

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, August 13, 2025
9:00 a.m.

Senator Hearing Room
555 Court Street NE
Salem, OR 97301

PRESENT: Commissioner Danielle Bethell, Commissioner Colm Willis, and Commissioner Kevin Cameron. Also present were Steve Elzinga as county counsel and Brenda Koenig as recorder.

ABSENT: Jan Fritz, chief administrative officer

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

(Video Time 00:04:38)

PUBLIC COMMENT

David Beem:

- Mr. Beem expressed the following:
 - He wants to provide testimony related to foster care in Marion County;
 - Some services will be cut due to federal cuts;
 - He would like a letter sent to the United States White House asking that programs be kept running within the county;
 - He would like funding to continue for all the foster homes within the county for the following years:
 - 2026;
 - 2027; and
 - 2028.

(Video Time 00:05:00)

CONSENT

BOARD OF COMMISSIONERS

1. OLCC Applications – Recommended Approval

- L & L Fresh Noodle, LLC, dba, Noodle Zone – Salem, Oregon; and
- Rava Vineyards – Silverton, Oregon

2. Board Committee Appointment – Health Insurance Study Committee

Approve an order appointing Sherrie Hickam as a management representative to the Marion County Health Insurance Study Committee (HISC).

COMMUNITY SERVICES

3. Approve the Standard Professional Services Contract with Dwyer Construction Management and Consulting, LLC in the not-to-exceed amount of \$204,995 to provide owner's representative services for the Detroit Marinas Excavation and Resiliency Project retroactive to July 22, 2025, through June 30, 2028.

HEALTH AND HUMAN SERVICES

4. Approve an order to approve the revised bylaws for the Marion County Local Alcohol and Drug Planning Committee (LADPC).

5. Approve an order to approve the revised bylaws for the Marion County Mental Health Advisory Committee (MHAC).

6. Approve Amendment #2 to the Contract for Services with Bridgeway Community Health to add \$21,753.60 for a new not-to-exceed contract total of \$108,767.60 for dual credentialed co-occurring counselors to provide services for drug and alcohol treatment and mental health to support participants in specialty court programs through December 31, 2025.

7. Approve Amendment #3 to the Contract for Services with Gibraltar Medical Staffing, LLC, to add \$500,000 for a new not-to-exceed contract total of \$4,250,000 to continue to provide qualified medical staffing personnel for mental health counseling and medication management through January 31, 2028.

PUBLIC WORKS

8. Approve the Engineering and Related Services Contract with Shannon and Wilson, Inc., in the not-to-exceed amount of \$350,000 to provide on-call geotechnical engineering and related services for landslides and other naturally occurring events that damage or threaten to damage the county's transportation infrastructure through July 31, 2027.
9. Approve the incoming funds Grant Agreement with the Oregon Department of Transportation (ODOT) to provide state funding in the amount of \$301,977 for pedestrian facility upgrades at the intersection of Brown Road and Arizona Avenue for the Safe Routes to School (SRTS): Scott Elementary School project through August 6, 2030.
10. Approve an order to remove Stephen Staten as a member of the Marion County Parks Commission.
11. Approve an order to approve the revised bylaws for the Marion County Parks Commission

SHERIFF'S OFFICE

12. Approve the incoming funds Challenge Cost Share Agreement with the United States Department of Agriculture (USDA) – Forest Service in the not-to-exceed amount of \$150,000 to provide law enforcement services and for the purchase of two reader board signs for use within the Willamette National Forest through July 1, 2028.

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

(Video Time 00:09:49)

ACTION

PUBLIC WORKS

13. Consider whether to accept or deny an appeal of the hearings officer's decision denying Zone Change (ZC) Case #25-002/Creative Electric, LLC.

–John Speckman

Summary of presentation:

- This is a request to change zoning from Urban Transition (UT-5) to Commercial General (CG) on a 5.02-acre parcel:
 - Located at the 900 block of SW Pacific Highway 99 E in Woodburn; and
 - The property is within the Urban Growth Boundary (UGB).
- Hearing was held May 15, 2025, by the hearings officer and issued a decision on July 8, 2025, denying the request;
- The applicants appealed the decision:
 - Arguing that the 2015 City of Woodburn and Marion County Urban Growth Coordination Agreement should not be considered as approval criteria.
- Recommend accepting appeal to allow policy direction on the agreement;
- Outlined the Board's options:
 - Accept the appeal;
 - Deny the appeal and uphold the hearings officer's decision; or
 - Remand the matter back to the hearings officer.

Board discussion:

- Agreed with staff's recommendation to accept the appeal.

MOTION: Commissioner Willis moved to accept an appeal of the hearings officer's decision denying Zone Change (ZC) Case #25-002/Creative Electric, LLC. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:12:08)

14. Consider approval of the Section 106 Memorandum of Agreement (MOA) between the United States Federal Highway Administration (FHWA), the Oregon State Historic Preservation Office (SHPO), the Oregon Department of Transportation (ODOT), and Marion County that documents the plans and

obligations regarding the mitigation strategy for the Scotts Mills Road: Butte Creek Bridge Replacement project. –Ryan Crowther

Summary of presentation:

- The bridge is located in Scotts Mills on the border of Marion and Clackamas counties;
- Existing Structure:
 - It is a steel pony truss bridge, originally built in 1925;
 - Originally the Oregon Department of Transportation (ODOT) Highway 99E bridge over the Pudding River in Aurora;
 - Relocated to Scotts Mills in 1951; and
 - Eligible for the National Register of Historic Places.
- Replacement Need:
 - It is in poor condition and has alignment issues;
 - Rehabilitation in place and maintain historic nature is not feasible;
 - Needs widening and other upgrades for safety and functional requirements.
- Section 106 process:
 - Project uses federal funding so compliance with Section 106 of the National Historic Preservation Act is required; and
 - Need an agreement with FHWA, SHPO, ODOT, and Marion County.
- Project Historic Mitigation Measures:
 - Installation of an interpretive kiosk near the bridge, providing historical information and context;
 - Stamped concrete on the new bridge, depicting the existing bridge;
 - Bronze plaque on the new bridge, describing the original structure;
 - Construction of an art deco style rail on the new bridge:
 - Allows visibility of the creek and adds architectural interest;
 - Influenced by the public wanting an open railing to see water;
 - ODOT will have a website with the bridge's history and information.
- This is about \$50,000:
 - Covered by the federal grant; and
 - Does not impact the overall project budget.

Board discussion:

- The art deco design was selected by the bridge engineer, SHPO, and environmental staff;

- Not feasible to replicate the original pony truss bridge with the given budget;
- The board to be involved in bridge design for future projects; and
- Preserving a bridge years ago has large cost impacts in the future.

Motion: Commissioner Cameron moved to approve the Section 106 Memorandum of Agreement (MOA) between the United States Federal Highway Administration (FHWA), the Oregon State Historic Preservation Office (SHPO), the Oregon Department of Transportation (ODOT), and Marion County that documents the plans and obligations regarding the mitigation strategy for the Scotts Mills Road: Butte Creek Bridge Replacement project. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:19:44)

15. Approve an order to accept the revised bylaws for the Marion County Materials Management Advisory Council (MMAC). –Brian May

Summary of presentation:

- Changes include the following:
 - A name change from SWMAC to MMAC;
 - The council of members was restructured:
 - Nineteen members will make up the council;
 -
- Advisory council background:
 - The Solid Waste Management Advisory Council (SWMAC) was established in 1989;
 - Provided input on Marion County's integrated solid waste system; and
 - Contributing to the county's solid waste management plan waste reduction programs and increasing the county's recover rate.
- Need for change:
 - The Oregon Department of Environmental Quality (DEQ) updated the Opportunity to Recycle Act:
 - Now called the Recycling Modernization Act (RMA).
 - RMA's aim is as follows:
 - Make recycling easier to understand;
 - Minimize environmental and community impacts; and

- Improve access statewide.
 - Changes prompted a reevaluation of the council's structure and focus.
- The main changes are as follows:
 - SWMAC became more focused on Salem;
 - Name change from SWMAC to Materials Management Advisory Council (MMAC):
 - Reflect a holistic approach to waste as commodities, not just waste.
 - Shifted membership structure:
 - Previous council:
 - There were 8 public members and 8 from industries/businesses/community organizations.
 - New council:
 - There are 16 voting members and 3 non-voting members;
 - Focus on communities with populations over 4,000; and
 - There are 9 members representing eight city jurisdictions.
 - Streamlined the application process:
 - Old process:
 - Required two meetings, a nomination committee, and other steps before board approval.
 - New process:
 - Apply, board approves and then join the council.
- Align with state requirements and involve more communities in decision-making.

Board discussion:

- None.

MOTION: Commissioner Willis moved to accept the revised bylaws for the Marion County Materials Management Advisory Council (MMAC). Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

(Video Time 00:24:24)

BOARD OF COMMISSIONERS

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Board Appointments – Materials Management Advisory Council

16. Approve orders appointing the following to the Marion County Materials Management Advisory Council (MMAC) with terms ending July 31, 2029:

- Councilor Walter Wick, elected official representing the City of Aumsville;
- Mayor Brian Asher, elected official representing the City of Aurora;
- Councilor Walter Perry, elected official representing the City of Jefferson;
- Councilor Daniel Kohler, elected official representing the City of Keizer;
- Jenny Ammon, staff member representing the City of Keizer;
- Councilor Linda Nishioka, elected official representing the City of Salem;
- Ryan Zink, staff member representing the City of Salem;
- Councilor Jordan Ohrt, elected official representing the City of Stayton;
- Mayor Frank Lonergan, elected official representing the City of Woodburn;
- Jim Row, staff member representing the City of Woodburn;
- Treva Gambs, representing the food service/grocery industry;
- Duane West, representing the Home Builders Association;
- Shane Kuenzi, representing the materials management industry;
- Julie Jackson, representing the recycling industry; and
- Commissioner Kevin Cameron, elected official representing Marion County, with an ending term date of December 31, 2025.

–Brian May

Summary of presentation:

- The new MMAC will have 19 members: 16 voting and 3 non-voting;
- There are 15 applicants for appointment:
 - With 4 positions still to be filled (3 voting, 1 non-voting):
 - A voting position for Silverton with the application in process.
 - Citizen voting positions for a rural and urban representation;
 - A non-voting position for a community organization.
- The nominees represent a range of individuals:
 - City officials;
 - Staff;
 - Urban and rural perspectives;
 - Industry stakeholders:
 - Food service;
 - Grocery;
 - Home builders;

- Materials management; and
- Recycling.
- Non-voting members:
Materials management industry; and
- Recycling industry.

Board discussion:

- Commissioner Cameron stated the following:
 - Reorganization was needed;
 - Thanked everyone involved for their work and the collaborative approach with city partners.
 - Value in having representatives from both large and small communities, in having consistency and education across all jurisdictions;
 - Excited for the new council's potential to improve recovery rates;
 - The first official meeting is today and looking forward to the work;
 - Those part of the council want to be there and do the work; and
 - Change term dates so not every terms at the same time in future.
- Commissioner Bethell stated the following:
 - Take a photo for a press release;
 - For the council's early work to focus on building partnerships and developing actionable, community-driven solutions:
 - Invest in kids so they can take the education home and be a community solution.
 - The council to present concrete options for investment as new program funds become available;
 - This council will be able to see that Sentor Deb Patterson legislation that killed the waste energy facility was a bad action:
 - The system was the best in the state, and it was crippled.
- Commissioner Willis stated the following:
 - Frustrated with the criticisms and actions at the state-level that have made it harder to operate the county's system; and
 - Marion County systems are high quality and have been.
- Steve Elinga, Marion County Legal Counsel expressed the following:
 - The motion made by Commissioner Cameron is sufficient;

- The names for the MMAC appointments are reflected on the Board Session Agenda;
- The motion moves the names on the agenda with the modification to Commissioner Cameron's; and
- The motion is legally sufficient.
- The Commissioners would like the term dates reviewed and adjusted so that the MMAC appointees' terms do not all end at the same time;
- Commissioner Cameron was advised that he does not need to declare a conflict of interest as he is one of the appointees to the MMAC:
 - He is not getting paid any money to be on the MMAC.

MOTION: Commissioner Cameron moved to approve orders appointing the members listed to the Marion County Materials Management Advisory Council (MMAC) with terms ending July 31, 2029, and December 31, 2025. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

(Video Time 00:36:59)

PUBLIC HEARINGS

Starting no earlier than 9:30 a.m.

Commissioner Bethell opened the public hearing, read the opening statement, and clarified the time limits for testimony.

PUBLIC WORKS

A. Public hearing to consider Conditional Use/Comprehensive Plan Amendment (CU/CPA) Case 24-038/TLM Holdings, LLC. –John Speckman

Summary of presentation:

John Speckman:

- Received two public comments the previous day:
 - They were distributed to commissioners and legal counsel, and the applicant.
- Clarified the record included a letter from the City of Wilsonville and a submission from 1000 Friends of Oregon;
- Overview of the application:

- A conditional use permit to expand the Aurora Airport boundary to include the subject parcel and to approve airport uses as defined in Oregon law (ORS 836.616(2) and OAR 660-13-100); and
- The application also seeks a comprehensive plan amendment to update the Aurora Airport boundary map in the Marion County Comprehensive Plan.
- Criteria for the application:
 - Marion County Code: 17.119 (Conditional Use), 17.136 (Exclusive Farm Use Zone), 17.177 (Airport Overlay Zone);
 - Marion County Comprehensive Plan goals and policies; and
 - Oregon Statewide Planning Goals, relevant Oregon Revised Statutes (ORS 215, ORS 836), and Oregon Administrative Rules (OAR 660-12 Transportation Planning Rule (TPR), OAR 660-13 Airport Planning Rule).
- Subject property:
 - Located on the west side of Airport Road NE;
 - Vacant, not in farm or forest use;
 - Free from rivers, streams, wetlands, floodplains and other natural hazards on the parcel or immediate vicinity;
 - Surrounded by airport property on three sides and agricultural land to the east;
 - Legal parcel status confirmed by a 1977 special exception case.
- The Review Process:
 - Comments were solicited from various government agencies and included in the record;
 - The applicant addressed all relevant criteria, including the farm impacts test, airport overlay zone requirements, and conditional use permits;
 - The applicant requested that the effective date of approval be the later date of when receiving all necessary state and county approvals;
 - Staff found the proposal compliant with all applicable criteria and recommended approval;
 - Applicant addressed relevant policies found in various plans, rules and statutes;
 - Staff found the proposal to be compliant;
 - A public hearing before the hearings officer was done March 6, 2025:

- Record held open until May 1, 2025; and
 - Recommended approval with conditions on May 20, 2025.
- Staff suggested a modification to Condition 20:
 - Clarify the county is not approving offsite wastewater connections without further land use approval.
- Provided the recommended revised language for Condition 20:
 - Prior to obtaining building permits, the applicant must receive all necessary septic approvals from Marion County or Oregon DEQ. Connection to offsite wastewater systems would require land use approval on other parcels, but the subject property would not require additional land use approval for such connection once all other approvals are received.

Testimony:

Support:

Wendie Kellington:

- Ms. Kellington handed documents out to the Board of Commissioners during the meeting;
- Ms. Kellington expressed the following:
 - Submitted four documents for the record:
 - Email from the Oregon Department of Aviation (ODAV) confirming the property's inclusion in the airport master plan;
 - Letter and attachment showing City of Aurora's inconsistent positions on economic development and farmland conversion;
 - Portion of procedures manual to show its non-mandatory nature; and
 - Copy of the presentation's PowerPoint.
 - The application is not for a standalone airport, nor does it require a statewide planning goal exception:
 - Seeks what state law allows in the Exclusive Farm Use (EFU) zone, provided the property does not serve a larger class of airplane.
 - The county is required to expand the boundary map in its plan and issue a conditional use permit for airport uses;
 - The proposal is strongly supported by the ODAV;

- Consistent with the county's comprehensive plan, which adopts the 1976 Aurora Airport Master Plan;
- Property is designated in the airport layout and terminal plans for airport-related development under private ownership:
 - Designation will be carried forward in the master plan update.
- The plan and supporting documents confirm the property was for airport development:
 - EFU zoning is a holding zone until such development occurred.
- Boundary expansion and related land use changes were done with:
 - Clackamas County;
 - City of Wilsonville; and
 - City of Aurora.
- The Federal Aviation Administration (FAA) and land use boundaries are distinct:
 - Master plan update will align the FAA boundary to include property.
- Law allows transportation facilities in a EFU by exception or passing farm impacts test:
 - Application meets the test and no exception is required.
- Evidence in the record:
 - Local farmer's testimony:
 - The proposal will not impact farm operations; and
 - Farms with helicopters and airplanes with no impact.
 - Traffic studies:
 - Minimal delays for farm equipment of five seconds.
- Administrative rule allowing use is a valid exercise of state authority:
 - Compliance with airport planning rule is compliance with planning Goal 12.
- Proposed development is not a major transportation facility:
 - Precautionary findings of compliance with TPR are included.
- Claims on excessive office space and other non-aviation uses:
 - Refuted by amended site plan and expert testimony; and
 - Confirms only aviation-related uses are permitted.
- Property is not high-quality agricultural land:
 - Small, poorly drained, no irrigation, and surrounded by airport infrastructure.

- Opponents' interpretations of past court decisions are incorrect:
 - Court of Appeals said airport boundaries can be expanded by local government action.
- Application follows process given by Court of Appeals for public use airport boundary expansion;
- Arguments of electric vertical takeoff and landing (eVTOL) aircraft and classification are addressed:
 - Propose condition limiting the property to serving only airplanes in category B-II or less.
- Uses permitted limited to those defined as airport-related by state law:
 - No commercial or industrial uses outside definition are allowed.
- Proposal meets all applicable standards:
 - Follows Court of Appeals' guidance; and
 - Consistent with the comprehensive plan and state law.
- Request board to approve the application with the added condition:
 - Limit service to category B-II airplanes, to address concerns about aircraft classification and ensure compliance with state rules.

Board discussion:

- Commissioner Bethell as for exact wording for a proposed condition to limit the property's use to providing service only to airplanes in category B-II or less;
- Land Conservation and Development Commission (LCDC) to adopt Oregon Administrative Rule (OAR) 660-12-065 and related rules:
 - LCDC acted within legislation to define which transportation uses are allowed in EFU zones without needing statewide planning goal exception if the farm impacts test is met;
 - Statute directs to identify such uses, and administrative rule is a result of legislative direction;
 - Court of Appeals decision acknowledged petitioners' argument about LCDC's authority but did not find that LCDC exceeded authority; and
 - Rule still requires compliance with the farm impacts test.
- LCDC's rulemaking consists of legislative intent and statutory requirements.

Aaron Faigree:

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- Licensed architect and engineer with 40 years of experience:
 - Focus on aviation facilities in the Northwest;
 - Portland International Airport (PDX) and numerous rural airports; and
 - Assisted in many developments at Aurora Airport over the years.
- Submitted three letters for the record each addressing a specific topic:
 - First Letter:
 - Offices at airports are aviation-related and required for safety;
 - Regular inspections, record-keeping, tracking, and FAA requirement compliance; and
 - What is termed “offices” are essential for aviation operations and not general office park uses;
 - Second Letter:
 - If the proposal constitutes an expansion of a public airport;
 - Explains relevant state rules and terminology; and
 - In his professional opinion it is an expansion of a public airport.
 - Third Letter:
 - Concerns of water quality and arsenic in wells at the airport;
 - Arsenic is present in the City of Aurora’s water supply;
 - Filtration systems effectively address this; and
 - Manageable for the proposed facility.
- Most of this information is in the record.

Tony Helbling:

- President of the Aurora Airport Improvement Association:
 - Represents those operating aviation-related enterprises at the airport.
- Association’s goal is to operate safely;
- Surrounded on three sides by aeronautical uses, and the fourth is Airport Road:
 - Zone change is logical and appropriate.
- Recent meeting with Business Oregon and SEDCOR:
 - Businesses consider leaving Oregon due to difficulties in doing business.
- Government and volunteers should make it easier for businesses to operate;
- Zone change benefits airport and surrounding communities:
 - Creates jobs and supports Marion County’s economic engine.
- Desire to work with neighbors to address concerns:

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- The association has made efforts to engage openly.
- Opponents claim to want jobs but seem more interested in property issues:
 - Repeated lawsuits are unproductive for all parties.
- Technical distinction between B2 and C2 airplane categories:
 - Can supply a chart to explain the difference.

Board discussion:

- Commissioner Cameron expressed the following:
 - The case is not decided on economic value.

Kevin O'Malley:

- Chief Executive Officer (CEO) of Wilsonville Area Chamber of Commerce;
- Strong support for the approval of the Marion County vertiport and teleport at the Aurora Airport;
- Project aligns with chamber's vision to have economic prosperity for businesses and citizens in the area;
- Aurora Airport is an economic driver for the region:
 - Supporting thousands of jobs.
- Project allows the county to be in the emerging eVTOL industry:
 - Expected to create tens of thousands of jobs.
- Investment would help regional road congestion:
 - Provides faster, more efficient business connections.
- Project would accomplish some of the follow:
 - Expand market access for local companies;
 - Attract investment;
 - Enhance competitiveness; and
 - Generate new annual tax revenue for public services.
- Would enhance region's emergency preparedness and response capabilities:
 - Recognized in recent Oregon Senate resolution.
- Support emergency medical services, rapid supply delivery, and disaster response coordination;
- Urged the board to approve the application.

Board discussion:

- Commissioner Bethell expressed for the record that no-one signed up for public comment in opposition and no one signed up as neutral;

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- Staff agrees with the revised language for condition 20 and new condition limiting the property to B-II airplanes;
- Commissioner Willis expressed the following:
 - Case is straightforward;
 - Court of Appeals clearly outlined process for airport expansion:
 - Applicant had followed it.
 - Frustrated case is still contested despite clear legal guidance; and
 - Support staff recommendation and the hearings officer's findings.
- Brandon Reich expressed:
 - Applicant requested opportunity to draft findings to address new issues raised:
 - Traffic impact.
 - Purpose of additional findings is to ensure the decision is well-supported and addresses all evidence and testimony in the record:
 - New arguments or issues that arose late in the process.
- Wendie Kellington expressed:
 - Oregon land use law requires findings to respond to all evidence and testimony in the record:
 - Several new issues raised late in the process:
 - Classification of eVTOL aircraft; and
 - New condition limiting property to B-II airplanes.
 - Additional findings would address new issues and ensure the decision is thorough and defensible in the event of an appeal;
 - No new evidence would be submitted:
 - Only legal and factual analysis based on the existing record.
- Commissioner Bethell expressed the following:
 - Frustrated with misinformation and fearmongering related to water quality and farm use:
 - Important to have science-based decision-making.
 - Thanked staff for their dedication to public health and safety.

Motion: Commissioner Willis moved to close the public hearing and approve the hearings officer's decision to grant the Conditional Use to

expand the Aurora Airport with the additional Condition that the property shall be limited to providing service to airplanes in the category of B-II or less, and that prior to obtaining building permits the applicant shall receive all necessary septic approvals from Marion County Septic and or the Oregon Department of Environmental Quality (DEQ) in connection to off-site wastewater systems. We require land use approval on other parcels. The subject property will not require additional land use approval for septic connection once all required approvals from other departments have been received, and that would be the re-wording of Condition 20. Seconded by Commissioner Cameron; motion carried. A voice vote was unanimous.

Commissioner Bethell adjourned the meeting at 10:24 a.m.

CHAIR

COMMISSIONER

COMMISSIONER

Board Sessions can be viewed on-line at

<https://www.youtube.com/playlist?list=PLSUQ1gg6M78UsBE3q6w4rdf59Z5rXkEi5>