant Award

Intergovernmental Agreement for the Financing of Community Mental Health Programs (CMHP). PO-44300-00054297

Amendment 1 - award funding for Aid & Assist Fund 804 (Mental Health General Funds) and award funding for new Fund 820 (Civil Commitment) while moving funds from 806 (Mental Health New Investments) to Fund 804 (Mental Health General Funds) and also incorporating language changes to the base CFAA agreement.

Desired BOC Session Date: 6/17/2026

Contract should be in DocuSign by: 5/27/2026

Agenda Planning Date: 6/4/2026

Printed packets due in Finance: 6/2/2026

Management Update: 6/2/2026

BOC upload / Board Session email: 6/3/2026

BOC Session Presenter(s) Debbie Wells/Troy Gregg

Code: Y

REQUIRED APPROVALS

Chalyce MacDonald

05/12/2026

Finance - Contracts

Date

Kristina Ballow

Kristina Ballow (May 11, 2026 16:16:12 PDT)

05/11/2026

Contract Specialist

Date

Scott A. Norris

Scott A. Norris (May 12, 2026 14:42:15 PDT)

05/12/2026

Legal Counsel

Date

Jan Fritz

Jan Fritz (May 13, 2026 08:20:50 PDT)

05/13/2026

Chief Administrative Officer

Date

In compliance with the Americans with Disabilities Act, this document is available in alternate formats such as Braille, large print, audio recordings, Web-based communications, and other electronic formats. To request an alternate format, please send an e-mail to dhs-oha.publicationrequest@odhsoha.oregon.gov or call 503-378-3486 (voice) or 503-378-3523 (TTY) to arrange for the alternative format.

AGREEMENT # **PO-44300-00054297**

**FIRST AMENDMENT TO
OREGON HEALTH AUTHORITY
2026-2027 INTERGOVERNMENTAL AGREEMENT
FOR THE FINANCING OF COMMUNITY MENTAL HEALTH PROGRAMS**

This **First** Amendment to Oregon Health Authority 2026-2027 Intergovernmental Agreement for the Financing of Community Mental Health Programs effective as of January 1, 2026 (as amended, the “Agreement”), is entered into, as of the date of the last signature hereto, by and between the State of Oregon acting by and through its Oregon Health Authority (“OHA”) and **Marion County** (“**COUNTY**”).

RECITALS

NOW, THEREFORE, in consideration of the premises, covenants and agreements contained herein and other good and valuable consideration the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

AGREEMENT

1. This amendment shall become effective on the last date all required signatures in Section 7., below have been obtained.
2. The Agreement is hereby amended as follows:
 - a. For Services provided on and after the effective date of this amendment, **Exhibit B, “Service Descriptions”** is hereby superseded and restated in its entirety, as set forth in **Exhibit B, “Service Descriptions”**, as set forth in **Attachment 1**, attached hereto and incorporated herein to read as follows: language to be deleted or replaced is ~~struck through~~; new language is in **red and underlined and bold**.
 - b. For services provided on and after the effective date of this amendment, **Exhibit C, “Financial Assistance Award”, “EXPLANATION OF FINANCIAL ASSISTANCE AWARD”** is hereby superseded and restated in its entirety, as set forth in Exhibit B, “Service Descriptions”, as set forth in **Attachment 2**, attached hereto and incorporated herein to read as follows: language to be deleted or replaced is ~~struck through~~; new language is **underlined and bold**.
 - c. Exhibit C, Financial Assistance Award “Financial Pages” is hereby amended as described in **Attachment 3** attached hereto and incorporated herein by this reference. Attachment 3 must be read in conjunction with the portion of Exhibit C of the Agreement that describes the effect of an amendment of the financial and service information.

IN WITNESS WHEREOF, the parties hereto have executed this amendment as of the dates set forth below their respective signatures.

3. Signatures.

Marion County

By:

See County Signature page	Troy Gregg	Interim Administrator	
Authorized Signature	Printed Name	Title	Date

State of Oregon, acting by and through its Oregon Health Authority

By:

Authorized Signature	Printed Name	Title	Date
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Approved by: Director, OHA Health Systems Division

By:

Authorized Signature	Printed Name	Title	Date
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Approved for Legal Sufficiency:

Via e-mail by Lisa Gramp on April 18, 2026; email in agreement file.	
Oregon Department of Justice	Date

**ADDITIONAL MARION COUNTY SIGNATURES FOR
COMMUNITY MENTAL HEALTH PROGRAMS (CMHP) IGA #PO-44300-00054297
HE-6706-26**

**between
MARION COUNTY and OREGON HEALTH AUTHORITY**

**MARION COUNTY SIGNATURES
BOARD OF COMMISSIONERS:**

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Authorized Signature:		05/12/2026
	Department Director or designee	Date

Authorized Signature:	<u>Jan Fritz</u> Jan Fritz (May 13, 2026 08:20:50 PDT)	05/13/2026
	Chief Administrative Officer	Date

Reviewed by Signature:	<u>Scott A. Norris</u> Scott A. Norris (May 12, 2026 14:42:15 PDT)	05/12/2026
	Marion County Legal Counsel	Date

Reviewed by Signature:		05/12/2026
	Marion County Contracts & Procurement	Date

Attachment 1

2026-2027 INTERGOVERNMENTAL AGREEMENT FOR THE FINANCING OF COMMUNITY MENTAL HEALTH PROGRAMS

EXHIBIT B **SERVICE DESCRIPTIONS**

The parties acknowledge and agree that the Financial Assistance provided in this Agreement may not be sufficient to fully provide the Services to all Individuals. Likewise, the parties acknowledge and agree that the Local Plan and Budget, as well as County's CMHP obligations under ORS 430.630, encompass obligations that are not covered by this Agreement. Nothing in this Agreement entitles a third party to enforce its terms.

In addition, OHA acknowledges that County is not a party to the Mink-Bowman litigation. The intention of this Agreement is, consistent with ORS 430.646(1)-(3) and ORS 430.644, to ensure that the Financial Assistance is prioritized for the Service Priorities. In no event will County be required to use funds other than the Financial Assistance to fund the Services in this Exhibit B. Likewise, this Agreement does not create an obligation for County to create residential infrastructure.

County shall provide the Services described in this Exhibit B with the Financial Assistance Award provided by this Agreement, in accordance with the approved Local Plan and corresponding Budget. In providing the Services described in this Exhibit B, County shall follow the Service Priorities identified in Section 2. of this Exhibit B. To the extent that the Service Priorities set forth in Section 2.a. are adequately funded with the Financial Assistance, then, to the extent that Financial Assistance remains available, County shall provide the lower tiered Service Priorities in Section 2. County's compliance with this Exhibit B will be solely determined based on whether: (i) County has an approved Local Plan and Budget; (ii) is in Substantial Compliance with the required metrics for each Core Service Area in consideration of the approved Local Plan and Budget; and (iii) is in Substantial Compliance with the required services section for each Core Service Area in consideration of the approved Local Plan and Budget.

1. **Goals.** The parties agree that the goals of this Agreement are to:
 - a. Provide a coordinated crisis system to all Individuals within the geographic service area of the County(ies).
 - b. Provide individualized services to ensure that people are served in the least restrictive most integrated setting possible allowing Individuals across the lifespan to live as independently as possible.
 - c. Coordinate access to stable housing to prevent Individuals with Behavioral Health Disorders and their families from being unhoused.
 - d. Services address the unique needs of Individuals without regard to race, ethnicity, gender, gender identity, gender presentation, sexual orientation, religion, creed, national origin, age, intellectual and/or developmental disability, IQ score, or physical disability.

- e. Reduce risk of unnecessary emergency department utilization, criminal/legal involvement, and acute psychiatric hospitalizations by providing upstream services.
- f. Provide a trained, competent and compassionate system for Individuals at risk of involuntary civil or forensic commitment that focuses on diversion these services, when appropriate.
- g. Engage, and when appropriate, lead in community efforts that decrease deaths by suicide.
- h. Engage, and when appropriate, lead in community efforts that decrease overdose and overdose deaths.
- i. Engage, and when appropriate, lead in community efforts that decrease unnecessary criminal/legal involvement for Individuals with Behavioral Health Disorders.

2. **Service Priorities.** The Individuals described under each subsection below are listed in no particular order. County shall be in Substantial Compliance with the required metrics and required services under each Core Service Area in consideration of the approved Local Plan and Budget.

a. **County shall give first priority in providing Services to each of the following, based on community need:**

(1) **Aid & Assist – Individuals who the court:**

- (a) Has reason to doubt are fit to proceed by reason of incapacity (as defined in [ORS 161.360](#)) under [ORS 161.365](#);
- (b) Has determined lack the fitness to proceed under [ORS 161.370](#) but has not yet determined what action to take under [ORS 161.370\(2\)\(c\)](#);
- (c) Has found to lack fitness to proceed under [ORS 161.370](#) and are committed to the custody of the superintendent of the Oregon State Hospital (OSH); or
- (d) Has determined lack of fitness to proceed under [ORS 161.370](#) and are ordered to engage in community restoration services.
- (e) Has determined to have no substantial probability of gaining or regaining fitness under [ORS 161.367](#) and who are being discharged to the community.

(2) **Psychiatric Security Review Board (PSRB – Individuals who:**

- (a) Are found guilty except for insanity of a criminal offense under [ORS 161.327](#) or responsible except for insanity under [ORS 419C.529](#); or
- (b) [Are committed as extremely dangerous persons with qualifying mental disorders under ORS 426.701, or recommitted under ORS 426.702.](#)

(3) **Civil Commitment - Individuals who:**

- (a) Are currently committed to OHA for treatment under [ORS 426.130](#) or recommitted to OHA under [ORS 426.307](#);
- (b) Are diverted through the civil commitment process to voluntary treatment, conditional release, outpatient commitment, and assisted outpatient treatment (AOT) as described in [ORS 426.125](#) through [ORS 426.133](#), or [ORS 426.237](#); or
- (c) Require emergency hold, custody, or secure transport services under [ORS 426.228](#), [ORS 426.231](#), [ORS 426.232](#) and [ORS](#)

[426.233](#), or are being held on a warrant of detention pending a civil commitment hearing under [ORS 426.070](#).

- b. **Depending on the availability of funds, County shall give second priority in providing Services to Individuals who are 18 years or older, and have a mental illness(es), including co-occurring mental health and Substance Use Disorders, and who as a result of their symptoms from their mental illness:**
 - (1) Have had law enforcement contact that could have resulted in an arrest, citation, booking, criminal charge, or transport to jail, but have instead been referred to County for Services;
 - (2) Are in jail and are in need of mental health treatment; or
 - (3) In the previous six months, have been twice detained on an emergency hold under [ORS 426.232](#) or on a warrant of detention under [ORS 426.070](#) but have not yet, as a result, been civilly committed.
- c. **Depending on the availability of funds, County shall give third priority in providing Services to all other Individuals, who do not otherwise qualify under Subsection 2.a and 2.b of Exhibit B, who:**
 - (1) Are at immediate risk of hospitalization for the treatment of Mental or Emotional Disturbances, or are in need of Services to avoid hospitalization or posing a health or safety risk to themselves or others;
 - (2) Are under 18 years of age who, in accordance with the assessment of professionals in the field of mental health, are at immediate risk of removal from their homes for treatment of Mental or Emotional Disturbances or exhibit behavior indicating high risk of developing disturbances of a severe or persistent nature;
 - (3) Because of the nature of their mental illness, their geographic location or their family income, are least capable of obtaining assistance from the private sector; or
 - (4) In accordance with the assessment of professionals in the field of mental health, are experiencing Mental or Emotional Disturbances but will not require hospitalization in the foreseeable future.
- d. **Depending on the availability of funds, County shall give fourth priority in providing Services to all other Individuals who do not otherwise qualify under Subsections 2.a through 2.c of Exhibit B, and who have or are at risk of developing a Mental or Emotional Disturbance or Substance Use Disorder.**

3. **Core Service Areas**

a. **System Management and Coordination**

(1) **Planning and Service Delivery**

- (a) **Description:** County is responsible for developing a comprehensive Local Plan that describes how County will deliver mental health Services for Individuals that are responsive to the needs of Individuals in their community, as described in [ORS 430.630\(9\)](#).
- (b) **Population:** County shall provide a delivery system for Services responsive to Individuals with Behavioral Health needs in their geographic service area, which specifically addresses the needs of Individuals described in Section 2.a of Exhibit B.

(c) Required Services: County shall:

- i. Establish and maintain a structure for meaningful system design and oversight of Services funded with the Financial Assistance;
- ii. Submit a comprehensive Local Plan, consistent with [ORS 430.630\(9\)](#) and this Agreement;
- iii. Implement the delivery of Services as described in the County's Local Plan approved by OHA;
- iv. Monitor the delivery of Services described in the County's Local Plan approved by OHA;
- v. Evaluate delivery of Services described in the County's Local Plan approved by OHA;
- vi. Ensure adequate administrative support for:
 - A.** Activities related to contract negotiation, administration, and monitoring as needed to meet the Service needs of Individuals receiving Services under this Agreement;
 - B.** Data collection, performance measurement, and reporting;
 - C.** Activities to support the County's mental health advisory committee required in [ORS 430.630\(7\)](#); and
 - D.** Activities to support collaboration in new developments for residential treatment, foster homes, crisis stabilization centers supported housing, and independent living resources.
- vii. Provide complex case consultation, care coordination, and transition coordination as appropriate to the needs, preferences, and choices of each Individual including, but not limited to:
 - A.** Coordination of Services not funded by Medicaid;
 - B.** Providing assistance to interested Individuals in applying for public assistance, medical assistance, and any other state or federal benefits that they may be eligible for;
 - C.** Collaborate with OSH, OHA, or ODHS to verify that entitlement enrollments (e.g. Medicaid, Medicare, SSI/SSDI) are in place and anticipated to be active upon discharge from a community hospital, residential treatment program, or OSH.
 - D.** Facilitate access to quality, individualized community-based Services so that Individuals are served in the most integrated, least restrictive setting possible.

(d) Other Allowable Services (Subject to Availability of Funds):

County may provide:

- i. Public education and information related to Behavioral Health.
- ii. Guidance and assistance to other human Service agencies for joint development of prevention programs and activities

to reduce factors causing alcohol abuse, alcoholism, drug abuse and drug dependence.

iii. In the event of a disaster declaration, disaster response, crisis counseling Services to include responding to local disaster events by:

A. Providing Crisis counseling and critical incident stress debriefing to disaster victims; police, firefighters and other “first-responders”; disaster relief shelters; and the community-at-large.

B. Coordinating crisis counseling Services with County Emergency Operations Manager (CEOM); and providing crisis counseling and stress management Services to Emergency Operations Center staff according to agreements established between the County and CEOM.

C. Assisting other counties in the provision of these Services as part of a mutual aid agreement.

(e) **Required Metrics:** County shall be in Substantial Compliance with all reporting deadlines associated with the Local Plan and as otherwise noted in this Agreement.

(2) **Protective Services:**

(a) **Description:** Protective services are the necessary actions taken by the County to prevent abuse or exploitation of an adult, to prevent self-destructive acts, and to safeguard the adult’s person, property and funds, including petitioning for a protective order as defined in [ORS 125.005](#).

(b) **Population:**

i. Adults with severe and persistent mental illness who receive mental health treatment from a community program as defined in [ORS 430.735](#). Services may be provided posthumously in the event a person who would otherwise be eligible if living was reported to have died in a manner other than natural or accidental means.

ii. Severe and Persistent Mental Illness has the meaning set forth in [OAR 419-110-0010](#)

iii. The prioritization categories, described in Section 2 of [Exhibit B](#), do not apply to Protective Services.

(c) **Required Services:** County shall provide protective services as described in [OAR Chapter 419 Division 110](#), and ensure they are completed in the least intrusive manner feasible and support the greatest level of independence.

b. **Crisis Services**

(1) **Description:** Crisis services are designed to prevent or ameliorate a Behavioral Health crisis or reduce acute symptoms of a mental illness or a Substance Use Disorder.

(2) **Population:** Individuals experiencing a Behavioral Health crisis as defined by [OAR 309-023-0110](#). The prioritization categories, described in Section 2 of [Exhibit B](#), do not apply to crisis services.

- (3) **Required Services:** County shall provide or ensure provision of mobile crisis intervention services (MCIS) and mobile response and stabilization services (MRSS) delivered in accordance with [OAR Chapter 309 Division 72](#) as may be revised from time to time.
- (4) **Other Allowable Services (Subject to Availability of Funds):** To the extent that MCIS and MRSS Services are in Substantial Compliance with [OAR Chapter 309 Division 72](#), as may be revised from time to time, funds may also be allocated to support the following Services provided at a certified location:
 - (a) Crisis stabilization centers operated in accordance with [OAR Chapter 309 Division 73](#) as may be revised from time to time.
 - (b) Walk-in Crisis Services: Outpatient clinics that operate for walk-in visits with no appointment needed for immediate mental health and substance use support during day hours. Services may include, but are not limited to:
 - i. Screening;
 - ii. Assessment;
 - iii. Brief intervention;
 - iv. Prescribing capabilities; and
 - v. Referrals and linkages to longer term Services.
 - (c) Crisis line services provided in accordance with [OAR 309-019-0300](#), as may be revised from time to time.
- (5) **Required Metrics:** County shall be in Substantial Compliance with the following requirements:
 - (a) MCIS and MRSS responses are conducted within the timelines required in [OAR Chapter 309 Division 72](#).
 - (b) Individuals receiving an MCIS response are contacted (or contact attempts are made and documented) for follow-up within 72 hours of the MCIS response.
 - (c) Adults receiving MCIS receive the Services necessary to remain in the community following the initial MCIS response.
 - (d) Youth receiving MRSS receive the Services necessary to remain in the community following the initial MRSS response.
 - (e) Youth are screened for stabilization services following the initial MCIS response.
 - (f) Youth and families that consent to stabilization services are enrolled in stabilization services.
 - (g) Youth enrolled in stabilization services are referred to the recommended ongoing Services prior to discharge from stabilization services.

c. **Forensic & Involuntary Services**

- (1) **Aid and Assist and Competency Restoration Services:**
 - (a) **Description:** Competency restoration services are provided to assist Individuals in gaining or regaining their competency in the most integrated, least restrictive setting possible. Competency restoration services, for Individuals found unable to aid and assist in their own defense, are provided either in the community or at OSH. Services include, but are not limited to, community transition planning, treatment designed to restore competency, placement in

appropriate community-based care, monitoring and coordination of Services, coordination with providers and the court, and periodic assessment of the Individual's fitness to proceed.

(b) Population: Individuals who are described in Subsection 2.a(1) of Exhibit B.

(c) Required Services: County shall:

- i. Ensure that community consultations are conducted as required in [OAR 309-088-0125](#);
- ii. Provide community restoration services as defined in [OAR 309-088-0115](#) including, but not limited to:
 - A.** Competency restoration services as defined in [OAR 309-088-0115](#);
 - B.** Forensic care coordination as defined in [OAR 309-088-0115](#); and
 - C.** Supportive services as defined in [OAR 309-088-0115](#) necessary to support community integration.
- iii. Provide competency restoration services during commitment at OSH including, but not limited to:
 - A.** Community transition planning defined in [OAR 309-088-0115](#);
 - B.** Forensic care coordination defined in [OAR 309-088-0115](#); and
 - C.** If applicable, the plan of resolution described in Exhibit D.
- iv. Ensure compliance with [OAR 309-088-0130](#) including, but not limited to:
 - A.** Developing within 30 calendar days of admission and updating at least once every 30 calendar days a community transition plan for the Individual in the least restrictive, most integrated setting appropriate to meet the Individual's Behavioral Health needs, preferences, choices, and strengths;
 - B.** Have both a primary community transition plan and at least one backup community transition plan;
 - C.** In developing the community transition plan, County shall be primarily guided by the State Hospital's treating clinical team's recommendations. County may provide information to the State Hospital's treating clinical team to inform their recommendations.
 - D.** The community transition plan must provide information about the availability of the State Hospital treating clinical team's clinical recommendations in the community, including any reasonable and clinically appropriate alternatives if the State Hospital

treating clinical team's clinical recommendations are not present or available in the community.

E. Completion or coordination of any referrals, screenings, or other work to implement the community transition plan: and

F. Monitoring the status of any referrals, screenings, or other work to implement the community transition plan.

G. At least every 30 calendar days, County staff are required to:

I. Meet with the hospital to facilitate an effective transition back to the community. These meetings are required to create, update, or implement a community transition plan that aligns with the Individual's specific treatment needs outside of a hospital level of care setting. These meetings must include, but are not limited to:

- (A)** Attending Treatment Team meetings; or
- (B)** Speaking with the assigned qualified mental health professional (QMHP).

II. Meet with the Individual (in-person or by phone call or video conference) to discuss transition planning and treatment available in the community. These meetings also help with creating, reviewing, updating or implementing a community transition plan.

III. Determine whether community restoration services have become present and available. Consulting with Providers, agencies, CCOs, exceptional needs care coordinators (ENCCs), and Tribes (if applicable) helps to inform the 30-day review.

v. After OSH issues notice that an Individual is ready to place (RTP) under [ORS 161.371\(3\)\(a\) or \(4\)\(a\)](#), and the court orders a community consultation, County shall:

A. Attempt to consult with the Individual and with any local entity that would be responsible for providing community restoration services, if the Individual were to be released in the community, to determine whether community restoration services are present and available in the community;

B. Identify appropriate Providers that are able to meet the Individual's Behavioral Health needs and willing to

provide that care, treatment, and Services to the Individual;

- C.** Identify Providers and planning for a community restoration placement, primarily guided by the level of Services, supervision or type of placement identified by OSH in its RTP notice, and advise whether those resources are present and available in the community;
- D.** Coordinate access to Services provided in the least restrictive and most integrated setting appropriate to meet the Individual's Behavioral Health needs;
- E.** Facilitate timely discharge from OSH and diversion from placement at a secure residential treatment facility (SRTF) when consistent with the level of Services, supervision or type of placement identified by OSH in its RTP notice, whenever possible;
- F.** Obtain any necessary approvals from the Provider to allow admission, if it is a residential placement;
- G.** Continue to send referrals to Providers until the Individual is accepted and can be immediately placed unless otherwise ordered by the court, if and when the court orders community restoration for the Individual;
- H.** Complete the standardized consultation report template available at <https://www.oregon.gov/oha/osh/legal/pages/information-mental-health-providers.aspx>; and
- I.** Within five judicial days, provide a copy of the consultation to OHA at aidand.assistadmin@odhsoha.oregon.gov, the court and OSH if applicable at cmhp.consults@odhsoha.oregon.gov.
- J.** If the court does not discharge the Individual from OSH due to a lack of an available and appropriate Provider, continue to send referrals and update the community transition plan until the Individual is discharged from OSH, collaborating with the extended care management unit (ECMU) unless otherwise ordered by the court.

vi. County shall provide Services to youth under juvenile fitness to proceed who the court:

- A.** Has determined lack of fitness to proceed as defined in [ORS 419C.378](#) and court has ordered into an OHA designated facility for restoration services.

- B.** Services include case management and placement in appropriate community-based care.
- vii.** As directed by OHA, County shall attend and participate in weekly ECMU care coordination meetings and collaborate with ECMU staff to:
 - A.** Facilitate timely Client transition across the residential system from OSH to supported housing.
 - B.** Facilitate effective utilization of Services and facility-based care in the community.
 - C.** Collaborate with care coordination teams and other state agencies as necessary to secure placements that meet individual Client needs.
 - D.** Begin discharge planning to more integrated settings as soon as an Individual is admitted to OSH, SRTF, RTF settings.
 - E.** Make referrals to the most integrated settings appropriate for the Individual's assessed needs and level of care.
 - F.** Assist in identification of financial alternatives for Individuals who are over resourced for Medicaid.
- viii.** Participate in OSH interdisciplinary meetings for each Individual within the County's Service area to update the discharge plan and to coordinate appropriate community-based Services.
- ix.** For Individuals receiving community restoration services, County shall coordinate the Individual's Behavioral Health and medical treatment in the community:
 - A.** Attempt to conduct an individualized assessment of the Individual and develop a treatment Service plan in coordination with the Individual's Provider and consistent with any court-ordered conditions; If the Individual does not participate in the initial assessment, continued efforts should be made to engage with the Individual to complete the assessment and develop a treatment Service plan;
 - B.** Monitor the care, custody, and treatment of the Individual while on community restoration;
 - C.** Monitor the Individual's progress in their treatment Service plan, and identify when the Individual may receive Services in a lower level of care and report that to the court;
 - D.** Ensure treatment Service planning continues throughout the Individual's receipt of Services with the goal of the Individual receiving Services in the lowest

level of care that will maintain their mental and physical health long term;

E. Provide care coordination to facilitate ongoing communication and collaboration to meet the Individual's needs, such as:

- I. Facilitating communication between natural supports, community resources, Providers, agencies (if eligible for APD or I/DD Services) and CCOs (if an enrolled member);
- II. Organizing, facilitating and participating in client staffing meetings;
- III. Providing for continuity of care by creating linkages to and managing transitions between levels of care;
- IV. Coordinating or providing transportation to and from the forensic evaluations and court appearances in this case; and
- V. Communication of court ordered requirements, limitations, and court dates to the defendant.

F. Provide coordination and consultation to the jurisdictional court or other designated agencies within the criminal justice system and OSH while the Individual is residing in the community and in the process of being returned to fitness. Services include, but are not limited to:

- I. Coordination of the periodic assessments of the Individual's fitness to proceed as required in OAR Chapter 309 Division 88;
- II. Collaboration and coordination with community corrections;
- III. Consultation to the county mental health court, if mental health court is available in the Service area;
- IV. Participation in mental health and law enforcement collaboration meetings; and
- V. Communication of court ordered requirements, limitations, and court dates.

G. Provide status reports as required in OAR Chapter 309 Division 88 to the appropriate court on the Individual's:

- I. Compliance or non-compliance with their conditional release requirements; and
- II. Progress in gaining or regaining fitness to proceed;

- H. Notify the court if the Individual gains or regains fitness to proceed, and develop a transitional treatment Service plan for that Individual;
 - I. Provide interim quarterly reports for the purpose of communicating current status of Individuals to OHA and the court of jurisdiction;
 - J. Provide community restoration Services, which are necessary to safely allow the Individual to gain or regain fitness to proceed in the community; and
 - K. Coordinate transition from forensic services for Individuals discharging from community restoration.
- x. When appropriate, County shall attempt to enter into a Memoranda of Understanding (MOU) between law enforcement agencies, jails, circuit and municipal courts, local mental health providers, and other parties involved in the referral and treatment of Individuals receiving aid & assist Services, that outline:
 - A. Roles of each entity;
 - B. Sequence and protocols of forensic diversion model including referral process;
 - C. Data sharing agreements;
 - D. Communication and reporting;
 - E. Confidentiality agreements; and
 - F. Individual rights while receiving diversion Services.
- (d) **Other Allowable Services (Subject to Availability of Funds):** County may coordinate the transition from forensic services for Individuals described in Subsection 2.b of Exhibit B.
- (e) **Required Metrics.** County shall be in Substantial Compliance with the following requirements:
 - i. Individuals under aid & assist orders or transitioning from OSH or jails are referred to community navigator services.
 - ii. Individuals under aid & assist commitment orders on the OSH waitlist are screened for forensic diversion services.
 - iii. Individuals under aid & assist orders at OSH who have been found ready to place will have a completed community transition plan by the time the community consult is sent to the court.
 - iv. All reports associated with aid & assist populations are completed and returned to OHA as required in [OAR Chapter 309 Division 88](#).
- (2) **Monitoring, Security and Supervision Services for Individuals Under the Jurisdiction of the Psychiatric Security Review Board (PSRB)**
 - (a) **Description:** Monitoring, security, and supervision Services delivered in accordance with [OAR 309-019-0160](#).
 - (b) **Population:** Individuals who are described in Subsection 2.a(2) of Exhibit B.

(c) Required Services: County shall:

- i. Complete requests for evaluation order as required by [OAR 309-019-0160](#);
- ii. Provide supervision and urinalysis drug screen consistent with the requirements of the PSRB Conditional Release Order;
- iii. Coordinate with OSH and OHA (e.g. Civil, ECMU, aid & assist), a hospital, or facility designated by OHA on transition activities related to conditional release of an Individual to the community;
- iv. Provide intensive case management for identified programs at approved budgeted rates;
- v. Complete administrative activities related to the monitoring services described above, including but not limited to:
 - A.** Reporting of the Individual's compliance with the conditional release requirements, as identified in the order for conditional release, through monthly progress notes to the PSRB;
 - B.** Providing interim reports for the purpose of communicating the current status of an Individual to the PSRB;
 - C.** Submitting requests for modifications of conditional release orders to the PSRB;
 - D.** Implementing board-approved modifications of conditional release orders;
 - E.** Implementing revocations of conditional release due to violation(s) of conditional release orders and facilitating readmission to OSH or facility designated by OHA;
 - F.** Contacting the Individual when County is notified by the law enforcement data system that the Individual under the jurisdiction of PSRB has had an encounter with a law enforcement agency; and
 - G.** Completion of the annual comprehensive review of supervision and treatment services to determine if significant modifications to the conditional release order should be requested from the PSRB.
 - H.** Utilize an OHA approved risk assessment tool for the purposes of providing structured risk feedback to the PSRB, inclusion in the annual comprehensive review, and in determining security payment rates; and
 - I.** Report to OHA in writing to the GEI Coordinator at oha.gei.coordinator@odhsoha.oregon.gov the next business day, when there is concern that the County cannot provide the appropriate care and supervision

that is needed for an Individual as stated in the conditional release plan. This concern and the communication with OHA must be documented in the Individual's Service record.

- vi. Providing expert witness testimony to the PSRB from both the case monitor and a licensed medical professional who can speak to the Individual's current treatment regimen, including psychotropic medications;
 - vii. Completion of evaluation reports and the summary of conditions of release plan, if the Individual is accepted to a placement, as required [by OAR 309-019-0160](#);
 - viii. Completion of monthly reports as required [by OAR 309-019-0160](#);
 - ix. Completion of annual comprehensive reviews as required [by OAR 309-019-0160](#); and
 - x. Coordinating transition from forensic services for Individuals ending jurisdiction under the PSRB within six months of termination.
- (d) **Required Metrics:** County shall be in Substantial Compliance with the following requirements:
- i. Conditional release evaluations for GEIs are completed and submitted within 30 calendar days of receiving the orders.
 - ii. PSRB monthly reports are submitted to PSRB as required [by OAR 309-019-0160](#);
 - iii. Comprehensive annual reviews are submitted to OHA as required [by OAR 309-019-0160](#);
 - iv. Treatment plans are reviewed and updated within 364 calendar days of the previous plan.
 - v. OHA approved risk assessments are updated within 180 calendar days of the previous assessment.

(3) Civil Commitment Services

- (a) **Description:** Civil commitment services include pre-commitment services, placement and post-commitment activities, and outreach and stabilization activities.
- (b) **Population:** Individuals who are described in Subsection 2.a(3) of Exhibit B.
- (c) **Required Services:** County shall:
 - i. **Provide pre-commitment services including:**
 - A.** Providing notice as required under [ORS 426.070](#), [ORS 426.233](#), [ORS 426.234](#), and [ORS 426.235](#);
 - B.** Notifying and directing approved persons or peace officers to take custody and transport Individuals when appropriate;
 - C.** Completing reporting and filing requirements relevant to authorized involuntary Services pursuant to [ORS](#)

- Chapter 426 such as custody, admission to nonhospital facilities, and Notices of Mental Illness;
- D.** Receiving Notices of Mental Illness submitted from the community under ORS 426.070 and from the circuit courts under ORS 426.070 and ORS 426.234;
- E.** Overseeing the placement and transfer of Individuals during the pre-hearing period of detention, including providing or arranging for transportation;
- F.** Having a certified mental health investigator initiate and conduct a prehearing investigation, within applicable statutory timeframes, pursuant to ORS 426.070, ORS 426.074, ORS 426.180, ORS 426.200 and OAR 309-033-0920 through OAR 309-033-0940;
- G.** Providing notices required in ORS Chapter 426 and OAR Chapter 309 Division 33 for Individuals eligible for diversion from civil commitment.
- H.** Monitor the Individual's cooperation with the provider's treatment plan throughout and move for a hearing, as appropriate, if the Individual disengages or requests to discharge.
- I.** Writing and submitting an investigation report as required under ORS 426.070, including a recommendation to the court to pursue or not pursue a civil commitment hearing, or to pursue a hearing for AOT;
- J.** Developing a person-centered treatment plan that is in the least restrictive, most integrated setting appropriate to meet the Individual's Behavioral Health needs, preferences, choices, and strengths, and addresses risk and protective factors;
- K.** Monitoring the person's progress in completing the treatment plan and provide regular and as-requested updates to the court, including making requests for the appointment of a guardian ad litem when indicated; and
- L.** Provide linkage to Services that enhance Individuals' life skills abilities including money management, nutrition, hygiene and personal care, shopping, social skills, and cooking.
- ii.** Provide placement and post-commitment Services including:
 - A.** In providing recommendations, County shall ensure Individuals:
 - I.** Are recommended for Services in the least restrictive, most integrated setting appropriate

- to meet the Individual's Behavioral Health needs;
- II. Are certified for diversion or recommended for AOT whenever appropriate and feasible;
- III. Are diverted from placement in OSH, community hospitals or SRTFs whenever possible; and
- IV. Are considered for alternatives to inpatient placement such as voluntary treatment, conditional release, outpatient commitment, and, if already in an inpatient setting, trial visit;
- B.** Ensure that transition planning begins with intake and that the Individual is considered for initial outpatient commitment placement whenever appropriate;
- C.** Ensure the placement of Individuals with an appropriate provider in the least restrictive, most integrated setting appropriate to meet the Individual's Behavioral Health needs, preferences, choices and strengths;
- D.** Issue a written placement order immediately upon the civil commitment of the Individual and as required by [OAR 309-033-0290](#) thereafter. Submit completed placement orders to OHA as required by [OAR 309-033-0290](#);
- E.** Monitor the Individual's progress in their placement, and identify when the Individual may benefit from a more integrated, less restrictive level of care, up to and including independent living, attributable to symptom improvement; discharging from a facility and accessing more integrated community-based resources and treatment; or discharging from civil commitment because the Individual is no longer a person with mental illness or the Individual's best interest is to transfer to a voluntary status;
- F.** Monitor the Individual's progress while placed in an inpatient setting and assess for readiness to step-down on a trial visit or discharge from civil commitment;
- G.** Monitor Individual's progress while placed on outpatient commitment and assess for readiness to discharge for civil commitment;
- H.** Establish conditions of placement prior to placement on outpatient commitment or trial visit in accordance with [ORS 426.127](#), [ORS 426.273](#), and [ORS 426.278](#);

- I.** Support the Individual in adhering to the conditions of placement and completing the court requirements associated with the order for treatment if the Individual is placed in the community. This may include modifying conditions of placement as indicated in accordance with [ORS 426.273\(5\)](#) and [ORS 426.275\(3\)](#);
- J.** Provide notice to the court when the Individual is not adhering to the conditions of placement and when a revocation hearing is being requested. Complete revocation processes as indicated in [ORS 426.275](#) and [OAR 309-033-0320](#);
- K.** Facilitate communication between and collaborate with the Individual, family, natural supports, community resources, providers, ODHS if eligible for Aging and People with Disabilities (APD) or Intellectual and Developmental Disabilities (I/DD) Services and the courts (when applicable); and
- L.** If discharging the Individual from civil commitment prior to the expiration date of the civil commitment order, file a written certificate discharging the Individual early from civil commitment pursuant to [ORS 426.300](#) with the last committing court and the court in the county of residence.

(d) Other Allowable Services (Subject to Availability of Funds).

The County may provide outreach and stabilization services, which include:

- i.** Establishing practices and procedures to identify Individuals within the Service area who are eligible for outreach and stabilization services in order to prevent or divert from civil commitment Services;
- ii.** Providing community-based supportive engagement with Individuals with aim of establishing rapport, identifying chronic needs resulting in multiple custodies, detentions, or holds; and proactively engaging in low barrier Services to reduce crisis episodes, access longer term benefits, and prevent civil commitments.
- iii.** Facilitating communication between and collaborate with the Individual, family, natural supports, community resources, providers, ODHS if eligible for APD or I/DD services and the courts (when applicable);
- iv.** Supporting Individuals access to and assistance in completing a Declaration for Mental Health Treatment (DMHT) including coordinating with providers to have the DMHT made part of the medical record; and

- v. Removing barriers to support the life skills development needed for the Individual to live as independently as possible in the community, including but not limited to providing assistance in navigating communities safely, managing prescriptions and health-related needs, shopping, hobbies and social engagement, housekeeping, laundry, and paying bills.
- (e) **Required Metrics:** County shall be in Substantial Compliance with the following requirements:
 - ~~i. Individuals transitioning from OSH are referred to community navigator services.~~
 - ii. i. Individuals under civil commitment will be provided a blank DMHT and offered the opportunity to complete one within 30 calendar days of being transferred to County's supervision.
 - iii. ii. All reports associated with civil populations are completed and returned to OHA as required in [OAR Chapter 309 Division 33](#).
- (4) **Forensic Diversion Services**
 - (a) **Description:** Services designed to address Behavioral Health Disorders contributing to criminal behavioral and reduce unnecessary criminal justice involvement.
 - (b) **Population:** Notwithstanding Section 2 of Exhibit B, the County shall prioritize providing forensic diversion services to:
 - i. Individuals described in Subsections 2.a and 2.b in [Exhibit B](#);
 - ii. Individuals on the OSH aid & assist waitlist;
 - iii. Individuals the court has ordered to be evaluated under [ORS 161.365 or ORS 161.370](#) and are in jail; and
 - iv. Individuals who the court has determined lack trial competency under [ORS 161.370](#) at least twice in the preceding 24 months.
 - (c) **Required Services:** County shall:
 - i. Provide Behavioral Health treatment Services in accordance with [ORS 430.450](#), [ORS 430.490-430.515](#), and [ORS 430.630](#);
 - ii. Designate a forensic jail liaison(s) to coordinate with the jail, court and health care delivery system to screen defendants who may be suitable for diversion from jail and OSH. The liaison shall:
 - A.** Attempt to complete a Behavioral Health screening and, if the screening indicates further referrals, assessment and treatment are necessary, then attempt to coordinate them;
 - B.** Identify jail and OSH diversion resources, including but not limited to:
 - I.** Community-based placement resources;

- II. Outpatient Behavioral Health services; and
 - III. Other basic needs and supports.
- C.** Identify those Individuals who a certified forensic evaluator has determined does not need hospital level of care or the CMHP has determined may be appropriate for community placement, and attempt to develop a community transition plan;
- D.** Facilitate communication with the court to discuss all potential actions such as: dismissal, commitment, community restoration, referral to OSH for each case;
- E.** Coordinate rapid forensic evaluations;
- F.** Coordinate with other programs such as aid and assist, civil commitment, PSRB, and crisis services; and
- G.** Coordinate with the jail medical staff to ensure continuity of care for Individuals known to County, including ensuring transmission of medication information and other treatment needs.
- iii. Use the [“Sequential Intercept Model”](#) (SIM) to identify and intervene upon “points of interception” or opportunities for interventions to prevent Individuals from entering or penetrating deeper into the criminal legal system. Regardless of the intervention point, forensic diversion treatment Services include:
 - A.** Providing voluntary, person-centered case planning;
 - B.** Coordinating access to outpatient behavioral health treatment, housing, vocational, educational, and other Services;
 - C.** Providing support Services to prevent or curtail relapses and other crises;
 - D.** Supporting Individuals in their criminal justice obligations and navigating the court and legal system, which may include liaising with attorneys if applicable; and
 - E.** Promoting peer support and the social inclusion of Individuals with or in recovery from Behavioral Health Disorders in the community.
- iv. Facilitate communication between and collaborate with the Individual, family, natural supports, community resources, providers, ODHS if eligible for APD or I/DD services and the courts (when applicable).
- (d) Required Metrics:** County shall be in Substantial Compliance with the following requirements:
 - i. Attempt to contact and complete a Behavioral Health screening for Individuals who are described above in

Subsection (4)(b) of this Exhibit B:

- A.** Within 7 business days of the applicable court order;
or
- B.** Within 7 business days of the court, CMHP, a party,
or OHA identifying the Individual as someone who the
court determined lacked trial competency under ORS
161.370 at least twice in the preceding 24 months;
and

- ii. Develop a transition plan for Individuals, who a certified forensic evaluator has determined does not need hospital level of care or the CMHP has determined may be appropriate for community placement, within 14 calendar days of that determination. The transition plan must align with the least restrictive, most integrated setting appropriate to meet the Individual's Behavioral Health needs, preferences, choices, and strengths, and addresses risk and protective factors.

d. Outpatient & Community-Based Support Services

(1) General Outpatient & Community-Based Support Services

- (a) **Description:** A range of Services necessary to ensure that Individuals receive the appropriate level of care in the most integrated setting, based on their needs, to facilitate recovery and enhance overall well-being.
- (b) **Population:** Individuals with a Mental or Emotional Disturbance or a Substance Use Disorder, subject to the prioritization described in Section 2. of Exhibit B.
- (c) **Required Services:** County shall provide or ensure provision of:
 - i. **Early Assessment and Support Alliance (EASA).**
 - A.** Provide EASA services, delivered in accordance with the fidelity standards located at <https://easacommunity.org/pro-resource/practice-guidelines/>, for Individuals ages 12 through 30 years of age whom:
 - I. Have not had a diagnosable psychotic disorder other than psychosis-risk syndrome, identified by the structured interview for psychosis risk syndrome or other EASA Center for Excellence approved formal assessment, for a period longer than 12 months; and
 - II. Have psychotic symptoms not known to be caused by the temporary effects of substance intoxication, major depression, or attributable to a known medical condition.
 - B.** Upon referral to EASA, contact shall be made within two (2) business days of the referral by EASA staff with the referent, the Individual, and the Individual's family in a location that best suits the Individual.

- Individuals are enrolled in EASA once they are determined to have met the eligibility criteria. The referent and/or the Individual and their family are provided crisis resources and tailored psychoeducation upon first contact;
 - C.** Ensure that EASA Services are rendered based on the needs of the Individual and their family as frequently as needed to optimize the EASA program's support and impact on short- and long-term outcomes; and
 - D.** Provide access to crisis Services for Individuals enrolled in EASA and their family and primary supports.
 - ii. **Outpatient Programs:** Ongoing treatment delivered in a community setting including, but not limited to:
 - A.** Individual therapy;
 - B.** Group therapy;
 - C.** Medication management;
 - D.** Skills training; and
 - E.** Case management.
 - iii. **Intensive Outpatient Programs:** Structured programs that provide more frequent and intensive therapy while allowing Individuals to live at home. Typically, these programs involve several hours of treatment per week. Intensive outpatient programs may include, but are not limited to, Services such as assertive community treatment (ACT) delivered in accordance with [OAR 309-019-0225 through 309-019-0255](#).
 - iv. **Aftercare and Recovery Support:** Ongoing support Services to help Individuals maintain their recovery and reintegrate into the community including, but not limited to:
 - A.** Educational and vocational supports;
 - B.** Recovery coaching; and
 - C.** Relapse prevention programs.
 - v. **Services to Remove Barriers to Community-Based Care:** Financial Assistance made on behalf of an Individual with a Behavioral Health Disorder which may include, but is not limited to:
 - A.** Phone or internet bills;
 - B.** Transportation;
 - C.** Interpreter services;
 - D.** Medical services and medications; ~~and~~ **or**
 - E.** Costs associated with obtaining or continuing representative payee or guardianship services.
- (d) **Other Allowable Services (Subject to Availability of Funds):** County may provide:

- i. **Early Intervention:** Services that identify and address mental health or substance use issues at an early stage, often involving screening and brief interventions.
 - ii. **Partial Hospitalization Programs/Day Treatment:** A step between inpatient care and outpatient treatment, providing a higher level of care with daily programming while allowing Individuals to return home in the evenings.
 - iii. **Peer Delivered Services:** Community-based Services provided by peer support specialists, peer wellness specialists, family support specialists, and recovery mentors to Individuals or family members with similar lived experience. These Services are intended to support Individuals and families to engage Individuals in ongoing treatment and to live successfully in the community.
 - iv. **Care Coordination:** A process-oriented activity to facilitate ongoing communication and collaboration to meet multiple needs including facilitating communication between natural supports, community resources, and involved providers and agencies; organizing, facilitating, and participating in client staffing meetings; and providing for continuity of care by creating linkages to and managing transitions between levels of care.
 - v. **Case Management:** Services to assist Individuals to connect to and gain access to needed Services outlined in an Individual intervention plan; Substance Use Disorder treatment, health care, housing, employment and training, childcare and other applicable Services.
 - vi. **IPS Supported Employment** delivered in accordance with [OAR 309-019-0270 through 309-019-0295 or other evidence-based vocational supports](#).
 - vii. **Supported Education** delivered in accordance with SAMHSA's Best Practices available at: <https://store.samhsa.gov/sites/default/files/d7/priv/sma11-4654-buildingyourprogram-sed.pdf>.
- (e) **Required Metrics:** County shall be in Substantial Compliance with the following requirements:
- i. Individuals are offered an appointment with a licensed medical provider within seven (7) business days of enrollment in EASA.
 - ii. Individuals enrolled in EASA are offered supported employment or supported education services.
 - iii. Individuals enrolled in EASA and their families will have access to structured family psychoeducational groups.

- iv. Adults with mental illness enrolled in Services are screened for potential home and community-based services eligibility and are referred when indicated.
- v. New mental illness or Substance Use Disorder diagnoses are followed up by treatment within 14 calendar days of initial diagnosis.
- vi. New mental illness or Substance Use Disorder diagnoses are followed up by two engagement visits or medication treatments within 30 calendar days of initial treatment.
- vii. A letter of acceptance and entry is sent to Individuals deemed eligible for Assertive Community Treatment as required by [OAR 309-019-0248](#).

(2) Gero-Specialist Services:

- (a) **Description:** Specialized geriatric Services.
- (b) **Population:** Older or disabled adults subject to the prioritization described in Section 2. of [Exhibit B](#).
- (c) **Required Services:** County shall:
 - i. Provide direct care Services that are either supervised or delivered by a QMHP as defined in [OAR 309-019-0105](#), including, but not limited to:
 - A. Quarterly interagency staffing;
 - B. Follow-up Services after treatment in local or state inpatient psychiatric hospitals; and
 - C. Screening and referrals.
 - ii. Collaborate and coordinate with APD, ODHS's Aging and Disabilities Resource Connection, ODHS's Adult Protective Services, CCOs, CMHPs, acute care hospitals, OSH, caregivers, community partners, family members, and any other appropriate participants in an Individual's care.
 - iii. Provide at least one workforce development training in geriatric Behavioral Health competencies each quarter. Trainings must include a competency confirmation ~~verified by the gero-specialist~~ including, but not limited to a certificate of attendance; and must be provided to a wide cross section of professionals, paraprofessionals, and volunteers using a variety of modalities such as:
 - A. Virtual webinars developed by OHA;
 - B. Team meetings,
 - C. Seminars, conferences, or symposiums;
 - D. Community of practice or learning collaboratives; or
 - E. Other community training forums.
 - iv. Provide complex case consultation and system navigation whether planned through a multidisciplinary team that meets regularly, ad hoc or crisis, or having regular office hours with

- APD/AAA to provide consultation to their case management staff; and
 - v. Provide consultation to key teams within the CMHP including, but not limited to, ACT, forensic services, SUD services, and crisis services. Regular complex care consultation meetings should include short didactic learning sessions on key Behavioral Health competencies.
 - (d) **Other Allowable Services (Subject to Availability of Funds):** County may provide indirect care Services including, but not limited to:
 - i. Consultation;
 - ii. Assistance working with multiple systems;
 - iii. Case coordination and planning;
 - iv. Supporting interagency collaboration; and
 - v. Education and training to agencies and caregivers who provide Services that may affect older and disabled adults with mental illness or Substance Use Disorder.
 - (e) **Required Metrics:** County shall be in Substantial Compliance with the following requirement: Older or disabled adults receiving Services are screened for potential home and community-based services eligibility and are referred when indicated.
- e. **Residential & Housing Support Services**
 - (1) **Description:** Services to ensure that Individuals with Behavioral Health Disorders are served in the most integrated, least restrictive setting possible based on their individualized needs and strengths.
 - (2) **Population:** Individuals in need of residential Behavioral Health treatment subject to the prioritization described in Section 2. of Exhibit B.
 - (3) **Required Services:** County shall:
 - (a) Ensure that a Service plan is in place for each Individual in the least restrictive, most integrated setting appropriate to meet the Individual's Behavioral Health needs, preferences, choices, and strengths;
 - (b) Identify an appropriate residential services Provider that is able to meet the Individual's Behavioral Health needs and willing to provide that care, treatment, and Services to the Individual;
 - (c) Ensure that Services are provided in the least restrictive and most integrated setting appropriate to meet the Individual's Behavioral Health needs;
 - (d) Divert the Individual from placement at a state hospital, community hospital, or secure residential treatment facility, whenever possible;
 - (e) Obtain any necessary approvals from the Provider to allow admission, if it is a residential or state hospital placement;
 - (f) Continue to send referrals to Providers until the Individual is placed at or is no longer in need of residential Services;

- (g) Monitor the Individual's progress in their Service plan while in a residential placement and identify when the Individual may be transferred to a lower level of care; and
- (h) Ensure that discharge planning is conducted throughout the Individual's placement in a hospital or residential placement with the goal of moving the Individual to the lowest level of care that will maintain their mental and physical health.
- (i) Provide care coordination to facilitate the Individual's access to Services in the least restrictive, most integrated setting appropriate to meet the Individual's Behavioral Health needs, preferences, choices and strengths, including:
 - i. Facilitate communication between the Individual, family, natural supports, community resources, Providers, and ODHS (if eligible for APD or I/DD Services);
 - ii. Identify Providers that can provide Behavioral Health Treatment Services consistent with the Individual's treatment Service plan, whether it is provided on an inpatient, residential or outpatient basis;
 - iii. Organize, facilitate and participate in interdisciplinary team meetings with the Individual, Providers, and CCO care coordinators (if the Individual is a CCO member);
 - iv. Facilitate access to community-based rehabilitative Behavioral Health treatment services that are recovery-oriented, culturally responsive, and geographically accessible;
 - v. Facilitate access to peer delivered services; and
 - vi. Collaborate with the ODHS, APD and I/DD divisions to support the Behavioral Health treatment needs of Individuals determined service-eligible for APD or I/DD.
- (j) Within the limits of the Part A funds awarded in this Agreement, County shall provide the following housing support services, as clinically indicated, for Individuals who qualify under Subsection 2.a of Exhibit B:
 - i. **Rental Assistance:** Financial Assistance made on behalf of an Individual and their family, when applicable, that covers payment to landlords, property management companies, housing providers, property owners, or specific vendors for all or a portion of the monthly rent, or payment to specific vendors for resident utility expenses. Individuals who receive assistance may be living with other family members (e.g., where a parent is re-assuming custody of one or more children).
 - ii. **Housing Coordination Services:** Staff to support and assist Individuals to locate and secure safe, suitable housing, and provide referrals to other resources.

iii. **Services to Remove Barriers to Community-Based Care:** Financial Assistance made on behalf of an Individual may include, but is not limited to:

- A.** ~~Room and board payments~~ **Costs associated with obtaining or continuing representative payee or guardianship services;**
- B.** Utility deposits and fees including past due utility bills;
- C.** Phone or internet bills;
- D.** Moving and storage costs;
- E.** Household goods and supplies;
- F.** Cleaning or pest management Services; **and or**
- G.** Interpreter Services.

(4) **Other Allowable Services (Subject to Availability of Funds):** County may provide:

- (a) Peer Delivered Services: Services provided by peer support specialists, peer wellness specialists, family support specialists, and recovery mentors to Individuals or family members with similar lived experience. These Services are intended to support Individuals and families to engage Individuals in ongoing treatment and to live successfully in the community.
- (b) Respite Services: Short-term residential services (less than 30 calendar days) for Individuals who require 24-hour observation and support but do not require acute psychiatric hospitalization. Services include access to multidisciplinary treatment including therapeutic supports and may include treatment with medications.
- (c) Housing support services, as clinically indicated, for Individuals who meet second, third, or fourth priority criteria outlined in Section 2. above:
 - i. **Rental Assistance:** Financial Assistance made on behalf of an Individual and their family, when applicable, that covers payment to landlords, property management companies, housing providers, property owners, or specific vendors for all or a portion of the monthly rent, or payment to specific vendors for resident utility expenses. Individuals who receive assistance may be living with other family members (e.g., where a parent is re-assuming custody of one or more children).
 - ii. **Housing Coordination Services:** Staff to support and assist Individuals to locate and secure safe, suitable housing, and provide referrals to other resources.
 - iii. **Services to Remove Barriers to Community-Based Care:** Financial assistance made on behalf of an Individual may include, but is not limited to:

A. Costs associated with obtaining or continuing representative payee services~~Room and board payments;~~

B. Utility deposits and fees including past due utility bills;

C. Phone or internet bills;

D. Moving and storage costs;

E. Household goods and supplies;

F. Cleaning or pest management services; **and or**

G. Interpreter services.

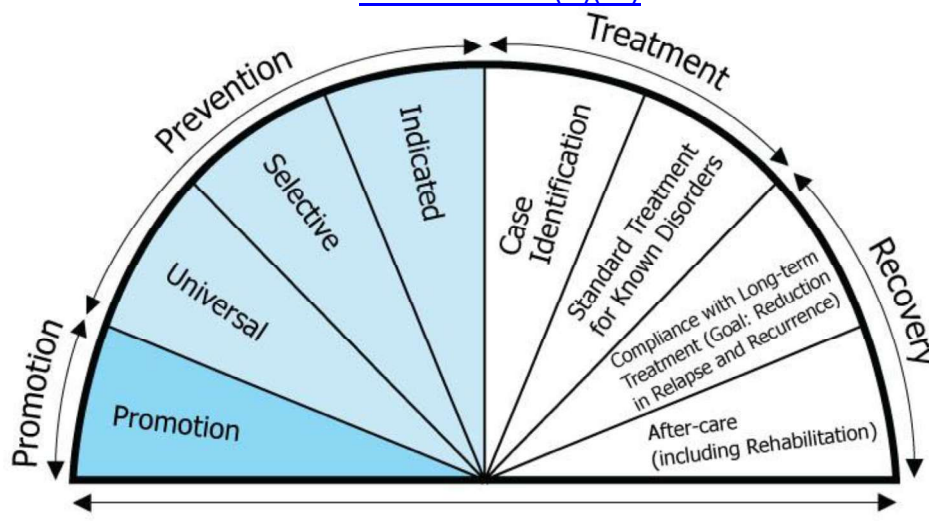
(5) Required Metrics: County shall be in Substantial Compliance with the following requirements:

- (a)** Individuals who need residential treatment services are screened for potential home and community-based services eligibility and are referred when indicated.
- (b)** Individuals who receive housing support services are screened for potential home and community-based services eligibility and are referred when indicated.
- (c)** Individuals receiving residential Behavioral Health treatment are offered Services to assist with their transition to outpatient Services prior to discharge from residential treatment.
- (d)** Individuals enrolled in Behavioral Health treatment services establish or maintain housing prior to completion of treatment.

f. Behavioral Health Promotion & Prevention

- (1) Description:** Strategies aimed at improving mental health or preventing mental illness or Substance Use Disorders before they occur.
- (2) Population:** Individuals with or at risk of developing a Mental or Emotional Disturbance or a Substance Use Disorder, subject to the prioritization described in Section 2 of Exhibit B.
- (3) Required Services:** Using a framework, such as the Institute of Medicine's Continuum of Care Model (see graphic below) or other Behavioral Health Promotion and Prevention framework or strategy, the County shall:
 - (a)** Create and implement an evidence-based continuum of activities, strategies, and supports that align with existing local prevention and promotion strategies;
 - (b)** Provide preventive mental health Services for children and adolescents, including primary prevention efforts, early identification and early intervention Services as described in ORS 430.630(3)(L); and
 - (c)** Preventive mental health Services for older adults, including primary prevention efforts, early identification and early intervention

Services as described in [ORS 430.630\(3\)\(m\)](#).



- (4) **Other Allowable Services (Subject to Availability of Funds):** County may:
- (a) Develop and implement strategies and/or activities that prioritize the following determinants of Behavioral Health wellness across the life span.
 - (b) Develop and implement strategies to maintain healthy communities: Strategies and/or activities may include but are not limited to, community safety promotion, violence reduction, bullying prevention, social connectivity, and resource dissemination activities;
 - (c) Individual skill development: Strategies and/or activities may include but are not limited to, skill-building programs in schools, community and senior centers, assisted living facilities, and other community-based settings that emphasize social connection, problem solving and development of self-regulation; and
 - (d) Social emotional competence: Strategies and/or activities may include but are not limited to developing or sustaining community infrastructure, parenting/grandparenting education, stress reduction classes, communication skills classes, programs that address social isolation and loneliness, grief and other post distress supports, divorce and other losses, and community-based activities.
- (5) **Required Metrics:** County shall be in Substantial Compliance with the following requirements:
- (a) Individuals receiving Behavioral Health Prevention and Promotion Services report an increased understanding of mental health, substance use prevention, and available resources.
 - (b) Individuals receiving Behavioral Health Prevention and Promotion Services report a change in attitude toward mental health, substance use, or coping strategies.
 - (c) Individuals receiving Behavioral Health Prevention and Promotion Services report an increased likelihood of engaging in behavior

change such as accessing counseling Services or delaying or decreasing use of alcohol and other drugs.

g. Block Grant Funded Services:

(1) **Description:** Activities and Services to address the complex needs of Individuals, families, and communities impacted by mental illness and Substance Use Disorders and associated problems paid for, in whole or in part, by Substance Use, Prevention, Treatment, and Recovery Services Block Grant (“**SUPTRS BG**”) or Community Mental Health Services Block Grant (“**MHBG**”) funds awarded in this Agreement.

(2) **Definitions:** For use in this section:

(a) “**Serious Mental Illness**” or “**(SMI)**” means an Individual 18 years of age or older who, within the past year, has had a diagnosable mental, behavioral, or emotional disorder that substantially interferes with their life and ability to function.

(b) “**Serious Emotional Disturbance**” or “**(SED)**” means an Individual under the age of 18 who, within the past year, has had a diagnosable mental, behavioral, or emotional disorder that resulted in functional impairment that substantially interferes with or limits the child’s role or functioning in family, school, or community activities.

(3) **Population:**

(a) County shall ensure that MHBG funds awarded through this Agreement are used to support Services for the MHBG Priority Populations:

- i. Children with Serious Emotional Disturbance;
- ii. Adults with Serious Mental Illness including Older Adults; and
- iii. Individuals with SMI or SED in rural areas and who are experiencing homelessness.

(b) County shall ensure that SUPTRS BG funds awarded through this Agreement are used to support Services for the SUPTRS BG Priority Populations:

- i. Pregnant women with dependent children;
- ii. Persons who inject drugs;
- iii. Persons in need of recovery support Services for Substance Use Disorder;
- iv. Individuals with a co-occurring mental illness and Substance Use Disorder;
- v. Persons experiencing homelessness;
- vi. Services for persons with SUD who have or are at risk of:
 - A. HIV/AIDS, designated states per CDC only; or
 - B. Tuberculosis; and
- vii. Services for Individuals in need of substance use primary prevention.

(4) **Required Services:** County shall:

(a) Comply, and as indicated, require all Providers to comply with the Required Federal Terms and Conditions for Services funded in whole or in part by MHBG or SUPTRS BG funds;

- (b) Allocate and expend no less than the minimum MHBG amount indicated in the Financial Assistance Award for Crisis Services;
- (c) Allocate and expend no less than the minimum MHBG amount indicated in the Financial Assistance Award for EASA Services; and
- (d) County shall ensure that MHBG or SUPTRS BG funds be directed toward the following purposes:
 - i. To fund priority treatment and support Services for Individuals without insurance or who cycle in and out of health insurance coverage;
 - ii. To fund those priority treatment and support Services not covered by Medicaid, Medicare or private insurance and that demonstrate success in improving outcomes and/or supporting recovery;
 - iii. To fund universal, selective, and targeted prevention activities and Services;
 - iv. To collect performance and outcome data to determine the ongoing effectiveness of Behavioral Health prevention, treatment, and recovery support Services and to plan the implementation of new Services on a nationwide basis. Additionally, SAMHSA strongly supports that states provide additional recovery support Services with SUPTRS BG funds beyond the scope of treatment programs currently available in most communities across the nation;
 - v. To ensure Oregonians have access to a comprehensive, integrated physical and Behavioral Health Service array statewide that is inclusive and where Individuals can choose providers that best fit their needs and cultural preferences within their community;
 - vi. To ensure that Individuals transitioning from a hospital level of care, including OSH, to community-based settings will be fully supported through care coordination, and inclusive Services and support;
 - vii. To ensure that older adults who live in rural areas of Oregon receive accessible and affordable Services;
 - viii. To ensure that Individuals have access to necessary Services and eliminate disparities in accessing care;
 - ix. To foster healthy families and environments through integrated care that promotes equitable health and well-being, for pregnant and post-partum persons;
 - x. To provide peer support services for Individuals transitioning between levels of care;
 - xi. To promote and provide activities that support physical health, substance use treatment, and mental health Services for young adults 18-25; or
 - xii. To increase prevention efforts including overdose, crisis response, and chronic disease prevention.

(5) Other Allowable Services (Subject to Availability of Funds): County may:

- (a) Promote participation by Individuals with SMI, SED, or Substance Use Disorders in shared decision making and self-direction of their Services;
 - (b) Ensure access to effective culturally and linguistically appropriate Services for underserved populations including Tribes, racial and ethnic minorities, and LGBTQI+ Individuals;
 - (c) Promote recovery, resiliency, and community integration for adults with SMI and children with SED and their families;
 - (d) Prevent the use, misuse, and abuse of alcohol, tobacco products, illicit drugs, and prescription medications;
 - (e) Conduct outreach to encourage Individuals injecting or using illicit and/or licit drugs to seek and receive treatment;
 - (f) Provide early intervention Services for HIV at the sites at which Individuals receive Substance Use Disorder treatment Services;
 - (g) Coordinate Behavioral Health Prevention, early identification, treatment and recovery support services with other health and social services;
 - (h) Increase accountability for prevention, early identification, treatment, and recovery support activities through uniform reporting regarding substance use and abstinence, criminal justice involvement, education, employment, housing, and recovery support services;
 - (i) Ensure access to a comprehensive system of care, including education, employment, housing, case management, rehabilitation, dental services, and health services, as well as Behavioral Health services; and
 - (j) Provide continuing education regarding substance abuse prevention and Substance Use Disorder treatment services to any facility or program receiving amounts from the SUPTRS BG for such activities or Services.
- (6) **Required Metrics:** County shall be in Substantial Compliance with the following requirements:
- (a) Reduce the rate at which Individuals with a Mental or Emotional Disturbance or a Substance Use Disorder are admitted to the emergency room.
 - (b) SUD treatment Services are made available to Individuals who are pregnant or post-partum and request such Services.
 - (c) Ensure Individuals have a culturally responsive healthcare provider.

h. Invoiced Services

- (1) **Description:** Services eligible for reimbursement through Part C funds identified in Exhibit C.
- (2) **Invoiceable Services:** County may invoice OHA for:
 - (a) **Mental Health Residential Services:**
 - i. Daily Service rate for mental health residential treatment Services provided to adults age 18 years old or older in a secure residential treatment facility, residential treatment facility, or residential treatment home licensed under OAR Chapter 309 Division 35, who:

- A.** Are uninsured, underinsured, not eligible for Medicaid, or have exhausted Medicaid Services, including those who meet the criteria for Citizen Alien Waived Medical Program; or
 - B.** Have been ordered by a court or PSRB to receive Services in a level of care for which the Individual does not meet medical necessity.
 - ii. Daily Service rate for mental health residential treatment Services provided to young adults in transition (YAT) age 17 through 25 years old in a YAT residential treatment home licensed under [OAR Chapter 309 Division 35](#) who:
 - A.** Are uninsured, underinsured, not eligible for Medicaid, or have exhausted Medicaid Services, including those who meet the criteria for citizen alien waived medical program; or
 - B.** Have been ordered by a court to receive Services in a level of care for which the Individual does not meet medical necessity.
- (b) **Room and board for:**
 - i. Adults age 18 years old or older with limited or no income residing in a secure residential treatment facility, residential treatment facility, or residential treatment home licensed under [OAR Chapter 309 Division 35](#); and
 - ii. YAT age 17 through 25 years old with limited or no income residing in a YAT residential treatment home licensed under [OAR Chapter 309 Division 35](#).
- (c) **Personal Incidental Funds for:**
 - i. Adults age 18 years old or older with limited or no income residing in a secure residential treatment facility, residential treatment facility, or residential treatment home licensed under [OAR Chapter 309 Division 35](#); and
 - ii. YAT age 17 through 25 years old with limited or no income in a YAT residential treatment home licensed under [OAR Chapter 309 Division 35](#).
- (d) **Reimbursement rates for Services provided to adults age 18 years or older in an adult foster home licensed under OAR Chapter 309 Division 40, who are uninsured, underinsured, not eligible for Medicaid, or have exhausted Medicaid services, including those who meet the criteria for the Citizen Alien Waived Medical Program.**
- (d) (e) **PSRB Security and Supervision Services**
 - i. Security services as identified in the PSRB conditional release order, which are not medically necessary Services but are required for the safety of the Individual and the public, and are covered at a rate based on a determination of the risk and care needs identified in the security services matrix below:

Security Services Matrix (Community)	Low Risk	Med Risk	High Risk
High Care	Rate 1	Rate 2	Rate 3
Med Care	Rate 2	Rate 3	Rate 4
Low Care	Rate 3	Rate 4	Rate 5

- ii. Supervision services are non-medically necessary Services that are necessary for an Individual to maintain compliance with terms set by a court or other supervising authority. **Supervision services include** including, but **are** not limited to:
- A. Additional staffing (utilizing the Intensive Rate Review process through the Rate Review Committee);**
 - B. Assessment or evaluation (including evaluations ordered beyond typical monitoring required by the PSRB);**
 - C. Outpatient treatment Evaluation (including evaluations ordered beyond typical monitoring required by the PSRB);**
 - D. Polygraph Outpatient treatment; and**
 - I. Polygraph;**
 - II. GPS monitoring equipment and software;**
 - E. GPS monitoring equipment and software** Transportation;
 - F. Transportation** Medical services and medications;
 - G. Medical services and medications** Rental assistance; or
 - H. Rental assistance**
 - I. Costs associated with obtaining or continuing representative payee or guardianship services. if such expenses are needed to maintain compliance with the terms of a conditional release and not covered by some other mechanism.**

- (3) **Invoice Requirements:** Invoices must be submitted by email to BHD.Contracts@oha.oregon.gov using the BHD's forms and procedures available at <http://www.oregon.gov/OHA/HSD/AMH/Pages/Reporting-Requirements.aspx>.

4. **Reporting Requirements**

- a. County shall:
- (1) Prepare a Local Plan and Budget using forms and procedures prescribed by OHA located at <https://www.oregon.gov/OHA/HSD/AMH/Pages/Reporting-Requirements.aspx>. County shall submit a draft Local Plan and Budget April 1, 2027 for the 2027-2029 biennium for review and approval by OHA electronically, to BHD.Contracts@oha.oregon.gov **CFAA.Administrator@oha.oregon.gov** no later than June 30, 2027.

- (2) Prepare ~~quarterly Local Plan implementation and financial expenditure reports~~ **the 2026-2027 CFAA Quarterly Report** using forms and procedures prescribed by OHA located at <https://www.oregon.gov/OHA/HSD/AMH/Pages/Reporting-Requirements.aspx>. County shall submit the ~~quarterly Local Plan implementation and financial expenditure reports~~ **2026-2027 CFAA Quarterly Report** electronically, to BHD.Contracts@oha.oregon.gov **CFAA.Administrator@oha.oregon.gov** no later than 45 calendar days following the end of each subject quarter for which Financial Assistance is awarded through this Agreement.
- (3) Prepare Annual CFAA Financial Expenditure reports using forms and procedures prescribed by OHA located at** <https://www.oregon.gov/OHA/HSD/AMH/Pages/Reporting-Requirements.aspx>. **County shall submit the Annual CFAA Financial Expenditure reports, to CFAA.Administrator@oha.oregon.gov no later than 45 calendar days following the end of each state fiscal year (July 1 through June 30) for which Financial Assistance is awarded through this Agreement.**
- (3) (4)** Prepare and submit monthly aid & assist reports using forms and procedures prescribed by OHA located at <https://www.oregon.gov/OHA/HSD/AMH/Pages/Reporting-Requirements.aspx>. no later than 14 calendar days following the end of each subject month for which Financial Assistance is awarded through this Agreement.
- (4) (5)** Prepare a quarterly MCIS report using forms and procedures prescribed by OHA, located at <https://www.oregon.gov/OHA/HSD/AMH/Pages/Reporting-Requirements.aspx>. County shall submit the quarterly MCIS report electronically, to mobilecrisisinfo@ohsu.edu **Compass.Support@odhsoha.oregon.gov** no later than 30 calendar days following the end of each subject quarter for which Financial Assistance is awarded through this Agreement.
- (5) (6)** Prepare a quarterly MRSS report using forms and procedures prescribed by OHA, located at <https://www.oregon.gov/OHA/HSD/AMH/Pages/Reporting-Requirements.aspx>. County shall submit the quarterly MRSS report electronically, to stabilizationsvcinfo@ohsu.edu **Compass.Support@odhsoha.oregon.gov** no later than 30 calendar days following the end of each subject quarter for which Financial Assistance is awarded through this Agreement.
- (6) (7)** Prepare quarterly EASA data using forms and procedures prescribed by OHA, located at <https://www.oregon.gov/OHA/HSD/AMH/Pages/Reporting-Requirements.aspx>. County shall submit the quarterly EASA data electronically, to Oregon Health & Science University using the EASA RedCap Data System at <https://octri.ohsu.edu/redcap/> no later than 15 calendar days following the end of each subject quarter for which Financial Assistance is awarded through this agreement. Instructions for

- data entry into RedCap are located at
<https://www.easacommunity.org/resources-for-professionals.php>.
~~(7) Prepare quarterly older adult Behavioral Health data using forms and procedures prescribed by OHA, located at~~
~~<https://www.oregon.gov/OHA/HSD/AMH/Pages/Reporting-Requirements.aspx>. County shall submit quarterly older adult Behavioral Health data electronically, to Portland State University through Qualtrics at~~
~~<https://sso.pdx.edu/idp/profile/SAML2/Redirect/SSO?execution=e1s1> no later than 45 calendar days following the end of each subject quarter for which Financial Assistance is awarded through this agreement.~~

5. Financial Assistance Calculation, Disbursement, and Confirmation Requirements

- a. OHA provides funding for Services through Part A, B, or C awards.** The award type is identified in Exhibit C, “Financial Assistance Award,” on lines in which column “Part ABC,” contains an “A” for Part A award, a “B” for Part B award, and a “C” for Part C award:
- (1) Funds awarded to County or Provider are subject to the following:
 - (2) OHA shall not authorize in aggregate, under this “Financial Assistance Calculation and Disbursement” section, Financial Assistance requested for Services in excess of the contractual Not-to-Exceed amount. “Total aggregate funding” means the total of all funding authorized in Exhibit C, “Financial Assistance Award.” The monthly rate will be prorated for any month in which the Individual does not receive Services for a portion of the month. Funding received by County or Service Provider from an Individual, the Individual’s health insurance provider, another person’s health insurance provider under which Individual is also covered, or any other Third-Party Resource (TPR) in support of Individual’s care and Services, in addition to payments received under this Financial Assistance agreement for the same Service, during the same time period or date of Service for the same Individual, must be returned to OHA unless TPR funding is used to provide additional Service – increasing capacity.
 - (3) County must make reasonable efforts to obtain payment first from other resources consistent with OAR 410-120-1280. County is obligated to report to OHA, by email at BHD.Contracts@oha.oregon.gov, any TPR payments received, no later than 30 calendar days following expiration of this Agreement. The following information shall be provided:
 - (a) OHA Contract name and number;
 - (b) Client name and date of birth;
 - (c) Service for which payment was received;
 - (d) Date of Service covered by payment;
 - (e) Date of TPR payment received by County or Service Provider; and
 - (f) Amount of payment.
 - (4) County is not entitled to funding in combination with Medicaid funds for the same Service, during the same time period or date of Services for the same Individual;
 - (5) At no time will OHA pay above the Medicaid rate.
 - (6) OHA is not obligated to provide funding for any Services that are not properly reported in accordance with the “Reporting Requirements” section of this Agreement or as required in an applicable Specialized

Service Requirement by the date 60 calendar days after the earlier of expiration or termination of this Agreement, termination of OHA's obligation to provide funding for Services, or termination of County's obligation provide Services.

b. Part A awards:

- (1) OHA provides Financial Assistance for Services through Part A awards for non-Medicaid-eligible Services. County and Service Providers shall maintain compliance with [OAR 410-172-0600 through 410-172-0860](#) (Medicaid Payment for Behavioral Health), and [OAR 943-120-0310 through 943-120-0320](#) (Provider Rules).
- (2) Calculation of Financial Assistance: OHA will provide Financial Assistance for Services provided under a particular line of Exhibit C, "Financial Assistance Award," containing an "A" in column "Part ABC," from funds identified in that line in an amount equal to that line of the Financial Assistance Award during the period specified in that line. The total of OHA funds for all Services delivered under a particular line of Exhibit C, "Financial Assistance Award" containing an "A" in column "Part ABC," shall not exceed the total of awards for Services as specified in that line of the Financial Assistance Award and are subject to the limitations described herein.
- (3) Disbursement of Financial Assistance: Unless a different disbursement method is specified in that line of Exhibit C, "Financial Assistance Award," OHA will disburse the Part A allotments for Services provided under a particular line of the Financial Assistance Award containing an "A" in column "Part ABC," to County in substantially equal monthly allotments during the period specified in that line of the Financial Assistance Award subject to the following:
 - (a) OHA may, upon written request of County, adjust monthly allotments;
 - (b) Upon amendment to the Financial Assistance Award, OHA shall adjust monthly allotments as necessary, to reflect changes in the funds shown for Services provided under that line of the Financial Assistance Award; and
 - (c) OHA may, after 30 calendar days (unless parties agree otherwise) written notice to County, reduce the monthly allotments based on under-used funding identified through MOTS the state mandated data system and other reports in accordance with the "Reporting Requirements" and "Special Reporting Requirements" sections or applicable special conditions.

c. Part B awards: [Reserved – Not currently in use]

d. Part C awards:

- (1) Part C awards are calculated and applied as follows:
 - (a) Unless a different disbursement method is specified in that line of Exhibit C, "Financial Assistance Award," OHA will disburse the Part C funds for Services provided under a particular line of the Financial Assistance Award containing a "C" in column "Part ABC" to County per receipt and approval of a written invoice with required attachments, as specified below, in the monthly allotment during the period specified in that line of the Financial Assistance Award.

Invoice and required attachments are due no later than 45 calendar days following the end of the subject month or quarter, and must be submitted to BHD.Contracts@oha.oregon.gov, with the subject line "Invoice, contract # (your contract number), contractor name."

- (b) For Services to Medicaid-eligible Individuals for whom the Services provided are not covered under Medicaid but are medically appropriate, County shall attach a copy of the Plan of Care (POC) and Coordinated Care Organization (CCO) refusal of payments for the item or Service. OHA will provide funding at the Medicaid Fee Schedule rate. At no time will OHA provide funding above the Medicaid Fee Schedule rate for Services.
- (c) For Services to non-Medicaid-eligible Individuals, County shall attach a copy of the bill or receipt, for the item or Service, to a combined monthly invoice, itemized by Individual. Part C funding for Psychiatric Security Review Board (PSRB) non-medically approved Services are only for the time period shown and do not carry forward into following years' allotments.

e. **Confirmation of Performance Requirements:**

- (1) OHA uses Confirmation of Performance requirements at the end of each contracting period.

County shall be required to demonstrate through the data properly reported in accordance with the "Reporting Requirements section, the qualifying Services to which these Services can be attributed, how funds awarded were utilized consistent with the terms and limitations herein to meet the performance requirements of the Service Description, and that County shall be subject to the monitoring and review of performance requirements and quality measures by the OHA Contract Administrator for the Program under which these Services fall and subject to the terms and limitations in this Agreement.

Attachment 2

EXPLANATION OF FINANCIAL ASSISTANCE AWARD

The Financial Assistance Award set forth above and any Financial Assistance Award amendment must be read in conjunction with this explanation for purposes of understanding the rights and obligations of OHA and COUNTY reflected in the Financial Assistance Award.

1. Format and Abbreviations in Financial Assistance Award

- a. **Heading.** The heading of the Financial Assistance Award consists of the following information:
 - (1) **MOD#** is the alphanumeric modification code, assigned by the OHA BHD contracts unit staff member, for that specific Financial Assistance Award. A MOD# beginning with an M is a mental health modification; a MOD# beginning with an A is a Substance Use Disorder modification.
 - (2) **CONTRACT#** is the unique identification number of this Agreement containing the Financial Assistance Award. This number is assigned by the Office of Contracts & Procurement (OC&P).
 - (3) **CONTRACTOR** is the COUNTY or the legal entity named in and for that specific Agreement containing the Financial Assistance Award.
 - (4) **Input Checked** is for OHA's internal use only.
 - (5) **Date Checked** is for OHA's internal use only.
- b. **Financial and Service Information.** Each Service awarded funds is listed by Fiscal Year and then by the Service Element number. The amount of Financial Assistance awarded for each Service and certain other Service information is listed below the Fiscal Year and then by the Service Element number on one or more lines. Financial Assistance awarded for a particular Service may not be used to cover the costs of any other Service, except as permitted under Exhibit E, "General Terms and Conditions," section 3.a, of this Agreement. The funds, as set forth on a particular line, will be disbursed in accordance with and are subject to the restrictions set forth on that particular line. The awarded funds, disbursement information and restrictions on a particular line are displayed in a columnar format as follows:
 - (1) **Column 1, SE#:** The Service Element number(s) identifies the Services to be delivered as set forth on that particular line of the Financial Assistance Award.
 - (2) **Column 2, Fund:** This column identifies the fund number and description of the funding source, according to BHD's financial system, used for payments for this specific line of the Financial Assistance Award. The types of funds are as follows:
 - (a) **301: Mental Health Block Grant (MHBG) – Federal Funds:** COUNTY shall ensure expenditure of MHBG funds only as allowed by [sections 1911-1920 of Title XIX, Part B, Subpart I and III of the Public Health Service Act](#)
 - (b) **307: MHBG EASA Services – Federal Funds:** COUNTY shall ensure expenditure of MHBG EASA Services funds only for EASA Services as described in Exhibit B.
 - (c) **309: MHBG Crisis Services – Federal Funds:** COUNTY shall ensure expenditure of MHBG Crisis Services funds only for Crisis Services as described in Exhibit B.

- (d) **401: Mental Health Marijuana Tax – Other Funds:** COUNTY shall ensure expenditure of Mental Health Marijuana Tax funds only as allowed by [ORS 475C.726\(d\)\(B\)](#).
- (e) **406: Tobacco Tax New Investments – Other Funds:** COUNTY shall ensure expenditure of Tobacco Tax New Investments funds only for Services described in [Exhibit B](#).
- (f) **407: 988 Tax Revenue – Other Funds:** COUNTY shall ensure expenditure of 988 Tax Revenue funds only for the expansion and ongoing funding of mobile crisis intervention teams as defined in ORS 430.626.
- (g) **411: Tobacco Master Settlement Account – Other Funds:** COUNTY shall ensure expenditure of Tobacco Master Settlement Account funds only for Services described in [Exhibit B](#).
- (h) **421: Beer and Wine Tax (40%) Treatment – Other Funds:** COUNTY shall ensure expenditure of Beer and Wine Tax (40%) Treatment funds only as allowed by [ORS 430.380](#).
- (i) **450: Marijuana Tax (40%) – Other Funds:** COUNTY shall ensure expenditure of Marijuana Tax (40%) funds only as allowed by [ORS 475C.726\(d\)\(B\)](#).
- (j) **520: Substance Use Prevention, Treatment, and Recovery Services Block Grant (SUPTRS BG) – Federal Funds:** COUNTY shall ensure expenditure of SUPTRS BG funds only as allowed by [section 1921 of Title XIX, Part B, Subpart II and III of the Public Health Service Act](#).
- (k) **804: Mental Health General Fund – General Funds:** COUNTY shall ensure expenditure of Mental Health General Fund funds only for Services described in [Exhibit B](#) that are provided for Individuals with or at risk of developing a Mental or Emotional Disturbance which may include a co-occurring Substance Use Disorder.
- ~~(l) **806: Mental Health New Investments – General Funds:** COUNTY shall ensure expenditure of Mental Health New Investment funds only for Services described in [Exhibit B](#) that are provided for Individuals with or at risk of developing a Mental or Emotional Disturbance which may include a co-occurring Substance Use Disorder.~~
- ~~(m)~~ (l) **807: Alcohol and Drug Treatment – General Funds:** COUNTY shall ensure expenditure of Alcohol and Drug Treatment funds only for Services described in [Exhibit B](#) provided for Individuals with or at risk of developing a Substance Use Disorder which may include a co-occurring Mental or Emotional Disturbance.
- ~~(n)~~ (m) **815: Mobile Response and Stabilization Services (MRSS) – General Fund:** COUNTY shall ensure expenditure of MRSS funds only for MRSS Services as described in [Exhibit B](#).
- ~~(o)~~ (n) **820: Civil Commitment – General Funds:** COUNTY shall ensure expenditure of Civil Commitment funds only for Civil Commitment Services as described in [Exhibit B](#).

Additional fund numbers may be added during the term of this Agreement and in the Financial Assistance Award by using an Administrative Memo to Counties via email to the contact person listed in [Exhibit F](#), “Standard Terms and Conditions,” section 16., “Notice.” To note the new code number and description.

The fund numbers with source descriptions identifying General Funds or Other Funds as the funding source may actually be paid under a different fund number and source based upon actual funds available at the time of payment. Changes to the Financial Assistance Award to move amounts from one fund source to another fund source but otherwise Budget neutral will be processed as an Administrative Adjustment rather than issuing an Amendment to the Financial Assistance Award. The notice of Administrative Adjustment will be sent to COUNTY via email to the contact person listed in Exhibit F, "Standard Terms and Conditions," Section 18., "Notice." COUNTY shall have 30 calendar days to request OHA replace the Administrative Adjustment notice with an Amendment to the Financial Assistance Award. If COUNTY does not make such a request, the Financial Assistance Award shall be deemed amended as noted in the Administrative Adjustment and agreed to by both parties.

- (3) **Column 3, Proj Code:** This item is for OHA's internal use only.
- (4) **Column 4, CPMS:** This item is for OHA's internal use only.
- (5) **Column 5, Provider:** This is either the Provider's name or a description for a specific Service as set forth on that particular line of the Financial Assistance Award.
- (6) **Column 6, Effective Dates:** This specifies the time period during which the Service or Service capacity, as applicable, is expected to be delivered utilizing the approved Service funds as set forth on that particular line of the Financial Assistance Award. For purposes of disbursement method "A" (as described in Section (10), "Column 10, Part ABC," below), these dates also specify the time period during which the approved Service funds will be disbursed to COUNTY.
- (7) **Column 7, Slot Change/Type:** This is either the number of slots or number of days of Service or Service capacity, as applicable, OHA anticipates COUNTY to deliver during the period specified and utilizing the approved Service funds set forth on that particular line of the Financial Assistance Award. The Service or Service capacity, as applicable, must be delivered in the amounts and over the course of the time period specified on that line of the Financial Assistance Award. This column will be blank, followed by "NA" if the basis of payment set forth in the applicable Service Description is not tied to actual delivery of Services or Service capacity. The Slot Change/Type is the unit of measurement associated with the Effective Dates set forth in column 6. The Slot Change/Type is expressed in three-character designations and have the following meanings:
 - (a) **CSD:** One CSD (or Client Service Day) is one day of Service or Service capacity, as applicable, delivered to one Individual or made available for delivery to one Individual, as applicable.
 - (b) **N/A:** N/A means Slot Change/type is not applicable to the particular line.
 - (c) **SLT:** One SLT (or Slot) is the delivery or capacity to deliver, as applicable, the Service to an Individual during the entire period specified in the corresponding line of the Financial Assistance Award.
- (8) **Column 8, Rate:** This is the cost per day, per month, or per Slot Change/Type measurement for the Service or Service capacity, as applicable, to be delivered utilizing the approved Service funds as set forth on that line of the Financial Assistance Award.
- (9) **Column 9, Operating Dollars:** This is the total amount of Financial

Assistance Award for delivery of the Services and is OHA's maximum, not-to-exceed obligation during the time period specified on that particular line, in support of the Services described on that particular line, of the Financial Assistance Award.

- (10) **Column 10, Part ABC:** This column indicates the method by which OHA disburses the Financial Assistance. The disbursement method listed in this column, as indicated by the letter A, B, or C, will usually be consistent with the disbursement method set forth in the Service Description for the particular Service Element. The characters A, B and C indicate the following disbursement methods:
- (a) The letter 'A' indicates OHA will disburse the awarded funds to COUNTY in substantially equal monthly allotments during the period set forth in Column 6, "Effective Dates."
 - (b) [Reserved] (The letter 'B' is no longer used.)
 - (c) The letter 'C' indicates OHA will disburse the awarded funds in the manner specified in Column 14, "SP#."
1. If the disbursement method listed in this column is different than the method set forth in the Service Description, the disbursement method listed in this column shall control. This column only indicates the disbursement method to be used should COUNTY be entitled to receive Financial Assistance, which shall be determined in accordance with the basis of payment as set forth in the applicable Service Element. Any disbursements made to COUNTY in excess of the funds COUNTY is entitled to, as determined in accordance with the applicable basis of payment and through the Agreement Settlement process, will be recovered by OHA in accordance with the terms of this Agreement.
- (11) **Column 11, PAAF CD:** This column is the Plan/Amendment Approval Form (PAAF) code, which is the lookup field to title the various sections of the PAAF based on this PAAF code.
- (12) **Column 12, Base:** This is the code used to indicate how the Services being provided, as set forth on that line of the Financial Assistance Award, are to be handled at the end of the respective biennium, as follows:
- (a) The letter "Y" in this field indicates the Services subject to and modified by this Agreement, hereafter referred to as MOD, as set forth on that line of the Financial Assistance Award may continue into the next biennium. This will be contingent on the Services still being required, at that time and at that level, and upon OHA's funding being continued at the present funding level or higher, through the legislatively adopted budget for that specific biennium.
 - (b) The letter "N" in this field indicates the Services being modified in this MOD, as set forth on that line of the Financial Assistance Award, are not continuing into the next biennium.
 - (c) The letter "M" in this field indicates the Services being modified in this MOD, as set forth on that line of the Financial Assistance Award, are "maybe" going to continue into the next biennium. This will be determined at the time OHA is preparing the next biennium's Agreements. This code is typically used for Services paid by Federal Grants.
- (13) **Column 13, Client Code:** This column is used when Service funds, as set forth on that line of the Financial Assistance Award, are for a specific

Individual. The coded Individual name indicates the approved Service funds may only be expended on the delivery of the specified Service to the specified Individual. If this column is blank, Service funds are not intended for any particular Individual.

- (14) **Column 14, SP#:** This column is for Special Conditions, if any, that must be complied with when providing the Service using approved Service funds set forth on that line of the Financial Assistance Award. For certain Services, the Special Conditions specify the rate at which Financial Assistance will be calculated for delivery of that Service or delivery of capacity for that Service. The Special Conditions are identified by a numeric code. A table or tables listing the Special Conditions by numeric code is included in the Financial Assistance Award.

- c. **Format and Abbreviations in Financial Assistance Award Amendments.** The format and abbreviations in a Financial Assistance Award amendment are the same as those used in the initial Financial Assistance Award. If a Financial Assistance Award amendment amends the financial and Service information in the Financial Assistance Award, the financial and Service information line in the amendment will either amend an existing line in the financial and Service information of the Financial Assistance Award or constitute a new line added to the financial and Service information of the Financial Assistance Award. A financial and Service information line in a Financial Assistance Award amendment (an “Amending Line”) amends an existing line of the Financial Assistance Award (a “Corresponding Line”) if the line in the Financial Assistance Award amendment awards funds for the same Service in the Financial Assistance Award and specifies a date range falling within the Effective Dates specified in that existing line (as previously amended, if at all). If an Amending Line has a positive number in the approved Operating Dollars column, those funds are added to the approved Operating Dollars of the Corresponding Line for the period specified in the Amending Line. If an Amending Line has a negative number in the approved Operating Dollars column, those funds are subtracted from the approved Operating Dollars of the Corresponding Line for period specified in the Amending Line. If an Amending Line has a positive number in the Slot Change/Type column, those Slots are added to the Slot Change/Type in the Corresponding Line for the period specified in the Amending Line. If an Amending Line has a negative number in the Slot Change/Type column, those Slots are subtracted from the Slot Change/Type in the Corresponding Line for the period specified in the Amending Line. All Special Conditions identified in a Corresponding Line apply to funds identified on an Amending Line (unless a Special Condition or portion thereof on an Amending Line specifies a rate). If an Amending Line contains a Special Condition or portion of a Special Condition that specifies a rate, that Special Condition or portion thereof replaces, for the period specified in the Amending Line, any Special Condition or portion thereof in the Corresponding Line that specifies a rate. If a financial and Service information line in a Financial Assistance Award amendment is not an Amending Line, as described above, it is a new line added to the Financial Assistance Award.

4. Capitalized words and phrases used but not defined herein shall have the meanings ascribed thereto in the Agreement.
5. COUNTY represents and warrants to OHA that the representations and warranties of COUNTY set forth in Section 4 of Exhibit F of the Agreement are true and correct on the date hereof with the same effect as if made on the date hereof.
6. Except as amended hereby, all terms and conditions of the Agreement remain in full force and effect.
7. This Amendment may be executed in any number of counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Amendment so executed shall constitute an original.

ATTACHMENT 1

EXHIBIT C Financial Pages

MODIFICATION INPUT REVIEW REPORT

MOD#: M1339

CONTRACT#: 054297

CONTRACTOR: MARION COUNTY

INPUT CHECKED BY: _____ DATE CHECKED: _____

SE#	FUND	PROJ CODE	CPMS PROVIDER	EFFECTIVE DATES	SLOT CHANGE/TYPE	RATE	OPERATING DOLLARS	STARTUP PART DOLLARS ABC	PART IV	PAAF CD	BASE	CLIENT CODE	SP#
FISCAL YEAR: 2025-2026													
500	804	BASE	MH GENERAL FUND										
			MHGF	1/1/2026-6/31/2026	0 /NA	\$0.00	\$283,572.71	\$0.00	C	1	Y		1
500	820	BASE	CIVIL COMMITMENT										
			CIVIL	1/1/2026-6/31/2026	0 /NA	\$0.00	\$33,004.72	\$0.00	C	1	Y		1
500	804	BASE	MH GENERAL FUND										
			MHGF	1/1/2026-6/30/2026	0 /NA	\$0.00	\$1,333,805.44	\$0.00	A	1	Y		
500	806	BASE	NIMH GENERAL FUND										
			NIMHGF	1/1/2026-6/30/2026	0 /NA	\$0.00	-\$1,333,805.44	\$0.00	A	1	Y		2
500	804	BASE	MH GENERAL FUND										
			MHGF	4/1/2026-6/30/2026	0 /NA	\$0.00	\$94,524.24	\$0.00	A	1	Y		
500	820	BASE	CIVIL COMMITMENT										
			CIVIL	4/1/2026-6/30/2026	0 /NA	\$0.00	\$11,001.57	\$0.00	A	1	Y		
TOTAL FOR SE# 500							\$422,103.24	\$0.00					
TOTAL FOR 2025-2026							\$422,103.24	\$0.00					
FISCAL YEAR: 2026-2027													
500	804	BASE	MH GENERAL FUND										
			MHGF	7/1/2026-6/30/2027	0 /NA	\$0.00	\$2,667,610.88	\$0.00	A	1	Y		
500	804	BASE	MH GENERAL FUND										
			MHGF	7/1/2026-6/30/2027	0 /NA	\$0.00	\$378,096.95	\$0.00	A	1	Y		
500	806	BASE	NIMH GENERAL FUND										
			NIMHGF	7/1/2026-6/30/2027	0 /NA	\$0.00	-\$2,667,610.88	\$0.00	A	1	Y		2
500	820	BASE	CIVIL COMMITMENT										
			CIVIL	7/1/2026-6/30/2027	0 /NA	\$0.00	\$44,006.28	\$0.00	A	1	Y		
TOTAL FOR SE# 500							\$422,103.23	\$0.00					
TOTAL FOR 2026-2027							\$422,103.23	\$0.00					
TOTAL FOR M1339 054297							\$844,206.47	\$0.00					

OREGON HEALTH AUTHORITY
Financial Assistance Award Amendment (FAAA)

CONTRACTOR: MARION COUNTY
DATE: 04/21/2026

Contract#: 054297
REF#: 002

REASON FOR FAAA (for information only):

The purpose of this amendment is to award funding for Aid & Assist Fund 804 (Mental Health General Funds) and award funding for new Fund 820 (Civil Commitment) while moving Funds from 806 (Mental Health New Investments) to Fund 804 (Mental Health General Funds) and also incorporating language changes to the base CFAA agreement.

The following special condition(s) apply to funds as indicated by the special condition number in column 9. Each special condition set forth below may be qualified by a full description in the Financial Assistance Award.

- | | |
|-------|--|
| M1339 | 1 The financial assistance subject to this special condition will be disbursed to County in one lump sum within 30 calendar days after the date this Agreement becomes executed. |
| M1339 | 2 Special Condition #M1310 in Base Agreement regarding Fund 806 applies. |



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: September 16, 2026

Department: Public Works

Title:

Schedule final consideration to adopt an ordinance granting Zone Change/Comprehensive Plan Change 25-004/Jubitz Corporation

Management Update/Work Session Date: N/A Audio/Visual aids ☐

Time Required: 0 min Contact: Austin Barnes Phone: 503-566-4147

Requested Action:

Schedule adoption of the ordinance at the next board session, September 23, 2026.

Issue, Description
& Background:

The Marion County Hearings Officer held a duly noticed hearing on the application on March 19, 2026. On April 22, 2026, the Hearings Officer issued a recommendation to approve Zone Change/Comprehensive Plan Change 25-004/Jubitz Corporation. The Board held a duly noticed hearing on the application on August 26th, 2026 and approved the application.

The ordinance and findings have been prepared and the matter needs to be scheduled for final consideration and adoption.

Financial Impacts:

None

Impacts to Department
& External Agencies:

None

List of attachments:

Ordinance

Presenter:

Austin Barnes

Department Head
Signature:

for Brandon Reel

**BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON**

In the Matter of the	)	Case No.25-004
Application of:	)	Zone Change/Comprehensive
Jubitz Corporation	)	Plan Change

AN ADMINISTRATIVE ORDINANCE

ORDINANCE NO. ____

THE MARION COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

SECTION I. Purpose

This matter comes before the Marion County Board of Commissioners ("Board") on the application of Jubitz Corporation for a zone change and comprehensive plan change to change the zone from EFU (Exclusive Farm Use) to ID (Interchange District) zone and to change the comprehensive plan designation from Primary Agriculture to Commercial, with an exception to Statewide Planning Goal 3 (Agricultural Lands) on a 3.12 acre parcel located in the 12000 block of Ehlen Rd NE, Aurora (T4S; Range 1W; Section 10; Tax lot 1700).

SECTION II. Procedural History

The Marion County Hearings Officer held a duly noticed public hearing on March 19, 2026, and on April 22, 2026, issued a decision to approve the application. Official notice was taken of the Planning Division file and the Hearings Officer's decision. The Board has considered all the evidence in the record, all arguments of the parties and is otherwise fully advised in the premises.

SECTION III. Adoption of Findings and Conclusion

After careful consideration of all facts and evidence in the record, the Board adopts as its own the Findings of Fact and Additional Findings of Fact and Conclusions of Law contained in Section V and VI of the Hearings Officer's decision dated April 22, 2026, contained in Exhibit A, attached hereto, and by this reference incorporated herein.

SECTION IV. Action

The requested zone change from EFU (Exclusive Farm Use) to ID (Interchange District) and to change the comprehensive plan designation from Primary Agriculture to Commercial, with an exception to Statewide Planning Goal 3 (Agricultural Lands) on a 3.12-acre parcel is hereby **GRANTED**, subject to conditions identified in Exhibit A, attached hereto, and by this reference incorporated herein.

The property rezoned by this Ordinance is identified on a map in Exhibit B, attached hereto and by this reference incorporated herein. The Official Marion County Zoning Map shall be changed pursuant to Marion County Code Section 17.110.660 to reflect the new zoning subject to conditions identified in Exhibit A, attached hereto, and by this reference incorporated herein.

SECTION V. Effective Date

Pursuant to Chapter 1.10 of the Marion County Code, this is an Administrative Ordinance and shall take effect 21 days after the adoption and final signatures of the Marion County Board of Commissioners.

SIGNED and FINALIZED this _____ day of _____, 2026, at Salem, Oregon.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

Recording Secretary

JUDICIAL NOTICE

Oregon Revised Statutes, Chapter 197.830, provides that land use decisions may be reviewed by the Land Use Board of Appeals by filing a notice of intent to appeal within 21 days from the date this Ordinance becomes final.

BEFORE THE MARION COUNTY HEARINGS OFFICER

In the Matter of the Application of) Case No. 25-004
JUBITZ CORPORATION) **ZONE CHANGE AND COMPREHENSIVE**
) **PLAN CHANGE (Corrected ¹)**

RECOMMENDATION

I. Nature of the Application

This matter is before the Marion County Hearings Officer on the Application the Jubitz Corporation for a zone change and comprehensive plan change to change the zone from EFU (Exclusive Farm Use) to ID (Interchange District) zone and to change the comprehensive plan designation from Primary Agriculture to Commercial, with an exception to Statewide Planning Goal 3 (Agricultural Lands) on a 3.12 acre parcel located in the 12000 block of Ehlen Rd NE, Aurora.

II. Relevant Criteria

The standards and criteria relevant to this Application are found in the Marion County Comprehensive Plan (Rural Development Policies, Rural Service Centers, Agricultural Lands Policy), and the Marion County Code (MCC) Title 17, especially MCC 17.123 (Zone Change), MCC 17.136 (Exclusive Farm Use), and MCC 17.150 (Interchange District Zone). Policies relevant to this Application are also found in the State of Oregon Statewide Planning Goals (particularly Goal 3), and Oregon Administrative Rules 660, Division 4 (Goal Exception Process).

III. Public Hearing

A public hearing was held on this matter on March 19, 2026. The Planning Division file was made part of the record. The following persons appeared and provided testimony on the Application:

- | | | |
|----|----------------------------------|---------------------------------|
| 1. | Austin Barnes | Marion County Planning Division |
| 2. | Britany Randall (BRAND Land Use) | Representative for Applicant |

No documents were presented, marked, or entered into the record as exhibits. No objections were raised as to notice, jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

¹ This is a corrected version of ZC CP 25-004 originally issued on April 14, 2026. All prior versions of this Recommendation are void.

IV. Executive Summary

The matter before the hearings officer is the application of Jubitz Corporation for a zone change and comprehensive plan change to change the zone from EFU (Exclusive Farm Use) to ID (Interchange District) zone and to change the comprehensive plan designation from Primary Agriculture to Commercial, with an exception to Statewide Planning Goal 3 (Agricultural Lands) on a 3.12 acre parcel located in the 12000 block of Ehlen Rd NE, Aurora, Oregon.

Applicant submitted the application based upon the site's physical configuration that has been permanently altered by public transportation infrastructure which has created a remnant parcel that is no longer capable of functioning as agricultural land. The parcel was created through an approved Property Line Adjustment to accommodate the Oregon Department of Transportation's planned realignment of Dolores Way NE as part of the Aurora Donald Interchange improvement project. The parcel is bounded and impacted by permanent roadway infrastructure associated with the interchange, and is encumbered by a communication tower, associated easements, and an ODOT drainage easement. As a result of the public infrastructure project and the approved boundary adjustment, the subject property is now physically and functionally separated from surrounding agricultural land. Access to the parcel is provided by a driveway designed for limited non-farm access and does not accommodate agricultural equipment.

Applicant has established that the parcel is irrevocably committed to nonfarm uses, and Applicant has met the burden of proving the applicable standards and criteria for approval to change the zone from EFU (Exclusive Farm Use) to C (Commercial) and to change the comprehensive plan designation from Primary Agriculture to Commercial, with an exception to statewide planning Goal 3 (Agricultural Land).

Therefore, the Hearing Officer recommends that the Marion County Board of Commissioners GRANT the Application subject to certain conditions that are necessary for public health, safety, and welfare.

V. Findings of Fact

The Hearings Officer, after careful consideration of the testimony and evidence in the record, issues the following finding of fact:

1. Application of Jubitz Corporation for a zone change and comprehensive plan change to change the zone from EFU (Exclusive Farm Use) to ID (Interchange District) zone and to change the comprehensive plan designation from Primary Agriculture to Commercial, with an exception to Statewide Planning Goal 3 (Agricultural Lands) on a 3.12 acre parcel located in the 12000 block of Ehlen Rd NE, Aurora (T4S; Range 1W; Section 10; Tax lot 1700).

2. The property is located on the southern side of Ehlen Rd NE, directly east of its intersection with Interstate 5. The property is currently vacant other than a telecommunications tower. The property was created in its current configuration through PLA 24-003 and is therefore considered legal for land use purposes.
3. Properties in all directions except west are zoned EFU and are in various levels of farm production. The area is characterized by filbert orchards and grass seed/hay fields. To west is the Fargo Interchange, which is a collection of parcels zoned ID and developed with various highway related uses, such as restaurants, gas stations and mechanic businesses.
4. Marion County Planning Division requested comments on the proposal from various governmental agencies. The following comments were received:

Oregon Department of Transportation (ODOT) commented:

“The foregoing (application) assumes that no more than 14 pumping stations would ultimately be developed, or mitigation may be required in association with the land-use action. Transportation impacts of the proposed land-use action proximate to the I-5 Interchange (Aurora-Donald Interchange), and operations of its on/off ramps, would be the main concern (recognizing Alternative Mobility Targets in the IAMP). Our staff would be happy to review any quantitative analysis you could provide related to trip-generation potential of the proposed land-use action.

There is no need for any additional reports on the comp-plan/zone-change, though depending on the scale of *any future site-plans – a TIA may be needed* if the proposed site will either increase peak hour trips by 50, daily trips by 300, or result in an increase of total-entering-vehicles (TEV) in excess of 10% at any access point onto a state highway.

At the comp-plan/zone-change phase, I compare most-intensive use allowed under current and proposed comp-plan/zoning. Based on my planning-level assessment of best uses under your ID-zoning, it appeared a most intensive-use scenario *might be* a gas and market station, with approximately 14 pumping stations. It is my opinion that anything larger than that may generate enough new trips to surpass thresholds for trips-generated, then requiring mitigation at the comp-plan/zone-change phase.

Applicant is welcome to provide their own trip-generation estimates, though I do not think it is necessary at this phase *if* the above “most intensive” scenario sounds reasonable.”

Marion County Building Department commented:

“No Building Inspection concerns. Permit(s) are required to be obtained prior to development and/or utilities installation on private property.”

Marion County Septic commented:

“A site evaluation was conducted in 2024 to establish septic viability for an automotive shop with 15 employees. Any change in proposed gallons per day will require that the system be stake out to verify an initial and repair area fits within the approved area from SE 555-25-001446-EVAL. If the proposed daily flow exceeds 2500 gallons per day, a WPCF permit and additional test pits may be required by the DEQ. This will not be required at this time for the zone change but will be required prior to development.”

All other contacted agencies contacted either failed to respond or stated no objection to the proposal.

V. Additional Findings of Fact and Conclusion of Law

1. This is a recommendation to the Marion County Board of Commissioners (BOC). The BOC is the final decision-making authority.
2. Applicant has the burden of proving compliance with all applicable criteria as explained in *Riley Hill General Contractor, Inc. v. Tandy Corporation*, 303 Or 390, 394-395(1987).

“Preponderance of the evidence” means the greater weight of evidence. It is such evidence that when weighed with that opposed to it, has more convincing force and is more probably true and accurate. If, upon any question in the case, the evidence appears to be equally balanced, or if you cannot say upon which side it weighs heavier, you must resolve that question against the party upon whom the burden of proof rests. (Citation omitted).

Applicant must prove, by substantial evidence in the record, it is more likely than not that each criterion is met. If the evidence for any criterion is equal or less, Applicant has not met its burden and the application must be denied. If the evidence for every criterion is even slightly in Applicant’s favor, the burden of proof is met and the application is approved.
3. MCC 17.123.020 provides that a quasi-judicial zone change may be initiated by a property owner consistent with the application requirements of MCC 17.119.020 and 17.119.025.

The proposed zone change has been initiated by the legal property owner. The application includes the required ownership information, completed application materials, and written findings addressing the applicable approval criteria. The request has been properly initiated and is before the County for review through the quasi-judicial process.

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GOAL EXCEPTION

4. Land use applications of this nature must be consistent with Statewide Planning Goals. In this specific case, the subject parcel is covered by Statewide Goal 3 (Agriculture Lands). There is a mechanism, however, for not applying the Goal to areas with certain characteristics. This mechanism is the Goal exception process that requires specific findings justifying why such lands are not available for resource use. There are three types of exceptions to Statewide Goals that may be granted. The first two are based on the concept that the subject property is “physically developed” or “irrevocably committed” to a certain use. The third is a “reasons” exception where there is a demonstrated need for the proposed use or activity. In this case, Applicant states that the proposal qualifies for an irrevocably committed exception.

STATEWIDE PLANNING GOALS

5. Proposals to amend the comprehensive plan must be consistent with the Statewide Planning Goals:

Goal 1: Citizen Involvement. The notice and hearings process provides an opportunity for citizen involvement. The goal is satisfied.

Goal 2: Land use Planning. The subject application would change the zoning. The Hearings Officer makes a recommendation to the Marion County Board of Commissioners who will make the decision on behalf of the County. Marion County Planning division requested comments from various governmental agencies, and their comments are included. The goal is satisfied.

Goal 3: Agricultural Lands. Applicant seeks an exception, which is addressed in detail herein.

Goal 4: Forest Lands. The subject property has not been determined to be forest land. This goal does not apply.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources. The Marion County Comprehensive Plan does not identify any significant open spaces, scenic and historic areas and natural resources on the subject property.

Goal 6: Air, Water and Land Resources Quality. The subject property is not within an identified air quality area. The property is not located in the Sensitive Groundwater Overlay Zone. No activities have been proposed on the property that would use significant amounts of groundwater. Any single commercial use of water using less than 5,000 gallons per day is exempt from water right permitting requirements of the Oregon Department of Water Resources, as long as the water is used for a “beneficial purpose without waste” and may be subject to regulation in times of water shortage.

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Goal 7: Areas Subject to Natural Disasters and Hazards. The subject property is not within an identified floodplain or geologic hazards area. This goal is not applicable.

Goal 8: Recreation Needs. No Goal 8 resources are identified on the property. This goal does not apply.

Goal 9: Economic Development. Because the proposal is a rural commercial designation supported by a Goal 3 exception and does not involve urbanization or expansion of urban services, it is consistent with Goal 9.

Goal 10: Housing. This goal applies to housing within an urban growth boundary and, thus, does not apply to this proposal.

Goal 11: Public Facilities and Services. The subject parcels do not require an extension of services with a C (Commercial) zone use, this goal is satisfied.

Goal 12: Transportation. If the zone is changed to Commercial, the existing development will not have a significant impact on the roadway system in this area because of the minimal number of trips associated with the existing uses and the adequacy of the roadway to accommodate the probable level of additional traffic. ODOT did not identify any concerns with the proposal.

Goal 13: Energy Conservation. There is no indication of energy use increase or decrease based on the proposed zone change and comprehensive plan change. This goal does not apply.

Goal 14: Urbanization. Applicant proposes to rezone rural residential land to Commercial outside of the urban growth boundary. The Commercial (C) zone as applied here is a rural commercial designation acknowledged as consistent with Goal 14. The proposal does not extend urban services or create urban densities. Therefore, no Goal 14 exception is required.

Goals 15-19 are not applicable because the subject property is not within the Willamette River Greenway, or near any ocean or coastal-related resources.

COMPREHENSIVE PLAN AMENDMENT

6. All Comprehensive Plan changes are subject to review by the State Department of Land Conservation and Development (DLCD). DLCD was notified as required by State Law and did not provide additional comments or express concerns.
7. The Marion County Comprehensive Plan (MCCP) establishes procedures to be used when considering plan amendments. Plan changes directly involving 5 or fewer property owners will be considered a quasi-judicial amendment. The amendment will be reviewed by the zone change procedures established in MCC 17.123. A plan amendment of this type may be processed simultaneously with a zone change request with the zone change procedure

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outlined in Chapter 17.123 of the MCRZO. The subject property is comprised of one tax lot with one owner, all having an existing use, the proposal can therefore be considered under the quasi-judicial amendment process.

8. The MCCP does not contain specific review criteria for plan amendments; however, any amendment must be consistent with its applicable goals and policies. The goals and policies that apply in this case are located in the Rural Development Chapter and include policies for areas designated Commercial, the Rural Service Policies, Rural Service Center Development Policies and the Agricultural Lands Policies which are located in the Agricultural Lands section of the comprehensive plan.

9. Rural Service Policies:

A. "Strip-type" commercial or residential development along roads in rural areas shall be discouraged.

B. Rural industrial, commercial, and public uses should be limited primarily to those activities that are best suited to a rural location and are compatible with existing rural developments and agricultural goals and policies.

No strip-type development is proposed. The majority of the parcels in the area are currently developed with commercial uses or farm uses and any additional development would not be expected to have any additional impact on surrounding agricultural and rural residential lands. This zone change would extend the ID zoning to the extent possible allowed by vacant lands in the area, this would make the land more compatible with existing uses as there is already ID zoning to the west. The area already sees commercial traffic on Interstate 5 along with the commercial farm businesses in the area. The applicant did not show any proposed development on the site plan but indicated that the proposal will expand an existing interchange district node rather than create a "strip type" development. This proposal would be compatible with existing uses in the area. The policy is met.

10. Rural Service Center Development Policies:

1. Where there is a demonstrated need for additional commercial uses in rural Marion County they should be located in designated unincorporated communities.

The subject property is not located within an unincorporated community, but much of those lands are already developed and do not have vacant parcels for development. Applicant acknowledges this policy and notes that the proposed Comprehensive Plan Amendment and Zone Change are not based on demonstrating a need for additional commercial uses in rural Marion County generally, nor on locating new rural commercial development in an unincorporated community.

Instead, the subject property is a small remnant parcel that is irrevocably committed to non-resource use as a result of permanent public transportation improvements and associated site constraints. The parcel was created as a consequence of the Oregon Department of Transportation's I-5 interchange improvements and is physically and functionally defined by interchange infrastructure, roadway access, and surrounding non-resource development. These conditions distinguish the site from typical rural lands where Policy 1 is intended to direct the siting of new commercial uses based on demonstrated need.

The proposed redesignation does not establish a new rural commercial area or encourage dispersed commercial development in rural Marion County. Rather, it recognizes the existing condition of a parcel that has already been removed from the agricultural land base and is functionally integrated into an interchange environment. The proposal is consistent with this policy.

2. The boundaries of identified unincorporated communities shall not be expanded to accommodate additional development.

The subject property is a remnant parcel and no boundaries are being expanded. This policy does not apply.

3. Service districts within unincorporated communities may be created and expanded to serve the entire designated rural community; however, services shall not be extended outside of the community unless necessary to correct a health hazard.

The subject property is not located within an identified unincorporated community. It is within a rural service area. No boundaries are being expanded and the proposal does not seek to extend of water, sewer or other service infrastructure. This policy does not apply.

4. Public facilities in rural communities and rural service centers should be designed to service low density rural development and not encourage urbanization.

This proposal is not within a rural community and is just outside of a rural service center and does not encourage urbanization. The parcel will continue to rely on on-site water and wastewater systems. Transportation access is provided by existing and planned roadway infrastructure associated with the I-5 interchange. The policy is met.

5. Additional residential development should be discouraged within Interchange District zones at rural service centers. Only rural service businesses and related uses should be located at these centers.

This proposal does not involve residential development. The goal does not apply.

6. Zoning ordinance provisions shall ensure that new uses permitted in unincorporated communities will not adversely affect agricultural and forestry uses.

The use is not within an unincorporated community and will not adversely affect farm or forest lands. The policy is met.

7. Multifamily zoning shall not be permitted in rural communities or rural service centers.

No multi-family zoning is proposed. The policy is met.

8. The Fargo Road, Brooks, Sunnyside-Delaney, North Jefferson, Ankeny and Talbot interchanges along I-5 and the Santiam interchange on Highway 22 are appropriate locations for highway-related services. Other types of commercial or industrial uses shall not be permitted at these locations.

This proposal is directly adjacent to the Fargo Interchange and complies with this policy.

9. Expansion of Interchange District zoning at any particular interchange shall only be considered when:

(a) Adequate services to support freeway-related uses are available;

Applicants state their use can be served by well and septic which have already been reviewed and approved. The policy is met.

(b) All designated lands at the interchange are committed to development, or vacant designated lands are unsuitable for the proposed use; or

(c) The zoning is needed to allow expansion of an existing use allowed in the Interchange District zone, and it is not economically practical to expand the use on noncontiguous lands designated for interchange development at the same interchange.

All lands in the Fargo Interchange are already developed with highway uses and this is the only practical property to further develop with those uses. The policy is met.

11. Agricultural Lands Policies:

1. Preserve lands designated as Primary Agriculture by zoning them EFU (Exclusive Farm Use). Lands designated as Special Agriculture should be protected by the corresponding SA zone and farmland in the Farm/Timber designation should be protected by the Farm/Timber zone.

While the property is currently zoned EFU, it is not able to be preserved as farmland due to the existing development of roadways and an intermittent stream that runs through the western edge of the property and also creates a gully. A new road was constructed that essentially orphaned the subject property away from the larger farm parcel. Before the road was built, only 1.77 acres of the subject property was in farm production. The loss of 1.77 acres is not significant enough to not meet this goal. The property is better used in commercial development rather than being left vacant. Agricultural Lands Policy 1 has been met.

2. Maintain primary agricultural lands in the largest areas with large tract to encourage larger scale commercial agricultural production.

The property is a small, remnant parcel of a larger, 135.23-acre farm parcel. The parcel is physically separated from surrounding agricultural land by permanent roadway infrastructure, and is burdened by drainage facilities, utility easements, and site configuration. These conditions prevent the parcel from being incorporated into a larger tract suitable for commercial agricultural production. The rest of that parcel is being preserved as agricultural land and meets this policy. The proposal is consistent with Agricultural Lands Policy 2.

3. Discourage development of non-farm uses on high-value farmland and ensure that if such uses are allowed that they do not cause adverse impacts on farm uses.

The future non-farm uses of the parcel should not have any adverse impact on the adjacent farmlands as they are all divided by rights-of-way and long existing development patterns and access points. This area has many commercial uses that have existed in conjunction with farm uses in the area and this zone change will not create any new adverse impacts. As stated, the parcel is a small remnant created by public

transportation improvements. The parcel does not and cannot function as high-value farmland. Agricultural Lands Policy 3 is satisfied.

4. Limit residential uses on high-value lands to those dwellings where past income from the sale of farm products demonstrate that the dwelling will be in conjunction with the farm use. Non-farm dwellings should be limited to existing parcels where the dwelling will be compatible with the surrounding farm area. The approval of non-farm residences shall be based upon findings that the proposed dwelling meets the applicable criteria in OAR 660-033. Approval of a dwelling in the Farm/Timber designation shall be based on the applicable criteria in OAR 660-033 or 660-006.

No dwellings or residential development are proposed in this application. This policy does not apply.

5. Divisions of agricultural lands shall be reviewed by the County and comply with the applicable minimum parcel size and the criteria for the intended use of the property.

The parcel was created through a Property Line Adjustment, PLA 24-003. Applicant does not propose any divisions of agricultural lands. The goal does not apply.

6. Farmland should be taxed at agricultural use value.

The land is being changed to ID zoning, the goal does not apply.

7. Additional housing allowed on farmlands shall be necessary for farm management purposes. These dwellings should be manufactured homes so they can be removed when not needed, or be occupied by a relative of the farm operator and sited on the same parcel as the principal dwelling. A deed restriction shall be recorded requiring removal of the dwelling when the occupancy or use no longer complies with the criteria or standards under which the dwelling was originally approved.

No dwellings are proposed in this application. This goal does not apply.

8. The location of new dwellings must comply with density limitations intended to protect major and peripheral big game habitat.

No dwellings are proposed in this application. This goal does not apply.

9. When creation of a non-farm parcel is warranted, the size of the parcel shall be as small as possible to preserve the maximum amount of farmland in the farm parcel. Requirements may need to be imposed when non-farm parcels are allowed in farm use areas to minimize the potential for conflicts with accepted farm management practices on nearby land. These may include special setbacks, deed restrictions and vegetative screening.

The subject property represents the minimum parcel area that could reasonably remain after accommodating the permanent public transportation infrastructure and associated constraints. This parcel was created as small as possible when it was involved in a property line adjustment (PLA 24-003) that created its configuration. The goal is met.

12. OAR 660-004-0018 (2) requires that “physically developed” and “irrevocably committed” exceptions to goals, plan, and zone designations shall authorize a single numeric minimum lot size and shall limit uses, density, and public facilities and services to those:
- A. That are the same as the existing land uses on the exception site;*
 - B. That meet the following requirements:*
 - i. The rural uses, density, and public facilities and services will maintain the land as “Rural Land” as defined by the goals and are consistent with all other applicable Goal requirements; and*
 - ii. The rural uses, density, and public facilities and services will not commit adjacent or nearby resource uses to nonresource use as defined in OAR 660-004-0028; and*
 - iii. The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses;*
 - C. For which the uses, density, and public facilities and services are consistent with OAR 660-022-0030, ‘Planning and Zoning of Unincorporated Communities’, if applicable, or*
 - D. That are industrial development uses, and accessory uses subordinate to the industrial development, in buildings of any size and type, provided the exception area was planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.*

The parcel is not within an unincorporated community and is not in industrial use, C and D do not apply. Marion County has adopted a rural Interchange District zone and rural

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Comprehensive Plan designation which has been acknowledged as complying with Goal 14, Urbanization. The zone ensures that rural uses will not exceed density limitations on rural land and will not commit rural uses to requiring an urban level of public facilities. The commercial uses which would be allowed under the county's ID zone would be able to be supported on solely a rural level of public services, including rural septic service, and would be similar to the types of uses found in the surrounding land to the west and at other interchanges in the County, which are zoned ID. The property cannot be farmed in conjunction with any other parcels in the area. No urban public services will be needed to serve the site. The parcels in the area already consist of properties in commercial or highway use. Based on the evidence and findings provided by the applicant and summarized here, the proposal appears to meet the criteria for a goal three exception.

13. OAR 660-004-028 specifies that a local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make the uses allowed by the applicable goal impracticable. It further stipulates that whether land is irrevocably committed depends on the relationship between the exception area and the adjacent land. The findings for a committed exception, therefore, must address the following:

A. The characteristics of the exception area;

B. The characteristics of the adjacent area and the lands adjacent to it; and

C. The relationship between the exception area and the lands adjacent to it; and

D. The other relevant factors set forth in OAR 660-04-028(6).

OAR 660-004-028(6) referenced above indicates that findings of fact for a committed exception shall address the following factors:

A. Existing adjacent uses;

B. Existing public facilities and services (water and sewer lines, etc.);

C. Parcel size and ownership patterns of the exception area and adjacent lands:

- (i) Consideration of parcel size and ownership patterns shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements*

such as roads and underground utilities) on the resulting parcels or other factors makes unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and non-resource parcels created pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for non-farm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for land adjoining those parcels.

- (ii) Existing parcel sizes and contiguous ownership shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations.*

D. Neighborhood and regional characteristics;

E. Natural or manmade features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;

F. Physical Development according to OAR 660-004-025; and

G. Other relevant factors.

Applicant has addressed the characteristics and relationship of the exception area and the lands adjacent to it, consistent with OAR 660-004-028, as shown in 12 (A), (B), (C) and (D) above. The land is segmented and broken off from the lands around it, due to the existence of Dolores Way, right-of-way to the east and south and Ehlen RD to the north. To the west lies more lands zoned ID and developed with a gas station, mini-mart and RV park. If this zone change were to be approved, the subject property would be consistent with this zoning and create a harmonious area of ID zoned land, appropriately buffered and separated from EFU lands in the area such that, no adverse impacts would be expected.

The subject property's relationship with other lands in the area is that it does not have any. Due to its separation from the original parcel, it has been left as wasteland, bordered on three sides by roads and a fourth is developed with a gas station.

The rural ID zone permits uses that do not require public facilities such as sewer or water.

Additionally, Ehlen Rd and Dolores Way have split off this segment of EFU land from its larger, farmable parent parcel. It is now an island constrained on all sides and too small for practicable farm use. (i) above explains how roads may be used to demonstrate that a parcel is irrevocably committed to a non-resource use, this applies here. Much of this development occurred due to ODOT completely re-building this interchange in a multi-year project.

Applicant states:

“After accounting for permanent infrastructure, easements, drainage facilities, and access limitations, the remaining area theoretically available for cultivation is approximately 1.14 acres. This isolated and constrained area does not support commercial agricultural production, does not meaningfully contribute to Oregon’s agricultural economy, and cannot be practically farmed using modern agricultural practices. The parcel cannot be reintegrated into adjacent farm operations and no longer functions as agricultural land in any practical or economic sense. The relationship between the subject property and adjacent lands further demonstrates irrevocable commitment. Surrounding development to the south and west consists of long- established highway-oriented commercial uses, including fueling stations, trucking services, and an RV park. These uses generate traffic volumes, lighting, noise, and operational characteristics that are incompatible with farm use and reflect an interchange service environment rather than an agricultural setting. While agricultural lands remain to the north and east, the subject parcel is permanently separated from those lands by public infrastructure and does not function in coordination with ongoing farm operations.

Considering the characteristics of the exception area, the characteristics of adjacent lands, and the relationship between them, continued application of Goal 3 to the subject property no longer advances the purpose of protecting agricultural land. The parcel has been permanently committed to non-resource use by public infrastructure investment and surrounding development patterns, and it is impracticable for uses allowed under Goal 3.

The proposed Comprehensive Plan Amendment and Zone Change recognize the parcel’s irrevocable commitment to non-resource use while preserving surrounding agricultural lands that remain viable and productive. The exception complies with Goal 2 and OAR 660-004-0028 and represents a logical, limited application of non-resource zoning to land that has already been removed from the agricultural land base through public action.”

To address (ii) above, Applicant owns land adjacent to this parcel, but the land is already developed with a gas station.

The proposal meets the criteria for an irrevocably committed exception to Goal 3.

ZONE CHANGE

14. The requirements for zone changes are found in MCC (Marion County Code) 17.123.060 and include:

A. *The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the goals and policies of the Comprehensive Plan and the description and policies for the applicable land use classification in the Comprehensive Plan; and*

The subject property consists of approximately 3.12 acres and is a remnant parcel created through a previously approved Property Line Adjustment to accommodate the Oregon Department of Transportation's Aurora Donald Interchange improvement project. The project included the realignment of Delores Way NE and related interchange infrastructure. The parcel is encumbered by permanent transportation facilities, an established communication tower and associated easements, a ravine, and drainage facilities associated with the interchange project. These features substantially limit the usable area of the site and have permanently altered its relationship to surrounding agricultural lands. The approved interchange plans demonstrate that the site is now bounded and influenced by roadway infrastructure that separates it from the larger agricultural land base and defines its functional context as part of an interchange area rather than a farm unit.

The property no longer possesses the characteristics necessary to support long-term commercial agricultural use. The remaining unconstrained area is limited in size, irregularly shaped, and lacks practical access for modern farm equipment. The site does not function as part of a contiguous agricultural operation and does not meaningfully contribute to Marion County's agricultural land base. The continued application of the Primary Agriculture designation no longer reflects the realities of the site.

The proposed Commercial Comprehensive Plan designation is appropriate given the property's location within an established interchange area that includes existing highway-oriented commercial uses and Interchange District zoning on adjacent and nearby properties including truck stops and gas stations. The designation recognizes that the site is irrevocably committed to non-resource use due to surrounding development, public infrastructure investments, and site-specific constraints that make agricultural use impracticable, consistent with OAR 660-004-0028.

The proposed zone is appropriate for the amended Comprehensive Plan land use designation and is consistent with the applicable goals and policies of the Marion County Comprehensive Plan. MCC 17.123.060(A) is satisfied.

B. The proposed change is appropriate considering the surrounding land uses and the density and pattern of development in the area; and

The subject property consists of approximately 3.12 acres and is constrained by permanent features including public roadways on multiple sides, an established communication tower and associated access easement, an ODOT drainage easement, and a ravine that fragments the site. These conditions isolate the parcel from surrounding agricultural lands and prevent it from functioning as part of a contiguous farm unit. The resulting development pattern places the site within an interchange environment characterized by high traffic volumes, signalized intersections, and roadway geometry that is incompatible with farm operations.

Surrounding land uses reinforce this commitment. Properties to the south and west are developed or zoned for highway-oriented commercial uses that serve Interstate 5 traffic, including an RV park, trucking facilities, and fueling stations. These uses establish the prevailing development pattern and intensity in the immediate area. While agricultural uses remain to the north and east, they are separated from the subject property by public roadways, infrastructure improvements, and topographic features that eliminate any functional agricultural relationship between the parcels.

The proposed Commercial and Interchange District zoning recognizes the site's irrevocable commitment to non-resource use and aligns the zoning designation with the existing density, pattern, and functional character of development in this interchange area. The criterion is met.

C. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property;

Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with future development of the subject property, consistent with its irrevocable commitment to non-resource use. The parcel was created through an approved Property Line Adjustment to accommodate the Oregon Department of Transportation's Aurora Donald Interchange improvement project, including the realignment of Dolores Way NE and related interchange infrastructure.

The property is directly accessed from Ehlen Road NE and is integrated into the interchange circulation system formed by the realigned Dolores Way NE, new intersections, and associated roadway and signal improvements constructed as part of the ODOT project. These transportation improvements define the site's long-term functional context and exist independently of this application. The roadway network serving the parcel is designed to support interchange-related activity and further reinforces that the site is no longer suitable for agricultural use.

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The subject property is located within a rural service area and will be served by on-site water and wastewater systems. Septic suitability for the parcel has already been evaluated and approved by Marion County as part of the partition and property line adjustment process, demonstrating that on-site wastewater disposal is feasible and compliant with applicable County standards.

The proposed zone change does not require the extension of urban services. Any future development of the property will be subject to separate land use and development review to ensure compliance with County standards for access, utilities, and site services. Given the existence of permanent transportation infrastructure, approved septic suitability, and the parcel's creation and configuration within an interchange environment, adequate public facilities, services, and transportation networks are in place or can be provided concurrently with future development of the property. The criterion is met.

D. The other lands in the county already designated for the proposed use are either unavailable or not as well suited for the anticipated uses due to location, size or other factors; and

The parcel was created as a result of the Oregon Department of Transportation's I-5 interchange improvements, including the realignment of Dolores Way NE, and now exists as a remnant parcel defined by roadway infrastructure and surrounding non-resource development.

The subject property is physically and functionally disconnected from the surrounding agricultural land base and is constrained by permanent features, including roadway frontage on multiple sides, an established communication tower and associated easements, drainage facilities, and topographic limitations. These conditions render the parcel impracticable for agricultural use and distinguish it from other lands-designated for commercial use that were planned and zoned without similar constraints or infrastructure impacts.

Other lands designated for commercial use in Marion County do not share the same combination of site-specific factors that define this parcel, including its formation as a remnant of a public transportation improvement, its isolation from farm operations, and its integration into an interchange circulation system. The appropriateness of commercial and Interchange District zoning on this site is therefore tied to the parcel's existing condition and context, not to the siting of a particular commercial use that could reasonably be located elsewhere.

This specific parcel has already been removed from the agricultural land base by permanent public infrastructure improvements and is irrevocably committed to non-resource use. The criterion is met.

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- E. If the proposed zone allows uses more intensive than uses in other zones appropriate for the land use designation, the new zone will not allow uses that would significantly adversely affect allowed uses on adjacent properties zoned for less intensive uses.*

The proposed zone change will not allow uses that would significantly adversely affect allowed uses on adjacent properties zoned for less intensive uses. Accepted and expected intensive agricultural activities establish an operational intensity that is present in the surrounding area.

The subject property is physically and functionally separated from adjacent agricultural lands to the north and east by permanent features, including public roadway infrastructure associated with the I-5 interchange, a drainage ravine, and a communications tower site. To the south and west, the surrounding land use pattern is defined by existing highway-oriented commercial development, including fueling stations, a trucking operation, and an RV park. These uses generate traffic, noise and activity levels that are comparable to or greater than those typically associated with EFU uses. The subject parcel functions as a transition area between this established commercial interchange and remaining agricultural lands beyond the roadway and drainage features.

Given the intensity of uses permitted within the EFU zone, the permanent physical separation created by public infrastructure and drainage facilities, and the existing commercial activity in the interchange area, the application of Commercial and Interchange District zoning to the subject parcel will not significantly adversely affect allowed farm uses on adjacent properties. The parcel's irrevocable commitment to non-resource use ensures that future development will occur within a context where agricultural and non-agricultural intensities already coexist. Any future development of the site will remain subject to applicable development standards and review procedures designed to address compatibility

This proposal makes the best use of the Applicant's vacant land. The proposal is consistent with surrounding uses that comprise commercial, residential, and quasi-public uses on surrounding lands. Applicant has shown how the parcel can be served by well and septic and that uses allowed will not be too intensive for the area.

Based on the information submitted by Applicant, the criteria for a zone change from Exclusive Farm Use (EFU) to Commercial (C) are satisfied.

VII. Recommendation

It is hereby found that Applicant has met the burden of proving the applicable standards and criteria for a zone change and comprehensive plan change to change the zone from EFU (Exclusive Farm Use) to ID (Interchange District) zone and to change the comprehensive plan designation from Primary Agriculture to Commercial, with an exception to Statewide Planning

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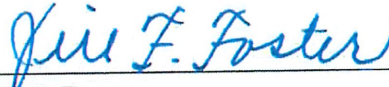
Goal 3 (Agricultural Lands) on a 3.12 acre parcel located in the 12000 block of Ehlen Rd NE, Aurora. The Hearings Officer recommends that the Marion County Board of Commissioners GRANT the Application subject to the following conditions that are necessary for the public health, safety, and welfare:

1. Applicant shall obtain all permits required by the Marion County Building Inspection Division.
2. All future development on the property must satisfy the specific development standards in the ID zone, chapter 17.150 and the general development standards found in chapter 17.112, 17.113 and 17.118 of the Marion County Code.

VIII. Referral

This document is a recommendation to the Marion County Board of Commissioners. The Board will make the final determination on this Application after holding a public hearing. The Planning Division will notify all parties of the hearing date.

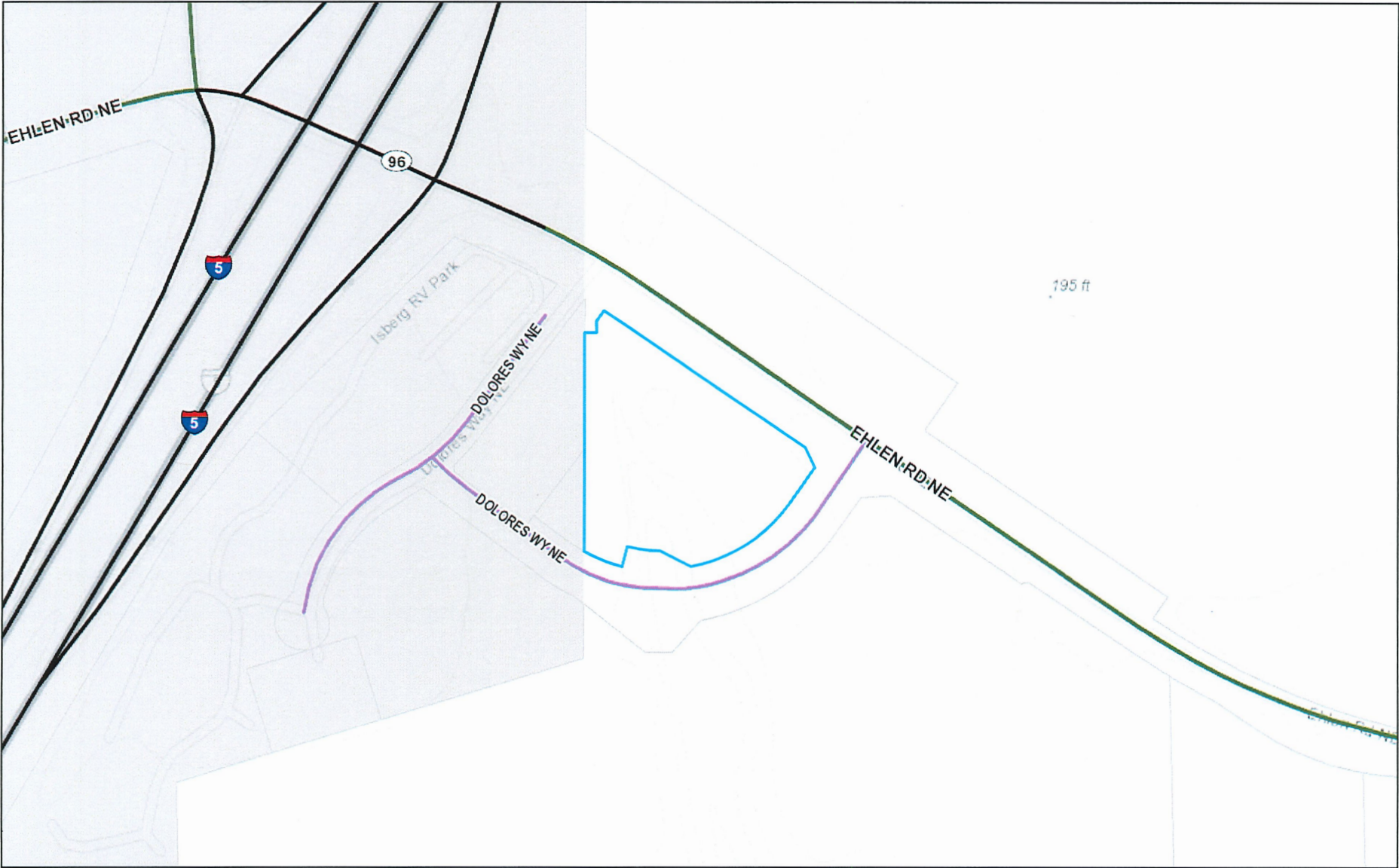
DATED at Salem, Oregon, this 22nd day of April, 2026.



Jill F. Foster

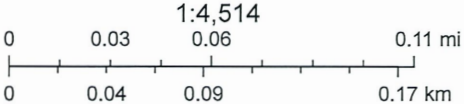
Marion County Hearings Officer

Land Use Planning Web Map



8/26/2026, 12:48:20 PM

- | | | | | |
|-------------------------------|---------------------|--------------------|-----------------------|-------------------|
| Roadways | City Roads | Commercial | Industrial/Commercial | Urban Development |
| State Roads | Federal Roads | Commercial General | Multi Residential | Urban Transition |
| County Roads | Private Roads | Commercial Office | Public | UGBs |
| NCR, Limited Maintenance | Parcels | EFU | Single Residential | County Boundary |
| Non County Roads | MC Zoning | Farm Timber | Special Agriculture | City Boundaries |
| County Owned, City Maintained | Acreage Residential | Industrial | Timber Conservation | |



MC IT-GIS, MC PW, MC-ASR, MC-IT GIS, MC-Planning, MC-IT GIS, MC IT-GIS, MC Planning, Oregon Metro, Bureau of Land Management, State of

Public Works Planning



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: September 16, 2026

Department: Public Works

Title:

Schedule final consideration to adopt an ordinance granting Zone Change/Comprehensive Plan Change 26-001/TIBA Incorporated

Management Update/Work Session Date: N/A

Audio/Visual aids ☐

Time Required: 0 min

Contact: Alex Seifer

Phone: 503-566-4162

Requested Action:

Schedule adoption of the ordinance at the next board session, September 23, 2026.

Issue, Description
& Background:

The Marion County Hearings Officer held a duly noticed hearing on the application on April 16, 2026. On April 28, the Hearings Officer issued a recommendation to approve Zone Change/Comprehensive Plan Change 26-001/TIBA Incorporated. The Board held a duly noticed hearing on the application on May 20th, 2026 and approved the application.

The ordinance and findings have been prepared and the matter needs to be scheduled for final consideration and adoption.

Financial Impacts:

None

Impacts to Department
& External Agencies:

None

List of attachments:

Ordinance

Presenter:

Alex Seifer

Department Head
Signature:

for Brandon Rich

**BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON**

In the Matter of the	)	Case No. 26-001
Application of:	)	Zone Change/Comprehensive
TIBA INCORPORATED	)	Plan Change

AN ADMINISTRATIVE ORDINANCE

ORDINANCE NO. _____

THE MARION COUNTY BOARD OF COMMISSIONERS HEREBY ORDAINS AS FOLLOWS:

SECTION I. Purpose

This matter comes before the Marion County Board of Commissioners ("Board") on the application of TIBA INC. for a zone change and comprehensive plan change to change the zone from SA (Special Agriculture) to C (Commercial) and to change the comprehensive plan designation from Special Agriculture to Commercial, with an exception to Statewide Planning Goal 3 (Agricultural Lands) on a 24.88-acre parcel located at 5355 Gaffin Rd SE, Salem (T8S; R2W; Section 5A; Tax lot 100).

SECTION II. Procedural History

The Marion County Hearings Officer held a duly noticed public hearing on April 16, 2026, and on April 28, 2026, issued a recommendation the Board approve the application. The Board held a duly noticed public hearing on the application on May 20, 2026, and considered the Planning Division file, the Hearings Officer's recommendation, all arguments of the parties and is otherwise fully advised in the premises.

SECTION III. Adoption of Findings and Conclusion

After careful consideration of all facts and evidence in the record, the Board adopts as its own the Findings of Fact and Additional Findings of Fact and Conclusions of Law, contained in Exhibit A, attached hereto, and by this reference incorporated herein.

SECTION IV. Action

The requested zone change from EFU (Exclusive Farm Use) to C (Commercial) and to change the comprehensive plan designation from Primary Agriculture to Commercial, with an exception to Statewide Planning Goal 3 (Agricultural Lands) on a 24.88-acre parcel is hereby **GRANTED**, subject to conditions identified in Exhibit A, attached hereto, and by this reference incorporated herein.

The property rezoned by this Ordinance is identified on a map in Exhibit B, attached hereto and by this reference incorporated herein. The Official Marion County Zoning Map shall be changed pursuant to Marion County Code Section 17.110.660 to reflect the new zoning subject to conditions identified in Exhibit A, attached hereto, and by this reference incorporated herein.

SECTION V. Effective Date

Pursuant to Chapter 1.10 of the Marion County Code, this is an Administrative Ordinance and shall take effect 21 days after the adoption and final signatures of the Marion County Board of Commissioners.

SIGNED and FINALIZED this _____ day of _____, 2026, at Salem, Oregon.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

Recording Secretary

JUDICIAL NOTICE

Oregon Revised Statutes, Chapter 197.830, provides that land use decisions may be reviewed by the Land Use Board of Appeals by filing a notice of intent to appeal within 21 days from the date this Ordinance becomes final.

BEFORE THE MARION COUNTY HEARINGS OFFICER

In the Matter of the Application of) Case No. 26-001
)
) **ZONE CHANGE AND COMPREHENSIVE**
TIBA, INCORPORATED) **PLAN CHANGE**

RECOMMENDATION

I. Nature of the Application

This matter is before the Marion County Hearings Officer on the Application of TIBA, INCORPORATED to change the zone from SA (Special Agriculture) to C (Commercial) and to change the Comprehensive Plan designation from Special Agriculture to Commercial on 24.88-acres, located at 5355 Gaffin Road SE, Salem (T8S; R2W; Section 05A; tax lot 100).

II. Relevant Criteria

The standards and criteria relevant to this Application are found in the Marion County Comprehensive Plan (Rural Development Policies, Rural Services Policy), and the Marion County Code (MCC) Title 17, especially MCC 17.123 (Zone Change), MCC 17.137 (Special Agriculture), and MCC 17.145 (Commercial Zone). Policies relevant to this Application are also found in the State of Oregon Statewide Planning Goals (particularly Goal 3), and Oregon Administrative Rules 660, Division 4 (Goal Exception Process).

III. Public Hearing

A public hearing was held on this matter on April 16, 2026. The Planning Division file was made part of the record. The following persons appeared and provided testimony on the Application:

- | | | |
|----|-----------------------------|---------------------------------|
| 1. | Alexander Seifer | Marion County Planning Division |
| 2. | Lindsey King (PNW Planning) | Representative for Applicant |
| 3. | Ray Baker | In Support of Application |
| 4. | Jason Briggs | General Comments |

No documents were presented, marked, or entered into the record as exhibits. No objections were raised as to notice, jurisdiction, conflicts of interest, or to evidence or testimony presented at the hearing.

IV. Executive Summary

The matter before the hearings officer is the application of TIBA, INCORPORATED to change the zone from SA (Special Agriculture) to C (Commercial) and to change the Comprehensive Plan designation from Special Agriculture to Commercial on 24.88-acres, located at 5355 Gaffin Road SE, Salem.

The subject property previously had a hay compaction operation, but operations ceased before 2020. No immediately adjacent parcels except perhaps one to the west are in farm production. This parcel appeared to have bee hives, but witness testimony indicated that there are no active hives. Gaffin Road is located near SR22 and Culver Drive. The Amazon warehouse and delivery facility and Salem-Keizer School District Transportation Center are located on Gaffin Road and are established industrial and commercial uses.

There are close to 185-acres of commercial or industrial zoned parcels in the area between Culver Drive and SR22, as compared to about 150-acres of SA zoned parcels, which indicates that the majority of the local area is dedicated to industrial or commercial uses. Approval of the zone change would make the subject property consistent with most of the zoning and match existing development.

It is hereby found that Applicant has met the burden of proving the applicable standards and criteria for a zone change and comprehensive plan change to change the zone from SA (Special Agriculture) to C (Commercial) and to change the Comprehensive Plan designation from Special Agriculture to Commercial on 24.88-acres, located at 5355 Gaffin Road SE.

The Hearing Officer recommends that the Marion County Board of Commissioners GRANT the Application subject to certain conditions that are necessary for public health, safety, and welfare.

V. Findings of Fact

The Hearings Officer, after careful consideration of the testimony and evidence in the record, issues the following finding of fact:

1. This matter is the Application of TIBA Inc to change the zone from SA (Special Agriculture) to C (Commercial) and to change the Comprehensive Plan designation from Special Agriculture to Commercial on 24.88-acres, located at 5355 Gaffin Road SE, Salem (T8S; R2W; Section 05A; tax lot 100).
2. The property is located on the north side of Gaffin Rd SE, approximately 2,900 feet northeast of Gaffin Road's interchange onto SR22. The property was the subject of two previous land use cases, CU92-018 and CU20-038, and is legal for land use purposes.
3. Properties directly to the west and north are zoned SA (Special Agriculture), which contain a mix of small acreage residences and small-scale farming operations, essentially all being less than 15-acres in size. All other adjacent parcels are located within Salem City limits and developed with industrial uses. These include an Amazon Locker facility, RV storage, and a Salem-Keizer School District transportation center.
4. The Marion County Planning Division requested comments on the proposal from various government agencies. The following comments were received:

Marion County Public Works Land Development and Engineering (LDEP) provided the following comments:

ENGINEERING ADVISORIES

Applicant should also be aware of the following:

- A. PW Engineering has no action items for the proposed Zone Change itself.
- B. The following are PW Engineering advisories for future further development:
 - A storm water detention system had been designed, permitted (#UR05-055) and constructed serving the two rear (northern) buildings. Based upon review of aerial imagery, the detention system has likely been either partially or completely obliterated as a result of undocumented land clearing and grading activities over time. Future development will need to address recouping any loss of that system as well as for any new development.
 - The subject property is situated within the County's Stormwater Management Area (SWMA). Future development, as well as any required recoupment of the original system described above, will need to include water quality treatment as part of an overall stormwater system.
 - Marion County has jurisdiction over construction erosion permitting for total ground disturbances within the SWMA ranging from 0.25-acre to just under 5-acres.
 - Authorization for permanent full-time Culver Road access is not anticipated. However, secondary, gated fire-only access to Culver Road could potentially be authorized if required by the local fire department.
 - Transportation System Development Charges (SDCs) will be assessed at the time of application for building permits, including for any required Change-in-Occupancy of an existing structure.
 - County GIS depicts a mapped seasonal ditch traversing the subject property that appears from review of aerial imagery to have been realigned in conjunction with the aforementioned undocumented grading activities.

Marion County Building commented the following: "No Building Inspection concerns. Permit(s) are required to be obtained prior to any proposed development of structures and/or utilities installation on private property. Permit history appears to indicate the existing structures on the subject property were properly permitted as commercial agricultural structures. A more thorough review of these records can be performed to provide a more formal determination of these structures, if necessary. Please contact Marion County Building Inspection to request this information."

Friends of Marion County: provided comments in opposition to the proposal. The comments argue that the Applicants provided insufficient evidence to demonstrate the parcel cannot be farmed and that there will be a cascading effect of committing additional resource lands in the area to non-resource use.

At the time of this staff report all other contacted agencies either failed to respond or stated no objection to the proposal.

5. Alex Seifer presented the staff report and stated that there have been two prior land use actions with respect to the subject property, CU 92-018 and CU 20-038. Mr. Seifer stated that the neighboring parcel does not have active farming operations. Mr. Seifer also noted that there is a large Amazon facility near the subject property which has already brought more intensive uses to the area. The majority of the parcel is developed and any additional development would not be expected to have any additional impact on the surrounding agricultural and rural residential lands. Mr. Seifer stated that Marion County Planning recommends approval of the application subject to recommended conditions of approval.
6. Lindsey King, Pacific Northwest Planning, Applicant Representative, testified at the hearing. Ms. King stated that there are no farming operations on the subject property, and that the property was permanently disqualified for tax deferral more than twenty years ago. 17 of the 24 acres are dedicated to commercial use, and the remainder of the property includes mapped wetlands and poor soils. Ms. King stated that the proposal qualifies for an irrevocably committed and physically developed exception to Statewide Goal 3.
7. Ray Baker testified at the hearing in favor of the application. Mr. Baker addressed the adjacent property where bees were raised at one time. Mr. Baker indicated that the bees were diseased, and that there do not appear to be any active hives. Mr. Baker indicated that there may be a few sheep in the pasture, there is no active farming occurring on adjacent property.
8. Jason Briggs testified at the hearing. Mr. Briggs presented general comments and is not necessarily in favor of or opposed to the application. Mr. Briggs noted that there are lots of trucks on Gaffin Road, and that urban growth is happening with the impact of the Amazon facility. Mr. Briggs addressed use of Culver Road for access. Mr. Briggs also noted concerns about wetlands and water detention with road improvements.
9. Alex Seifer responded to Mr. Briggs' concerns and indicated that MCLDEP provided comments about water detention and provided comments regarding future development. Mr. Seifer indicated that it is not anticipated that access would be off Culver except as an emergency or secondary exit.

V. Additional Findings of Fact and Conclusion of Law

1. This is a recommendation to the Marion County Board of Commissioners (BOC). The BOC is the final decision-making authority.

2. Applicant has the burden of proving compliance with all applicable criteria as explained in *Riley Hill General Contractor, Inc. v. Tandy Corporation*, 303 Or 390, 394-395(1987).

“Preponderance of the evidence” means the greater weight of evidence. It is such evidence that when weighed with that opposed to it, has more convincing force and is more probably true and accurate. If, upon any question in the case, the evidence appears to be equally balanced, or if you cannot say upon which side it weighs heavier, you must resolve that question against the party upon whom the burden of proof rests. (Citation omitted).

3. MCC 17.123.020 provides that a quasi-judicial zone change may be initiated by a property owner consistent with the application requirements of MCC 17.119.020 and 17.119.025.

The proposed zone change has been initiated by the legal property owner. The application includes the required ownership information, completed application materials, and written findings addressing the applicable approval criteria. The request has been properly initiated and is before the County for review through the quasi-judicial process.

GOAL EXCEPTION

4. Land use applications of this nature must be consistent with Statewide Planning Goals. In this specific case, the subject parcel is covered by Statewide Goal 3 (Agriculture Land). There is a mechanism, however, for not applying the Goal to areas with certain characteristics. This mechanism is the Goal exception process that requires specific findings justifying why such lands are not available for resource use. There are three types of exceptions to Statewide Goals that may be granted. The first two are based on the concept that the subject property is “physically developed” or “irrevocably committed” to a certain use. The third is a “reasons” exception where there is a demonstrated need for the proposed use or activity. In this case, the applicant indicated that the proposal qualifies for an irrevocably committed and physically developed exception.

STATEWIDE PLANNING GOALS

5. Proposals to amend the comprehensive plan must be consistent with the Statewide Planning Goals:

Goal 1: Citizen Involvement. The notice and hearings process provides an opportunity for citizen involvement. The goal is satisfied.

Goal 2: Land use Planning. The subject application would change the zoning. The Hearings Officer makes a recommendation to the Marion County Board of Commissioners who will make the decision on behalf of the County. Marion County Planning division requested comments from various governmental agencies, and their comments are included. The goal is satisfied.

Goal 3: Agricultural Lands. Applicant seeks an exception, which is addressed in detail herein.

Goal 4: Forest Lands. The subject property has not been determined to be forest land. This goal does not apply.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources. The Marion County Comprehensive Plan does not identify any significant open spaces, scenic and historic areas and natural resources on the subject property.

Goal 6: Air, Water and Land Resources Quality. The subject property is not within an identified air quality area. The property is not located in the Sensitive Groundwater Overlay Zone. No activities have been proposed on the property that would use significant amounts of groundwater. Any single commercial use of water using less than 5,000 gallons per day is exempt from water right permitting requirements of the Oregon Department of Water Resources, as long as the water is used for a “beneficial purpose without waste” and may be subject to regulation in times of water shortage.

Goal 7: Areas Subject to Natural Disasters and Hazards. The subject property is not within an identified floodplain or geologic hazards area. This goal is not applicable.

Goal 8: Recreation Needs. No Goal 8 resources are identified on the property. This goal does not apply.

Goal 9: Economic Development. Because the proposal is a rural commercial designation supported by a Goal 3 exception and does not involve urbanization or expansion of urban services, it is consistent with Goal 9.

Goal 10: Housing. This goal applies to housing within an urban growth boundary. This goal does not apply.

Goal 11: Public Facilities and Services. The subject parcels do not require an extension of services with a C (Commercial) zone use, this goal is satisfied.

Goal 12: Transportation. If the zone is changed to Commercial, the existing development will not have a significant impact on the roadway system in this area because of the minimal number of trips associated with the existing uses and the adequacy of the roadway to accommodate the probable level of additional traffic. ODOT did not identify any concerns with the proposal.

Goal 13: Energy Conservation. The proposal will result in an increase in commercial activity in the area and will require additional energy consumption. However, the increase in energy consumption will not be beyond what can be handled by existing infrastructure. The presence of a substation and the ability of the existing infrastructure to handle more energy intensive uses on neighboring properties demonstrate the sufficiency of the system. This goal is met.

Goal 14: Urbanization. Applicant proposes to rezone Special Agriculture to Commercial outside of the urban growth boundary. Goal 14 does not apply.

Goals 15-19 are not applicable because the subject property is not within the Willamette River Greenway, or near any ocean or coastal-related resources.

COMPREHENSIVE PLAN AMENDMENT

6. All Comprehensive Plan changes are subject to review by the State Department of Land Conservation and Development (DLCD). The DLCD was notified as required by State Law and did not comment prior to this report being prepared.
7. The Marion County Comprehensive Plan (MCCP) establishes procedures to be used when considering plan amendments. Plan changes directly involving 5 or fewer property owners will be considered a quasi-judicial amendment. The amendment will be reviewed by the zone change procedures established in MCC 17.123. A plan amendment of this type may be processed simultaneously with a zone change request with the zone change procedure outlined in Chapter 17.123 of the MCRZO. The subject property is comprised of one tax lot with one property owner. The proposal can therefore be considered under the quasi-judicial amendment process.
8. The MCCP does not contain specific review criteria for plan amendments; however, any amendment must be consistent with its applicable goals and policies. The goals and policies that apply in this case are located in the Rural Development Chapter and include policies for areas designated Commercial.
9. Rural Service Policies:
 - A. *“Strip-type” commercial or residential development along roads in rural areas shall be discouraged.*
 - B. *Rural industrial, commercial, and public uses should be limited primarily to those activities that are best suited to a rural location and are compatible with existing rural developments and agricultural goals and policies.*

No strip-type development is proposed. The majority of the parcel is currently developed, and any additional development would not be expected to have any additional impact on surrounding agricultural and rural residential lands. The applicant did not show any additional proposed development on the site plan but indicated that the proposal will utilize the existing structures developed on the property for previously approved commercial use. Gaffin Road is a paved Marion County jurisdiction road that changes to a City of Salem jurisdiction road at the end of the subject parcel's frontage along Gaffin Rd. Access is currently granted and controlled by Marion County LDEP. Currently there are established industrial uses that generate significant traffic located on the city jurisdiction parcels to the southeast, primarily in the form of an Amazon Locker facility and Salem-Keizer School District Transportation Center. The proposed change to commercial zoning will have an impact on the traffic on Gaffin Rd, but the area is already commercially developed with roads that can handle the expected increases in traffic. Marion County LDEP has not identified any concerns and not requested any road upgrades or a TIA, therefore indicating the existing rural road development is suited for the proposal. The rural Commercial zone permits uses that do not require public facilities such as sewer or water in order to allow for commercial development outside of urbanized areas, allowing it to be in harmony with Goal 14. As such, the new zone will restrict new uses to only those that can be supported without requiring connections to utilities and services found only in urban areas.

Goal 3 Exception

10. OAR 660-004-0018 (2) requires that “physically developed” and “irrevocably committed” exceptions to goals, plan, and zone designations shall authorize a single numeric minimum lot size and shall limit uses, density, and public facilities and services to those:
- A. *That are the same as the existing land uses on the exception site;*
 - B. *That meet the following requirements:*
 - i. *The rural uses, density, and public facilities and services will maintain the land as “Rural Land” as defined by the goals and are consistent with all other applicable Goal requirements; and*
 - ii. *The rural uses, density, and public facilities and services will not commit adjacent or nearby resource uses to nonresource use as defined in OAR 660-004-0028; and*
 - iii. *The rural uses, density, and public facilities and services are compatible with adjacent or nearby resource uses;*
 - C. *For which the uses, density, and public facilities and services are consistent with OAR 660-022-0030, ‘Planning and Zoning of Unincorporated Communities’, if applicable, or*
 - D. *That are industrial development uses, and accessory uses subordinate to the industrial development, in buildings of any size and type, provided the exception area was planned and zoned for industrial use on January 1, 2004, subject to the territorial limits and other requirements of ORS 197.713 and 197.714.*

A majority of the subject parcel is currently developed. Applicant’s analysis determined that approximately 17 of the 24.88 acres are dedicated to existing commercial use. It is not within an unincorporated community and is not in industrial use. Marion County has adopted a rural commercial zone which has been acknowledged as complying with Goal 14, Urbanization. The zone ensures that rural uses will not exceed density limitations on rural land and will not commit rural uses to requiring an urban level of public facilities. The commercial uses which would be allowed under Marion County’s Commercial zone would be able to be supported on solely a rural level of public services, including rural septic service, and would be similar to the types of uses found in the surrounding land to the east, which is zoned for industrial uses by the City of Salem. While there are parcels to the north and west that are zoned Special Agriculture, because of the existing development in the immediate area, most in the vicinity are in residential or commercial use and are not being farmed or are being farmed at a small scale. The property cannot be farmed in conjunction with any other parcels in the area easily, as the portions of the subject property abutting neighboring farm uses consist of hydric soils not suitable for commercial agriculture or are the sections of the property developed with the existing commercial use. No urban public services will be needed to serve the site. The parcels in the area

already consist of commercial or residential use. Based on the evidence and findings provided by Applicant, the proposal meets the criteria under the above section.

11. OAR 660-004-028 specifies that a local government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make the uses allowed by the applicable goal impracticable. It further stipulates that whether land is irrevocably committed depends on the relationship between the exception area and the adjacent lands. The findings for a committed exception, therefore, must address the following:

- A. The characteristics of the exception area;*
- B. The characteristics of the adjacent area and the lands adjacent to it; and*
- C. The relationship between the exception area and the lands adjacent to it; and*
- D. The other relevant factors set forth in OAR 660-04-028(6).*

OAR 660-004-028(6) referenced above indicates that findings of fact for a committed exception shall address the following factors:

- A. Existing adjacent uses;*
- B. Existing public facilities and services (water and sewer lines, etc.);*
- C. Parcel size and ownership patterns of the exception area and adjacent lands:*
 - (i) Consideration of parcel size and ownership patterns shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground utilities) on the resulting parcels or other factors makes unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and non-resource parcels created pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for non-farm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for land adjoining those parcels.*
 - (ii) Existing parcel sizes and contiguous ownership shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small*

parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations.

- D. *Neighborhood and regional characteristics;*
- E. *Natural or manmade features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;*
- F. *Physical Development according to OAR 660-004-025; and*
- G. *Other relevant factors.*

OAR 660-004-0028 requires showing that farm use is impracticable, not merely inconvenient. Applicant has addressed the characteristics and relationship of the exception area and the lands adjacent to it, consistent with OAR 660-004-028, as shown in 12 (A), (B), (C) and (D) above. The subject property is directly adjacent to industrial zoned land within the City of Salem (without even a road as a buffer), and the majority of the surrounding area is already dedicated to industrial or commercial uses.

The subject parcel is bordered on all sides by features that act as barriers to other farmland in the area. To the northeast is the right-of-way for Culver Drive and to the southwest is the right-of-way for Gaffin Rd. All farm use on the subject property ceased approximately six years ago, and the buildings are in disrepair. To the southeast there are industrial parcels within the City of Salem that are developed with a substation and Amazon locker facility. The parcels to the west are still zoned SA and contain some farm uses, but most of these farm uses are small operations consisting of less than 10-acres. There does not appear to be active farming on the adjacent parcel. The rest of the parcels are either developed as small acreage residences or are made up of hydric soils with low viability for farm use. The soils on the subject parcel that border these SA zoned parcels are also hydric and are not desirable for farm use. According to the "Soils – Predominantly Hydric Soil Map Units" layer in the Marion County Land Use Planning GIS tool, the open field area bordering Culver Dr consists of amity silt loam soils, which the tool's description states is prime farmland if drained. Considering the presence of wetlands on the subject property, installation of drainage tiles on these soils may risk non-compliance with Wetland Conservation Compliance provisions and could result in a farmer becoming ineligible for federal assistance from United States Department of Agriculture programs, according to the "Farm Bill Eligibility and Tile Drainage" pamphlet from the Natural Resources Conservation Service. These drainage regulations further limit the potential use of the property for traditional agriculture on its own or with contiguous properties.

Further, the subject property does not possess an irrigation water right necessary to support commercial-scale agricultural operations or other intensive farm uses commonly associated with lands protected under Statewide Planning Goal 3. The parcel is served by a domestic well, which the Oregon Water Resources Department has confirmed through the attached well log; however,

the record does not demonstrate the existence of a legal irrigation water right sufficient to support sustained commercial agricultural production.

Goal 3 is intended to preserve and maintain agricultural lands for farm use; however, the subject property lacks a key resource necessary to support viable agricultural production. Without a legal irrigation water right, the property is constrained in its ability to support irrigated crops, productive pasture, or other higher-value agricultural activities that typically justify continued agricultural designation and zoning. The absence of irrigation water substantially limits the property's capability for sustained commercial agricultural use consistent with the intent of Goal 3.

The relationship between the subject property and the surrounding area has changed significantly in the past 20 years. On December 31st, 2005, there was no commercial or industrial development on the adjacent parcels. By July 9th, 2010, the Amazon Locker facility and the neighboring power transformer installation were constructed, cutting the subject parcel off from any open farmable land to the southeast, and the beginning stages of the Salem/Keizer School District bus depot were in place across Gaffin rd. In the following 16 years, the area underwent progressive development, including development of apartment complexes, a self-storage facility and gas station at the intersection of Cordon Rd and Gaffin Rd; expansion of the parking area for the Amazon facility; creation of Gaia St SE to the southeast; and most recently the full development of the school district vehicle depot in 2022, which cumulatively was the tipping point here.

The subject property's current relationship with other lands in the area is that it acts as a transitionary parcel between the small farm and residentially used parcels and the fully developed industrial and commercial parcels in the City of Salem's jurisdiction. While it contains open space, those undeveloped areas contain the most hydric soils and are the least suitable soils for farming in the area. The property is also significantly developed with structures that allow it to serve commercial uses, and attempting to farm the subject parcel in conjunction with a neighboring property would require a specialized type of agricultural not requiring available soil.

There are close to 185-acres of commercial or industrial zoned parcels in the area between Culver DR and SR22, as compared to about 150-acres of SA zoned parcels, demonstrating that the majority of the local area is dedicated to industrial or commercial uses. If this zone change were to be approved, the subject property would be consistent with this zoning and match existing development that dominates the local area. Additionally, the subject property is the largest SA zoned parcel in the local area with the exception of a 91.10-acre parcel roughly 2,500 feet to the northeast. The applicant addresses this outlier in their analysis, showing that this one large parcel is significantly disconnected from the local area of the subject parcel by several small properties and 2 different road rights-of-way. The rest of the parcels in their area of analysis are around 10-acres or less in size and almost none are under contiguous ownership. Applicant states that none of the parcels in farm use within their area of analysis constitute significant farming operations because of this parcel size and ownership pattern, further isolating the subject property as far as being able to incorporate into a larger farming operation.

OAR 660-004-0028(6)(c)(B) provides that "Small parcels in separate ownerships are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels." The maps and other information in the record

demonstrate that there is such a pattern of small parcels in separate ownerships that are developed, clustered in a large group, and clustered around a significant road designed to serve these clustered parcels. This describes the surrounding area and further demonstrates irrevocable commitment.

As addressed above, the rural Commercial zone permits uses that do not require public facilities such as sewer or water, which the parcel currently lacks access to.

The proposed Rural Commercial designation more accurately reflects the property's existing resource limitations and operational characteristics. Any proposed use is anticipated to require substantially less water than commercial agricultural operations and can be served through lawfully available domestic or other approved non-irrigation water sources. As such, the proposal would not remove from commercial agricultural production land that is currently viable, irrigated, or capable of sustained farm use at a level Goal 3 is intended to protect.

Moreover, approval of the requested amendments would not establish a precedent for the conversion of productive agricultural lands generally. The justification for the proposal is based on the cumulative total specific circumstances of this property, including being adjacent on two sides to industrially zoned land in the City of Salem (with the subject property's longest boarder being immediately adjacent to industrial zoned land in the City of Salem without even a road in between as a buffer), the majority of the surrounding area being already dedicated to industrial or commercial uses, the absence of a legal irrigation water right, the resulting limitations on agricultural productivity, and the site's reduced suitability for long-term commercial farm use. These site-specific conditions distinguish the property from surrounding resource lands that possess the necessary characteristics to support viable agricultural operations. The proposed Rural Commercial designation for this property would not irrevocably commit adjacent lands to the north, as those lands do not currently (and still would not after this decision) share the same unique circumstance of being immediately adjacent to industrially zoned land in the City of Salem. Indeed, the subject property is the only SA property between Culver Rd and Gaffin Rd that is immediately adjacent to industrially zoned land in the City of Salem without a road in between as a buffer.

The record contains substantial evidence supporting the conclusion that the subject property is not well suited for long-term commercial agricultural use as contemplated under Goal 3, and that the proposed Comprehensive Plan amendment and corresponding zone change are justified and consistent with the intent and purposes of Statewide Planning Goal 3.

With limited space available on the parcel for traditional farming methods, natural and development barriers to other farm parcels in the area, and the land use pattern in the immediate area consisting mostly of uses not involving commercial agriculture, the subject parcel is, through this confluence of factors, irrevocably committed to non-farm use. The criterion is met. The applicant argues that the exception area is characterized by existing development that is not being farmed due to soils and topography. No immediately adjacent parcels except one to the west are in farm production. The property is bordered on the southwest and northeast by public roads and industrially zoned parcels to the southeast. The parcels to the northwest are either small parcels in residential use or contain a significant amount of hydric soils that make farming difficult (see Applicant's Exhibits 1, 2, and 4).

ZONE CHANGE

12. The requirements for zone changes are found in MCC (Marion County Code) 17.123.060 and include the following criteria:
 - A. *The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the goals and policies of the Comprehensive Plan and the description and policies for the applicable land use classification in the Comprehensive Plan; and*
 - B. *The proposed change is appropriate considering the surrounding land uses and the density and pattern of development in the area; and*
 - C. *Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property; and*
 - D. *The other lands in the county already designated for the proposed use are either unavailable or not as well suited for the anticipated uses due to location, size or other factors; and*
 - E. *If the proposed zone allows uses more intensive than uses in other zones appropriate for the land use designation, the new zone will not allow uses that would significantly adversely affect allowed uses on adjacent properties zoned for less intensive uses.*

The Commercial zone is the only zone that implements the rural Commercial designation in the Marion County Comprehensive Plan (MCCP). The MCCP policies that address designating property as Commercial were addressed herein and the proposal is in compliance based on the evidence presented in the goal exception section of this report. The proposal is consistent with surrounding uses that comprise commercial, residential, and quasi-public uses on surrounding lands. Based on the information submitted by Applicant, the criteria for a zone change are satisfied by the proposal.

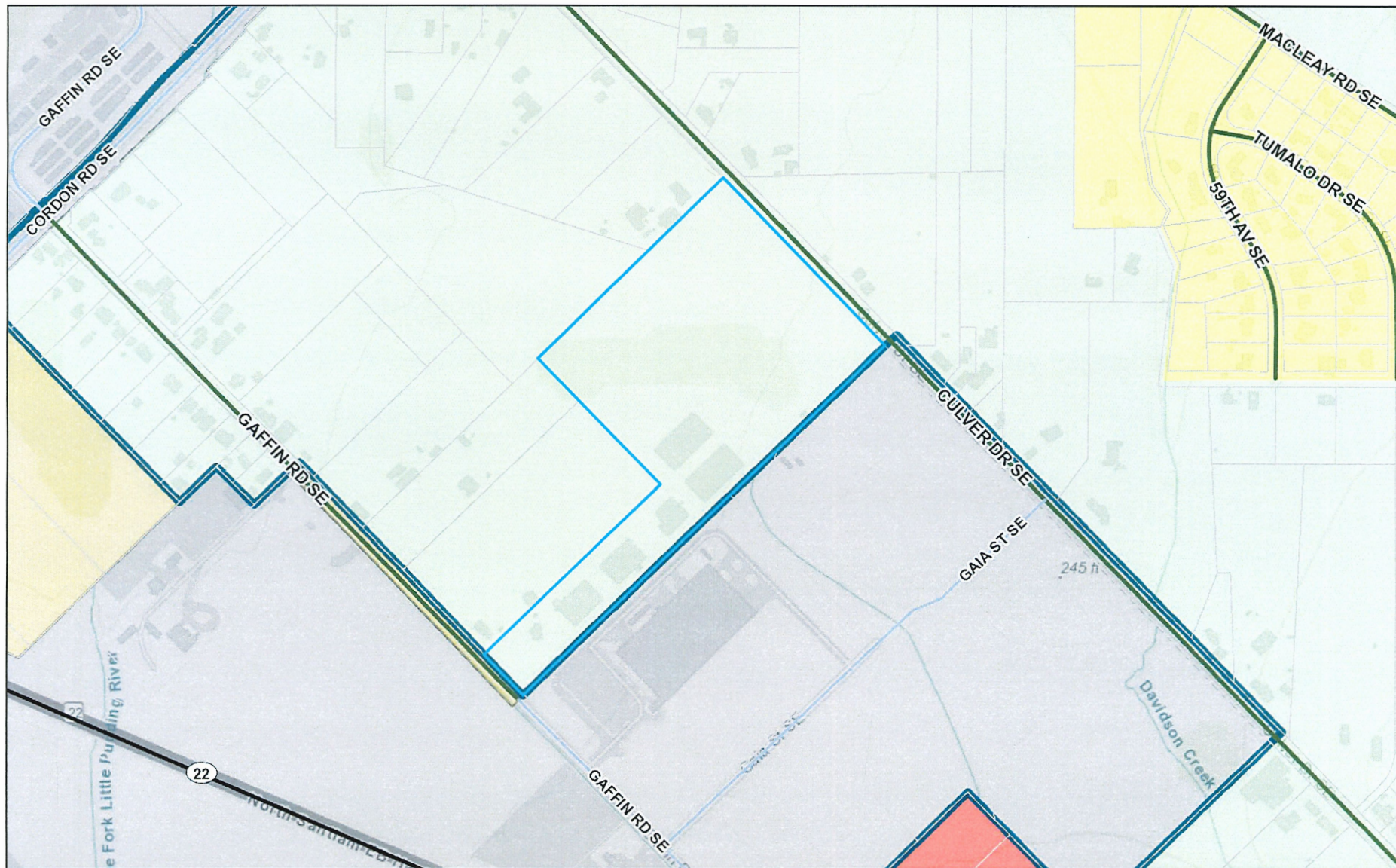
VII. Recommendation

It is hereby found that Applicant has met the burden of proving the applicable standards and criteria for a zone change and comprehensive plan change to change the zone from SA (Special Agriculture) to C (Commercial) and to change the Comprehensive Plan designation from Special Agriculture to Commercial on 24.88-acres, located at 5355 Gaffin Road SE. The Hearings Officer recommends that the Marion County Board of Commissioners GRANT the Application subject to the following conditions that are necessary for the public health, safety, and welfare:

1. The applicant shall obtain all permits required by the Marion County Building Inspection Division, including any permits for septic.

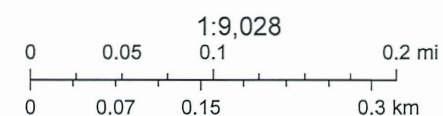
2. All future development on the property must satisfy the specific development standards in the rural C zone, Chapter 17.145, and the general development standards found in chapter 17.112, 17.113, and 17.118 of the Marion County Code.
3. Landscaping or screening shall be provided in the manner described by MCC 17.145.090 (B) adjacent to property lines that abut Special Agriculture zones or other resource zones, in addition to residential zones, when new commercial development is proposed.
4. Applicants should contact Marion County Land Development and Engineering (503-584-7714) for additional Engineering Requirements and Advisories, listed in Finding of Fact No. 4 above, that may be required.

Land Use Planning Web Map



8/31/2026, 12:06:43 PM

- | | | | | |
|-------------------------------|---------------------|--------------------|-----------------------|-------------------|
| Roadways | City Roads | Commercial | Industrial/Commercial | Urban Development |
| State Roads | Federal Roads | Commercial General | Multi Residential | Urban Transition |
| County Roads | Private Roads | Commercial Office | Public | UGBs |
| NCR, Limited Maintenance | Parcels | EFU | Single Residential | County Boundary |
| Non County Roads | MC Zoning | Farm Timber | Special Agriculture | City Boundaries |
| County Owned, City Maintained | Acreage Residential | Industrial | Timber Conservation | |



MC IT-GIS, MC PW, MC-ASR, MC-IT GIS, MC-Planning, MC-IT GIS, MC IT-GIS, MC Planning, City of Salem, Oregon, Oregon Metro, Bureau of Land

Public Works Planning



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: September 16, 2026

Department: Public Works

Title: North Fork Slide Stabilization WFLHD 6905671950012 Amendment 6

Management Update/Work Session Date: 8/11/2026 Audio/Visual aids ☐

Time Required: 5 min. Contact: Jill Ogden Phone: 3152

Requested Action:

Approve Amendment No. 6 to Cooperative Agreement No. 6905671950012 (PW-2840-19) between Marion County and Federal Highway Administration, Western Federal Lands Highway Division (WFLHD), increasing funding for the North Fork Road Slide Stabilization Project by \$1,655,615.50, from \$8,301,879.72 to \$9,957,495.22.

**Issue, Description
& Background:**

In 2015, Public Works applied for a Federal Lands Access Program (FLAP) grant through WFLHD to repair landslides on North Fork Road. The project purpose is to mitigate the movement of landslide #2 and reconstruct that portion of North Fork Road, near milepost 5.

Construction of the project is underway, Amendment No. 6 serves to increase preliminary engineering, construction engineering, inspection, and construction funding.

Financial Impacts:

This amendment increases the contract value by \$1,655,615.50, consisting of \$1,485,583.79 (89.73%) in Federal Funds and \$170,031.71 (10.27%) in matching County Road Funds. The required match is a budgeted expense in the current fiscal year.

**Impacts to Department
& External Agencies:**

There are no impacts to other departments or external agencies.

List of attachments:

PW-2840-19, Amendment No. 6

Presenter:

Ryan Crowther

**Department Head
Signature:**

BNicholas

Digitally signed by BNicholas
Date: 2026.08.25 12:07:55 -07'00'

Contract Review Sheet

Grant Agreement

PW-2840-19 - Am6Title: **WFLHD grant OR Marion 960(1) North Fork Road Slide Stabilization**Contractor's Name: **Western Federal Lands Highway Division**Department: **Public Works Department**Contact: **Traci Clarke**Analyst: **Kathleen George**Phone #: **503-365-3100**Term - Date From: **December 31, 2026**Expires: **December 31, 2027**Original Contract Amount: **\$ 5,917,947.00**Previous Amendments Amount: **\$ 2,383,932.72**Current Amendment: **\$ 1,655,615.50**New Contract Total: **\$ 9,957,495.22**Amd% **Incoming Funds**

Federal Funds



Reinstatement



Retroactive



Amendment greater than 25%

Source Selection Method: **50-0010 General Exemptions (IGAs and QRFs)**

Description of Services or Grant Award

Grant of \$7,322,810 (including County share) for design and construction of repairs to the area of North Fork Road that has and continues to suffer slides.

Amendment 1 extended the agreement through December 31, 2023 and obligated \$390,000 in FFY 2025 funds now. Construction hasn't started yet as of June 2023 - this agreement needs to be active two years after construction is complete.

Amendment 2 extends the agreement through December 31, 2025.

Amendment 3 changes the Agreement Officer's Representative (AOR).

Amendment 4 changes the AOR and extends the period of performance to an end date of 12/31/2026.

Amendment 5 Increases construction engineering, inspection, and construction funding in the amount of \$1,993,932.72 of which \$1,789,155.83 will be paid with Federal Funds. The County match is \$204,776.89 and is included in the Engineering budget. Contract will be revised from \$6,307,947.00 to an amended total of \$8,301,879.72. Period of Performance 06/25/2019 through 12/31/2026.

Amendment 6 Extends the period of contract performance and increases funding for preliminary engineering, construction engineering, inspection, and construction funding in the amount of \$1,655,615.50 this increase in funding, includes \$1,485,583.79 in Federal Funds and \$170,031.71 in County Match for a total project cost of NTE \$9,957,495.22. The Contract term is extended from 12/31/26 to 12/31/2027.

Desired BOC Session Date: **9/16/2026**Contract should be in DocuSign by: **8/26/2026**Agenda Planning Date: **9/3/2026**Printed packets due in Finance: **9/1/2026**Management Update: **8/11/2026**BOC upload / Board Session email: **9/2/2026**BOC Session Presenter(s) **Ryan Crowther**Code: **Y****REQUIRED APPROVALS**


Finance - Contracts 08/31/2026
Date


Traci Clarke (Aug 31, 2026 16:20:54 PDT) 08/31/2026
Contract Specialist Date


Legal Counsel 09/03/2026
Date


Jan Fritz (Sep 3, 2026 17:34:23 PDT) 09/03/2026
Chief Administrative Officer Date

ASSISTANCE AGREEMENT

1. Award No. 6905671950012		2. Modification No. 0006		3. Effective Date 08/19/2026		4. CFDA No.	
5. Awarded To MARION COUNTY OF Attn: KAY ALEJANDRE 5155 SILVERTON RD NE SALEM OR 973053802				6. Sponsoring Office FEDERAL HIGHWAY ADMINISTRATION FHWA WESTERN FED LANDS DIVISION 610 E FIFTH STREET Vancouver WA 98661			7. Period of Performance 06/25/2019 through 12/31/2027
8. Type of Agreement ☐ Grant ☒ Cooperative Agreement ☐ Other		9. Authority 23 U.S.C. 204			10. Purchase Request or Funding Document No. HFLWCA260020PR		
11. Remittance Address MARION COUNTY OF Attn: MARION COUNTY TREASURER 555 HIGH ST SALEM OR 973013636				12. Total Amount Govt. Share: \$9,957,495.22 Cost Share : \$0.00 Total : \$9,957,495.22		13. Funds Obligated This action: \$1,655,615.50 Total : \$9,957,495.22	
14. Principal Investigator		15. Program Manager Jamie Lemon Phone: (360) 619-7912			16. Administrator Federal Highway Administration FHWA WESTERN FED LANDS DIVISION 610 E FIFTH STREET Vancouver WA 98661		
17. Submit Payment Requests To FHWA Delphi eInvoicing System https://einvoice.esc.gov				18. Paying Office FHWA Delphi eInvoicing System https://einvoice.esc.gov			19. Submit Reports To
20. Accounting and Appropriation Data See Schedule							
21. Research Title and/or Description of Project							
For the Recipient				For the United States of America			
22. Signature of Person Authorized to Sign				25. Signature of Grants/Agreements Officer			
23. Name and Title		24. Date Signed		26. Name of Officer ANGY LILJEDAHL			27. Date Signed

NAME OF OFFEROR OR CONTRACTOR
MARION COUNTY OF

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
00004	UEI: FUAKHMJE2437 OR MARION 960(1), NORTH FORK ROAD SLIDE STABILIZATION Amendment 0006 serves to increase funding and extend the period of performance: 1. Amendment 0006 hereby increases funding in the amount of \$1,655,615.50 from \$8,301,879.72 to an amended total of \$9,957,495.22. 2. Amendment 0006 hereby extends the period of performance to an end date of 12/31/2027. Prepay Indicate: NO Change Item 00004 to read as follows (amount shown is the total amount): CA Amendment - Increase in Funding Federal Share: Federal Share Federal Share: Non Federal Share Project Data: 1517414709601.531.CN.V200.41.1741000000.41012.03/1 8/2026 Accounting Info: 15X1G20050.0000.117V200531.1741000000.41012.610066 00.0000000000.0000000000.0000000000.0000000000 Funded: \$800,000.00 Add Item 00005 as follows:				2,793,932.72
00005	CA Amendment - Increase in Funding Federal Share: Federal Share Federal Share: Non Federal Share Project Data: 1517414709601.531.CN.V200.41.1741000000.41012.08/1 8/2026 Accounting Info: 15X1G20050.0000.117V200531.1741000000.41012.610066 Continued...				405,187.28

NAME OF OFFEROR OR CONTRACTOR
MARION COUNTY OF

ITEM NO (A)	SUPPLIES/SERVICES (B)	QUANTITY (C)	UNIT (D)	UNIT PRICE (E)	AMOUNT (F)
	00.0000000000.0000000000.0000000000.0000000000 Funded: \$405,187.28				
00006	Add Item 00006 as follows: CA Amendment - Increase in Funding Federal Share: Federal Share Federal Share: Non Federal Share Project Data: 1517414709601.531.PE.V200.41.1741000000.41012.0 8/1 8/2026 Accounting Info: 15X1G20050.0000.117V200531.1741000000.41012.610 066 00.0000000000.0000000000.0000000000.0000000000 Funded: \$150,428.22				150,428.22
00007	Add Item 00007 as follows: CA Amendment - Increase in Funding Federal Share: Federal Share Federal Share: Non Federal Share Project Data: 1517414709601.531.CE.V200.41.1741000000.41012.0 8/1 8/2026 Accounting Info: 15X1G20050.0000.117V200531.1741000000.41012.610 066 00.0000000000.0000000000.0000000000.0000000000 Funded: \$300,000.00				300,000.00

**SIGNATURE PAGE FOR
WESTERN FEDERAL LANDS HIGHWAY DIVISION
COOPERATIVE AGREEMENT NO. 6905671950012
AMENDMENT NO. 6**

**MARION COUNTY SIGNATURES
BOARD OF COMMISSIONERS:**

Chair	Date
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Commissioner	Date
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Commissioner	Date
--------------	------

Authorized Signature:	<u>Brian Nicholas</u> Brian Nicholas (Sep 2, 2026 08:55:54 PDT)	09/02/2026
	Department Director or designee	Date

Authorized Signature:	<u>Jan Fritz</u> Jan Fritz (Sep 3, 2026 17:34:23 PDT)	09/03/2026
	Chief Administrative Officer	Date

Reviewed by Signature:	<u>Andrew Wittendorf</u>	09/03/2026
	Marion County Legal Counsel	Date

Reviewed by Signature:	<u>[Signature]</u>	08/31/2026
	Marion County Contracts & Procurement	Date



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: 9/23/2026

Department: Public Works

Title: Commercial Septic Grant PW-6111-24 (4) Amendment No. 1 with Sammy & Shane LLC

Management Update/Work Session Date: 9/8/2026 Audio/Visual aids ☐

Time Required: 5 Contact: PW-5569-23 Phone: 503-588-7943

Requested Action: Approve Amendment No. 1 to Commercial Septic Grant Agreement PW-6111-24 (4) between Marion County and Sammy and Shane, LLC, for the construction of onsite septic system improvements at 215 D Street West in Detroit under Marion County's Commercial Septic Repair, Alteration and Replacement Grant Program.

Issue, Description & Background: Marion County Public Works executed a commercial grant agreement in the amount of \$21,750.00 for 215 D Street West in Detroit under the State of Oregon Coronavirus State Fiscal Recovery Fund Grant Agreement Contract Number SR2240, "Marion County - North Santiam Septic to Sewer Grant". The grantee has been unable to obtain permits for their preferred septic system due to a lack of suitable space on the property. After a long period of inactivity the grantee has now been successful in obtaining permits for an alternate commercial septic system using an adjacent property at 205 Detroit Ave North. The alternate commercial septic system is more expensive than the grantee's preferred septic system and Amendment No. 1 increases the grant amount accordingly.

Financial Impacts: Amendment No. 1 increases the contract value by \$81,500.00 from \$21,750 to \$103,250.00

Impacts to Department & External Agencies: This contract results in no impacts to other County departments.

List of attachments: PW-6111-24 (4) Amendment No. 1

Presenter: Brian Nicholas

Department Head Signature: BNicholas Digitally signed by BNicholas
Date: 2026.08.27 14:49:27 -07'00'

Contract Review Sheet

Grant Agreement

**PW-6111-24 (4)
Amendment 1**

Title: Commercial Septic Grant Agreement

Contractor's Name: Sammy and Shane LLC (Mountain High Grocery)

Department: Public Works Department

Contact: Alicia Jones

Analyst: Kathleen George

Phone #: -4388

Term - Date From: Execution

Expires: October 31, 2026

Original Contract Amount: \$ 21,750.00

Previous Amendments Amount: \$ -

Current Amendment: \$ 81,500.00

New Contract Total: \$ 103,250.00

Amd% 375%

Outgoing Funds ☒ Federal Funds ☐ Reinstatement ☐ Retroactive ☒ Amendment greater than 25%

Source Selection Method: Not Applicable (Incoming Funds)

Department

Description of Services or Grant Award

OBDD Grant SR2240 (Project B) Commercial Septic Grant Agreement with Sammy and Shane LLC (Mountain High Grocery) (\$21,750.00).

Amendment 1 - Reinstates agreement to extend to October 31, 2026, adds an additional \$81,500.00 for an onsite septic system.

Desired BOC Session Date: 9/23/2026

Contract should be in DocuSign by: 9/2/2026

Agenda Planning Date: 9/10/2026

Printed packets due in Finance: 9/8/2026

Management Update: 9/8/2026

BOC upload / Board Session email: 9/9/2026

BOC Session Presenter(s) Tsige Woldegiorgis

Code: Y

REQUIRED APPROVALS


Finance - Contracts 09/02/2026
Date


Contract Specialist 09/02/2026
Date


Legal Counsel 09/03/2026
Date


Chief Administrative Officer 09/03/2026
Date

REQUEST FOR AUTHORIZATION OF CONTRACT PW-6111-24 (4)

Date: August 20, 2026
To: Chief Administrative Officer
Cc: Contract File
From: Alicia Jones

I. Subject: Reinstatement

The Marion County Public Works Department is requesting approval to reinstate a contract as described in Section 10-0570 of the Marion County Public Contracting Rules. The contract is with Sammy and Shane LLC for Commercial Septic Grant Agreement with a value of \$21,750.00 and upon approval will be reinstated and in full force and effect, as if it had not expired with a new expiration date of 10/31/2026.

A. BACKGROUND

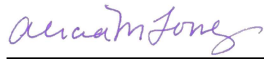
Marion County entered a grant SR2240 funded through the American Rescue Plan Act with Oregon Business Development Department of the State of Oregon. The grant provided new sewer/septic systems for the cities of Idanha, Detroit, Gates and Mill City. Under this grant Marion County developed the grant program for Commercial Septic Repair, Alteration and Replacement whereby owners of commercial properties and properties that contain essential public facilities in the City of Detroit may apply for reimbursement of costs associated with the repair, alteration, replacement or construction of standard or advanced-technology commercial-grade septic systems. The funding is set to expire in December 2026.

B. As required by MCPCR, a concise written statement must be submitted meeting the requirements of 10-0570(1).

PW-6111-24 (4) is a reimbursement based commercial onsite septic grant agreement for a commercial property Mountain High Grocery located in 215 D St W, Detroit, Oregon. The grant agreement reimbursed the property owner for the cost incurred installing a septic holding tank in 2023. Due to lack of space within the property, the owner was unable to install an advanced-technology commercial-grade septic system, and the grant agreement had expired.

However, the property owner recorded an easement with the adjacent property to install a 1,520 sq ft bottomless sand filter system. An onsite wastewater treatment system permit was applied for and approved in August 2026 after the current grant agreement had expired. Public Works would like to request a reinstatement of the grant agreement to include the installation of a new onsite wastewater treatment system.

Submitted by:



Alicia Jones
Public Works Department

Reviewed by:



Contracts & Procurement

Acknowledged by:



Brian Nicholas (Sep 2, 2026 20:06:30 PDT)
Department Head

Acknowledged by:



Jan Fritz (Sep 3, 2026 17:32:34 PDT)
Jan Fritz, CAO



AMENDMENT 1 to PW-6111-24 (4)
the COMMERCIAL ONSITE SEPTIC GRANT AGREEMENT
between
MARION COUNTY and SAMMY AND SHANE LLC

This is Amendment 1 to the Grant Agreement (as amended from time to time, the "Agreement"), dated December 12, 2024, between Marion County, a political subdivision of the State of Oregon, hereinafter called County, and Sammy and Shane LLC, hereinafter called Grantee.

The Agreement is hereby amended as follows (new language is indicated by underlining and deleted language is indicated by ~~striketrough~~):

RECITALS

- A. Grantee's property(ies) located at 215 D ST W DETROIT, Oregon 97342, more particularly described as Marion County Taxlot(~~s~~) 105E02AD05300 is zoned for commercial use or contains an essential public facility within the planned service area of the future Detroit-Idanha sanitary sewer system as shown in the North Santiam Sewer Authority (NSSA) Wastewater Master Plan, dated 9/7/2021.
 - D. Grantee has obtained an easement from adjacent property located at 205 Detroit Ave N, DETROIT, Oregon 97342 to install part of an alternative onsite septic system, more particularly a 1520 sq ft bottomless sand filter as described in septic permit number 555-24-09366-PRMT.
 - 1. **Grant Amount** - County shall provide a monetary grant not to exceed \$103,250 ~~\$21,750~~ to Grantee for the repair, alteration, replacement and/or construction by Grantee of a commercial onsite septic system installation. The septic system shall be constructed on 215 D ST W DETROIT, Oregon 97342 and 205 Detroit Ave N, DETROIT, Oregon 97342 ~~the Property, unless otherwise specified in Paragraph 5,~~ and shall conform to all requirements of MARION COUNTY/OREGON DEPARTMENT OF ENVIRONMENTAL QUALITY onsite septic AUTHORIZATION/INSTALLATION PERMIT Number 555-23-009366-PRMT and 555-23-000339-PRMT. County is not responsible for any costs exceeding the grant amount specified herein unless later amended in writing by County.
10. General provisions:
- a. The term of this Agreement begins on the date all required signatures are applied to the signature page and expires on July 31, 2026, October 31, 2026, unless otherwise terminated or extended by the parties. The remedies available to County and Grantee shall survive the termination of the Agreement, whether upon expiration or termination.

Except as expressly amended above, all other terms and conditions of the original agreement and any previously executed amendments are still in full force and effect. Grantee certifies that the representations, warranties and certifications contained in the original agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.

**MARION COUNTY SIGNATURES
BOARD OF COMMISSIONERS:**

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Authorized Signature: <u>Brian Nicholas</u> Brian Nicholas (Sep 2, 2026 20:06:30 PDT)	09/02/2026
Department Director or designee	Date

Authorized Signature: <u>Jan Fritz</u> Jan Fritz (Sep 3, 2026 17:32:34 PDT)	09/03/2026
Chief Administrative Officer	Date

Reviewed by Signature: <u>Andrew Wittendorf</u>	09/03/2026
Marion County Legal Counsel	Date

Reviewed by Signature: <u>[Signature]</u>	09/02/2026
Marion County Contracts & Procurement	Date

GRANTEE SIGNATURE

Authorized Signature:	
	Date

Title: _____