



OREGON

MARION COUNTY BOARD OF COMMISSIONERS

Management Update Minutes

Monday, March 29, 2021, 9:00 a.m.

Courthouse Square, 555 Court St. NE, Salem
5th Floor, Suite 5231, Commissioners Boardroom

ATTENDANCE:

Commissioners Kevin Cameron, Danielle Bethell and Colm Willis, Jan Fritz, Jane Vetto, Tamra Goettsch, Brian Nicholas, Brandon Reich, Scott Norris, Max Hepburn, Kent Inman, Kathleen Silva, Barb Young, Lisa Trauernicht, Matt Lawyer, Jessica Stanton, Chad Ball, Jolene Kelley, and Kristy Witherell as recorder.

Jan Fritz called the meeting to order at 9:00 a.m.

INFORMATIONAL:

Status of Public Rights of Way in the McClellan Road Neighborhood of West Stayton

- Brian Nicholas, Max Hepburn

Summary of presentation:

- A property owner submitted a question to the board's office regarding rights-of-way inside his neighborhood;
- This subdivision is made up of alleyways and public rights-of-way;
- None of the alleyways and public rights-of-way connect to the county right-of-way;
- The access road to get into the neighborhood is on a piece of property that that is owned by the Union Pacific railroad;
- Neighbors have built fences across the public rights-of-way, which hinders access to others;
- The county has not provided a written response to the complainant;
- It is unknown how long the fence has been built over the public rights-of-way;
- None of the roads in the neighborhood are county roads, the county is responsible for public access for public rights-of-way outside of city limits;
- Property owners cannot have adverse possession on public right-of-way;
- The right-of-way that has a fence encroaching on it does not lead to any road or public access;
- Staff is looking for board direction;
- The constituent that brought the matter before the board was concerned with emergency access points in his neighborhood:
 - Looking for evacuation routes from his property in a timely manner.
- There is not an issue of anyone getting trapped in the neighborhood.

Board discussion:

- The commissioners would like to know how long the fence has been in the right-of-way;
- The neighborhood was dedicated in 1911; and
- The commissioners would like Public Works to research further if there is an easement on the Union Pacific Railroad road.

Review Marion County Comprehensive Plan Urbanization Framework

- Brandon Reich

Summary of presentation:

- There is a part of the urbanization element that applies within an urban area before it is annexed to the city:
 - Commissioner Willis asked if this information needed to be inside the Comprehensive Plan.
- The Oregon Administrative Rule sets out specific criteria to consider densities when expanding an Urban Growth Boundary (UGB):
 - It sets out specific criteria regarding a mix between single family and multi-family dwellings;
 - Densities within an urban area; and
 - Specific methods for analyzing the amount of land a city would have to assume when they bring it into the UGB.
- The Department of Land Conservation and Development (DLCD) adopted a new legislative rule that provides a simplified method analyzing how to bring land into the UGB:
 - Density for single family and multi-family.
- If the city goes back to change their zone code, that will affect how much land is within that city;
- When the city brings land into the UGB, that zone code demonstrates how much density they are going to have;
- Either they are going to make changes to the existing city, or they are going to bring land in:
 - Either way, the density is impacted.
- The DLCD has very specific methods for zone code changes or bringing land in;
- More than 20 years ago, the board adopted an urbanization element:
 - The framework has guidelines for how cities do density and housing mix, as well as other components within their UGB; and
 - The framework is out of date due to the state providing very specific methods that the cities can choose to go through.
- Other cities that have brought land into the UGB have not used the framework as a guideline;
- The board can consider removing the guidelines from the Urbanization Element:
 - The board would need to initiate consideration of removing it;
 - Would hold a public hearing to consider removing the framework guidelines; and
 - Adopt an ordinance.
- Staff has not identified any negative impacts for removing the guidelines;

- The county is required to follow the DLCD methods; and
- The public hearing can be scheduled as early as June.

Board discussion:

- The commissioner approved with moving forward with the public hearing to remove the framework from the Urbanization Element.

Discuss the Community Dispute Resolution Program Grant Funds for the 2021-2023 Biennium

- Tamra Goettsch

Summary of presentation:

- Marion County participates in the selection process of the dispute resolution applications;
- The University of Oregon (U of O) receives resources from the legislature for this service:
 - Marion County allocates \$84,000 for this program.
- The U of O handles the process of finding the contract;
- Neighbor to Neighbor has historically been the organization in Marion County that has handled dispute resolutions;
- The U of O will be joining on Wednesday at Board Session to review the process with the board;
- Staff will bring recommendations before the board in June for affirmation of who the county would like to contract with;
- It is a collaborative between Marion County and The U of O;
- Dog services uses this service; and
- The commissioners would like examples to be brought forward at board session for discussion.

Ice Storm/Beachie Creek/COVID-19 Update

-All

Summary of presentation:

Brian Nicholas:

- It will take more than 16 weeks to clean up county roads after the ice storm;
- There will not be a chip seal program this year due to the road cleanup needed:
 - Will still have the paving season; and
 - Ordering a new chip spreader to use for next season.
- Salem-Keizer Transfer Station (SKRTS) has set a record this year for waste;
- Browns Island had 70,000 yards of debris this month;
- Meeting scheduled with FEMA today for review of Category B;
- Category C has been approved;
- In process with FEMA for parks approval; and
- Waiting on approval for radio replacement.

Chad Ball:

- The Oregon Department of Transportation (ODOT) has seven crews working on Highway 22:
 - They are working on mile marker 39.7 – 60;

- Working on cleanup of trees on the side of the road; and
- Will be working on Kane's Marina cleanup next.
- ODOT wants the county to prioritize the 83 commercial properties:
 - Kane's Marina is a priority;
 - The Detroit Lake Marina is a priority; and
 - Get the main streets of Detroit and Gates cleaned up.
- North Fork Road was very busy on Saturday:
 - The Sheriff's Office was directing people away from the area.

Tamra Goettsch:

- Concerned with the mental health and well-being of the residents up the canyon:
 - There is a need for mental health resources and services;
 - Looking to do mobile SIT mental health services up the canyon with Health and Human Services, along with other mental health providers around the county:
 - There were families at the open house that expressed need of mental health services.

LEGISLATIVE UPDATE:

Summary of presentation:

- Today's floor session has been canceled due to a positive COVID case;
- House Bill 3010 – Septic low interest loans and grants:
 - Working on this bill two years ago; and
 - Still moving.
- Close to finishing the OSHA letter opposing mandates for the commissioners to sign:
 - It is due April 2nd.
- SB 464 – waiving property tax fees for wildfire victims:
 - Finalized amendments; and
 - Waiting for the work session to be scheduled.
- The Rebalance bill is waiting for a House floor session; and
- The Aurora Airport bill is dead.

OTHER:

Tamra Goettsch:

- Community services is wanting to apply for a RARE Grant that will help fund broadband up the canyon:
 - Asking for the board to sign a letter of support.

Brandon Reich & Kent Inman:

- The commissioners received a message from MaryAnn Hills regarding a septic authorization issue for wildfire lots that were combined for tax and building before 2003 without a re-plat:
 - Ms. Hills spoke with Mr. Trussell, and he stated there was a requirement for a surveyed easement for a property line adjustment before they get an approval to rebuild;
 - Only one of the lots would be buildable even with a sewer system;

- The county would not be able to fix the 2003 approval they gave without the wildfire; and
 - Ms. Hills does not want to burden the victim with a land use process or a survey needed for a one-party easement.
- Mr. Reich stated that if a property owner wants to use both lots to build a septic and a building, there is a fire separation distance that needs to be kept:
 - The line needs to be removed for the building codes;
 - There are survey laws in place on how to combine lots;
 - Cities have their own planning processes; and
 - Needing board direction on how to remove the lot line.
- Mr. Inman stated that it is a complex issue that involves the Building Department and the Septic Division:
 - When a plat gets created, state statute requires that the plots and parcels are as is until they are re-platted or further divided;
 - If someone wants to eliminate a lot line or a parcel line, then it has to go through the re-plat process;
 - The cities up the canyon do not have their own planning department and contract out their own planners that tell property owners that they can combine their tax lots:
 - That is just for tax purposes, not building purposes.
 - There is a provision in state statute Chapter 92.185 that states that a city or county can use an alternate method other than a re-plat:
 - The City of Salem Planning Department allows for a consolidation of properties;
 - The property owner still needs to get a surveyor to write a legal description around the exterior boundary:
 - They record it with the deed stating that the property owner cannot go back to using the previous lot descriptions.
 - The confusion in Gates is that there is a mix of the county and the city telling property owners two different processes.
- In 2003, the cities were approving tax lot consolidations to build on two lots:
 - It was to demonstrate intent.
- The process to vacate a lot would take a re-plat:
 - By statute, if a property owner submits a plat, the county surveyor has 30 days to review it;
 - The platting surveyor has 30 days to make any corrections;
 - It takes three to five days to approve it in the surveyor's office;
 - The plat is taken to the Assessor's Office, Clerk's Office, and Board of Commissioner's Office for signature; and
 - It is a 90-day process.
- The county no longer does the tax lot consolidation:
 - It is no longer a legal way to vacate a property line; and
 - The county used to recognize it as a legal way.
- The timeline for a property line adjustment is three to six months; and
- Mr. Inman and Mr. Nicholas will research this lot issue further.

Brian Nicholas:

- Senator Merkley is holding a statewide meeting with county representatives on Wednesday, March 31st at 3:00 p.m. to discuss the American Rescue Plan.

Meeting adjourned at 10:39 a.m.

COMPLETED BY: **Kristy Witherell**

Reviewed by: *Joanna Ritchie*