

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, June 4, 2008
Marion County Courthouse Square

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

PRESENT: Commissioner Sam Brentano, Commissioner Patti Milne and Commissioner Janet Carlson. Also present were Jo Stonecipher as legal counsel and Kim Hulett as recorder.

Commissioner Brentano called the meeting to order.

PUBLIC COMMENT

None.

CONSENT

BOARD OF COMMISSIONERS

OLCC Application -- Recommend Approval

Abiqua Wind Vineyard

FINANCE

Notification of contract award to McKinstry Essention, Inc., for the Marion County courthouse and work center renovation project.

PUBLIC WORKS

Receive petition to consider vacation of county road 783A off Ettlin Loop, Scotts Mills, Clerk's File #2093R, and schedule a public hearing for July 9, 2008.

Receive petition to consider the vacation of a portion of Fifth Street, St. Paul, Clerk's File #2098R, and schedule a public hearing for July 9, 2008.

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

ACTION

PUBLIC WORKS – PLANNING

1. Consider final adoption of administrative ordinance granting zone change, case #ZC 08-02, Satter, Clerk's File #5581. – Sterling Anderson

Sterling Anderson, planning manager, said the item before the board today is a zone change of the subject property from UD (Urban Development) and ROI RA-RM (Resolution of Intent to rezone from Residential Agriculture-to Multiple Family Residential) to RM (Multiple Family Residential) on a 5.25-acre portion of an 11-acre parcel located in the 4600 block of Lancaster Drive NE, Salem, inside the urban growth boundary.

The Marion County Hearings Officer held the required public hearing on this application on February 27, 2008. On April 29, 2008, the hearings officer issued a recommendation to the board to grant the requested change subject to certain conditions. The process for a zone change is that only one hearing is required unless there is an appeal. In case of an appeal, the board would decide whether to hold another hearing. In this case, the board has held the recommendation for the required appeal period of 20 days without receiving any appeals. The case is now before the board for consideration to adopt or not adopt the recommendation of the hearings officer.

Commissioner Brentano asked what a TIA was, since this is one of the required items in the recommendations. Mr. Anderson said TIA stands for traffic impact analysis.

MOTION: Commissioner Carlson moved the board adopt the administrative ordinance granting zone change, case #ZC 08-02, Satter, Clerk's File #5581. Seconded by Commissioner Milne; motion carried. A voice vote was unanimous.

Commissioner Brentano recessed the meeting at 9:06 a.m. until the public hearing scheduled at 9:30 a.m.

Commissioner Brentano reconvened the meeting at 9:30 a.m.

PUBLIC HEARINGS 9:30 A.M.

PUBLIC WORKS

A. Public hearing to consider the vacation of a portion of dedicated right-of-way in Jefferson, Clerk's File #2095R. – Patricia Nordahl

Patricia Nordahl of Public Works gave a PowerPoint presentation on this item. She said that on November 16, 2007, a petition was filed with Marion County to vacate a portion of dedicated right-of-way located north of Farmer Road and east of Jefferson Highway. This no-name road is located on the east side of I-5, approximately six miles south of Salem and 3 ½ miles north of Jefferson. The right-of-way was established as a 40-foot-wide road with 20 feet dedicated by the plat of Steiwer Fruit Farms in 1909 and 20 feet from the adjoining property to the west. The area proposed for vacation is 420 feet long. A search of the surveyor's office records reveals no evidence of any previous vacation or abandonment of this portion of right-of way. Page -2-

The Public Works Traffic Engineering Section commented that it is desirable to have a roadway in this connection to serve future development, but this section of the right-of-way is angled and would create an undesirable intersection if developed. Any future land use applications may be conditioned to dedicate additional right-of-way to either provide that connection at a more desirable location or provide for adequate turnaround area where the proposed vacation ends.

The petitioner to the east is proposing to partition their lands so that the single parcel becomes two parcels. Ms. Nordahl presented a slide showing where No Name Road would be located if it were developed. The photo was taken from Farmer Road looking north. There is no evidence of past road construction. A portion of the old barn is located within the right-of-way. The access to the properties abutting this right-of-way is from Farmer Road. There are no utilities that would need to be protected by easements if the right-of-way were vacated. The Public Works Department has determined that the vacation of this portion of No Name Road would be in the public interest, as this right-of-way, if developed, would create an undesirable intersection.

TESTIMONY:

Support:

Dana Nelson, 1827 Farmer Road, Jefferson, said she had no objections to this vacation. She said it would serve in the best interest to vacate the road.

Dave Mitchem, 1725 Farmer Road, Jefferson, also spoke in support of the vacation. He said he wanted to make himself available to the commissioners if they had any questions, but had no other comments.

MOTION: Commissioner Milne moved to close the public hearing and approve the vacation of a portion of dedicated right-of-way in Jefferson, Clerk's File #2095R. This would involve vacating a 20-foot-wide public right-of-way on the Steiwer Fruit Farms Plat and 20 feet from the adjoining property to the west, with the right-of-way being vested in the two abutting property owners. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

Commissioner Brentano read the calendar.
Commissioner Brentano adjourned the meeting at 9:38 a.m.

Attachments: Agenda

ABOVE MINUTES APPROVED

CHAIR

COMMISSIONER

COMMISSIONER

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