

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, January 30, 2008
Marion County Courthouse Square

9:00 a.m. Board Session
Senator Hearing Room

PRESENT: Commissioner Patti Milne and Commissioner Janet Carlson. Also present were John Lattimer as chief administrative officer, Jo Stonecipher as legal counsel and Kim Hulett as recorder.

ABSENT: Commissioner Brentano.

Commissioner Milne called the meeting to order.

PUBLIC COMMENT

None.

PRESENTATION

STATE OF THE COUNTY MESSAGE.

The State of the County Message, which was scheduled for presentation today, will be postponed because of the absence of Commissioner Sam Brentano, who is ill today. The presentation will be held next week on February 6, 2008, when all three commissioners will be present.

CONSENT

BOARD OF COMMISSIONERS

Approve an order authorizing elected officials to participate on boards, commissions and committees.

BUSINESS SERVICES – HUMAN RESOURCES

Approve a recommendation to adopt and establish the classification of program and research analyst (Mid-Valley Behavioral Care Network).

Approve a recommendation to adopt and establish the classification of business systems analyst, countywide.

HEALTH

Approve amendment #18 to reduce funding by \$303,451 from the Oregon Department of Human Services for the 2007-09 agreements for the financing of community mental health, developmental disability and addiction services.

PUBLIC WORKS – PLANNING

Receive appeal of Planning Commission's decision granting approval of phase 1 and denying phase 2 of SUB 07-14, McKillip, Clerk's File #5566.

Receive Planning Commission's decision granting conceptual and detail approval to subdivide, case SUB #07-16, JBS/JCNW, LLC, Clerk's File #5568.

Receive Planning Commission's decision granting conceptual and detail approval to subdivide and a major adjustment for vehicular access, case #SUB 07-18, Yarbrough, Clerk's File #5569.

Receive hearings officer's decision dismissing case # CU07-77, Bahr and Cross, Clerk's File #5570.

TAX COLLECTOR

Approve an order designating the Statesman Journal as the newspaper for publication of the 2008 tax foreclosure list.

MOTION: Commissioner Carlson moved approval of the consent calendar. Commissioner Milne seconded; motion carried. A voice vote was unanimous.

ACTION

None.

Commissioner Milne recessed the meeting at 9:05 a.m.
Commissioner Milne reconvened the meeting at 9:30 a.m.

PUBLIC HEARINGS 9:30 A.M.

PUBLIC WORKS

A. Public hearing to consider the vacation of an alley in Block 2, St. Alexcie, Butteville. – Patricia Nordahl and Bill Worcester.

Bill Worcester and Patricia Nordahl, Public Works, reported on the vacation. Mr. Worcester said the petition was received in November to vacate this alley, which is about 10 feet wide and 240 feet long. It is an unimproved alley, which means that it only exists on paper, and there is no physical roadway there. This is part of a subdivision that dates back to 1860. He said many streets and alleys that were platted at that time have already been vacated, so this vacation, if approved, would continue that trend. He then turned the presentation over to Patricia Nordahl.

Patricia Nordahl said St. Alexcie and Butteville are located along the Willamette River at the far north end of Marion County, approximately three miles west of Interstate 5. The town plat was filed on May 30, 1860. The proposed vacation is a 10-foot wide alley located within Block 2 of the plat of St. Alexcie. It runs from Butte Street south 240 feet to Marion Street. This is an undeveloped alley that shows no evidence of being used by the public. Marion

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County's Land Use Engineering and Permits Section has requested that Butte Street remain open and allow for parking on both sides should this alley vacation occur. Butte Street currently is developed with 18 foot wide asphalt which runs just west of the alley location within Block 2. There is then a walking access from the end of the asphalt to the river.

Ms. Nordahl presented a map showing the 36 blocks that were identified on the original plat of St. Alexcie and Butteville. The orange colored areas are all the streets and alleys that have been previously vacated within the plat. The purple colored area shows where the proposed alley vacation is located. There are currently six full and two partial blocks where the alleys have not been vacated. She showed a photograph of where the alley area would be located if it were developed, as seen from Marion Street looking north. Another photograph showed the same general alley area from Butte Street looking south. The Public Works Department recommends granting the alley vacation and vesting the property to the adjoining property owner. Ms. Nordahl opened the floor for questions.

Commissioner Milne said this is clearly the only piece of alleyway along First Street that has not been vacated, and she had some questions about this. The first question is when the other alleyways were vacated. Ms. Nordahl said it has been piecemeal, with one alley or block at a time being vacated, with occasional larger developments going in that required larger areas to be vacated. Her other question was about one of the photographs where it appears that the garage or carport is on the alley. Ms. Nordahl said that this is the case for at least a portion of the garage. Commissioner Milne asked how long the structure has been in place. Ms Nordahl said she did not know, but the property owner was present and might be able to answer that question.

TESTIMONY:

SUPPORT:

Mark and Julia Kraemer, 23707 First Street NE, Butteville. Mr. Kraemer said the reason they want this portion of alley vacated is to clean up the area. Most of the other alleys in the area have been vacated and in his view, there is no reason to have the easement there. He said the 3-car garage has probably been there for 50 to 60 years at least and is on part of that easement. The alley area has never been used for the public and is currently a lawn area. There are eight lots shown on the plat, and they have no intention of breaking up the property. Julia Kraemer's great-great grandfather owned this land and built the house. Mr. Kraemer said they would like to preserve the historical nature of the house and the property and eventually pass the property down to their children.

Ms. Kraemer said the easement has been there since they purchased the property. She said she believed it had been set up at the time when it was originally owned by her great-great grandfather. They are the only property owners in the area who would be affected by the vacation of this alley, since they own all the property that the alley passes through. They want to get this done because all the other surrounding neighbors have had their alleys vacated.

Commissioner Milne said this does appear to be really for cleanup and to adjoin the property and bring all the parcels they own together. Mr. Kraemer said that some people have visited the property and assumed they wanted to break the property up, when actually they want to keep it as one piece. If they left the alley in place, it would be easy for them to break up the land and sell off pieces of it, but this is not their intention. They want to keep it as 1.7 acres and pass it down to the next generation.

Commissioner Carlson said the vacation portion of the request makes sense, particularly since all the surrounding alleys have been vacated. She questioned the issue of parking on the street, which had been the subject of various emails in the month of August. She asked for an update on the situation. Ms. Kraemer said there had been some plans to install some paved commercial parking, but a recent conversation with Jolene Kelley of the Board of Commissioner's office confirmed that these plans have been withdrawn and that the commissioners had a meeting and decided that the issue would be left up to the community to choose what they want to do. Ms. Kelley told her that there are no plans from the county to install any parking there, and Ms. Kraemer said this was a great relief to her.

Commissioner Carlson asked Ms. Nordahl about parking, and she clarified the issue by saying that the land use engineering and permits section wants to have the right of way on Butte Street remain open so there can be parking. Ms. Kraemer said that currently people park there when they go to a trail and fishing area nearby, but their objection was to the installation of commercial paved parking adjacent to their property, which would interfere with the historic nature of the area. Mr. Kraemer said some people have accused them of attempting to keep people from parking by their property, but this is not true. He said they have no objections to people parking there, although they prefer that people park on the gravel and not on the lawn areas, especially during the rainy season. However, he has never said anything to anyone about it.

The engineering department has come out on several occasions to survey the area. He feels that in their efforts to put two parking spots there, they will probably lose a total of five parking spots because of setbacks, signage, and other legal requirements. He saw no point in spending public money to put in two paved parking spots, as this would require a pull-in and pull-out area, stop signs, and yield signs. He also felt it would have impaired the looks of their property. In Mr. Kraemer's view, the talk about placement of parking seemed to be all about their property and not the surrounding properties, and he felt someone had wanted to have all the public parking against his property and none of it elsewhere. They would just like to keep their property in a status quo situation, keeping it historic and not developing the area. Mr. Kraemer said he has no problems with the state parks and Friends of Champoeg, who are trying to get designated parking in order to get more publicity for their store. During eight months of the year, there are few tourists in the area because of the weather. He feels it is a waste of tax dollars to pave the area around his property in order to promote a tourist attraction that is only in use for several months of the year.

Bill Worcester of Public Works came back to the table for questions. Commissioner Carlson asked him to verify what she had heard about the parking issue from a Public Works perspective. He explained that the parking issues came to light when there were some encroachments into the right-of-way on the north side of the street, including some trees and a bark dust berm that was forcing parking over to the other side of the street. He said Public Works has been working with the various neighbors, and he believes all the issues have been resolved. They have gotten a fuller use of the existing right-of-way for parking now. This did drive them to look at adding a few parking places on First Street, but there was never really a good consensus as to what kind of parking was needed and where it should be. Mr. Worcester said the various parties felt it would be better to wait and see if the community came forward with a request. If and when that happens, they can look at the issue again. In terms of the alley, Public Works does not see it as providing any function to the public now, since it is only 10 feet wide. Their recommendation is to approve the vacation in this case.

Commissioner Milne said she would agree with Mr. Kraemer that it is not a good use of taxpayer dollars to pave the parking spots, and she is aware of the controversy that surrounded this matter. She said this is also an issue for the community, since they are the ones who know best what happens in the area on a day-to-day basis and how much parking is actually needed in the area, including during the tourist season. It would be best for the community members to come together and find their own solution. She said the best solution might even be to do nothing for the time being.

Mr. Kraemer came back to the table to talk about the issue of the trees that were said to be encroaching on the right-of-way. He said the trees were already in place when he moved into the neighborhood, and had been put in by the previous owner. The trees had apparently been a source of controversy in the neighborhood. He said that the trees are poplars that grow very rapidly, and he has had to cut 30 feet off of them every two years. Seven of the fifteen trees died suddenly and may have been poisoned, since they are difficult trees to kill under normal circumstances. There has been some development going on around his property and he thinks this may have something to do with what happened to the trees.

Mr. Kraemer feels he has an obligation to maintain the trees and property. This meant he needed to get rid of the dead trees because they posed a safety and fire hazard. He had a landscaper come in to remove the trees and return the area to bark dust. Mr. Kraemer said some had accused him of developing in the right-of-way, but he insisted this was not the case. He only wanted to get all the trees, dead and living, out of the ground and replace them with bark dust and low-growing plants to keep the weeds out. He had instructed the landscaper to pull the trees out, roots and all, but the landscaper cautioned him that he should have a locator look at the property before proceeding. The locator company found that all the telephone lines for the properties in the area go under the tree roots. The landscaper recommended cutting the trees down as far as possible and putting poison in the remaining living trees, and then covering the area with bark dust and ground cover. The trees cannot be uprooted without causing a huge problem with the telephone lines. Someone called the county saying that he was developing the right-of-way when he was just trying to keep it clean. He did not plant any more trees and did not take out any more of the grass line. He did plant some arborvitae inside his property line, but he never encroached any further on the existing grass line. He hired an attorney and they had some meetings with the county. He had trouble getting them to believe him until he brought photos showing what the area looked like before and after the landscaping changes, with the bark line and the tree line, since the stumps are still in place. He has photographs and measurements showing what has occurred here. Mr. Kraemer said he was just trying to maintain the property, and this is all he wants to do in the future as well. The parking area has been across the street, and he thinks the problem may stem from a developer wanting to move that parking in order to put a new front porch where the parking is currently located.

Commissioner Milne said that as the residents of the area continue to try to come to a solution, everyone should keep in communication with Public Works to try to avoid any future problems. Commissioner Carlson agreed with Commissioner Milne that the community should be allowed to figure out the parking situation locally, and she is pleased that the situation appears to be on its way to getting resolved.

MOTION: Commissioner Carlson moved to close the public hearing, and approve the vacation of the alley in Block 2 of St. Alexcie subdivision in Butteville, vesting the property to the single abutting property owner. Page -5-

Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

Commissioner Milne read the weekly calendar.
Commissioner Milne adjourned the meeting at 10:00 a.m.

Attachments: Agenda

ABOVE MINUTES APPROVED

CHAIR

COMMISSIONER

COMMISSIONER

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

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