



Management Update Minutes

Monday, January 28, 2019, 9:00 a.m.

Courthouse Square, 555 Court St. NE, Salem
5th Floor, Suite 5232, Silverton Conference Room

ATTENDANCE:

Commissioner Kevin Cameron, Commissioner Sam Brentano, Commissioner Colm Willis, Jan Fritz, Scott Norris, Cary Moller, Brian Nicholas, Jeff White, Tamra Goettsch, Tom Rohlring, Matt Knudsen, Tom Hogue, Dan Danicic, Brian May, Kent Inman, Brandon Reich, Bruce Armstrong, Kaileigh Westermann, Barb Young, Lisa Trauernicht, Jolene Kelley, Hitesh Parekh, and Joanna Ritchie as Recorder.

Jan Fritz called the meeting to order at 9:02 a.m.

INFORMATIONAL:

Municipal Stormwater Permit Renewal Update

- Matt Knudsen

Summary of presentation:

- New permit was issued by the Department of Environmental Quality (DEQ) in November 2018, and it will become effective on March 1, 2019;
- Covers six minimum control measures:
 - Public Education Outreach;
 - Public Involvement and Participation;
 - Illicit Discharge Detection and Elimination;
 - Construction Erosion and Sediment Control;
 - Post Construction Runoff Control; and
 - Pollution Prevention/Good Housekeeping for Municipal Operations.
- At a previous management update meeting, staff discussed three major issues with the draft of the new permit:
 - Water quality standards:
 - County is not allowed to cause or contribute within the stormwater management area anything above the water quality standards for the state.
 - Septic systems:
 - DEQ is requiring the county to inspect systems on private property.
 - Construction and Post-Construction:
 - Thresholds required were low; around 5,000 square feet.
- County staff met with DEQ staff and the Association of Oregon Counties (AOC) in October to discuss these issues;
- After the meeting DEQ modified the water quality standard requirement;

- Completely removed the septic system inspection requirement; and
 - The threshold requiring construction or post-construction runoff increased to .25 acre.
- The City of Albany and other jurisdictions are currently challenging the permit;
- The county has met 75 percent of the requirements so far;
- The county can ask DEQ to customize the general permit if needed;
- Ms. Westermann provided additional information on control measures required in the new permit:
 - She reviews permits for compliance and is confident that the county can meet the requirements within the next five years;
 - The county is meeting, if not exceeding, the requirement for public education and involvement;
 - A program to report, track, and eliminate any illicit discharge is already in place:
 - Identifies any areas where there are non-stormwater discharges going into the storm system;
 - Major change surrounds documentation; and
 - Monitors storm system during the dry weather season.
 - Construction Erosion and Post-Construction programs are in place to reduce the amount of run-off and sediment coming off of those sites:
 - A plan is now required for any construction on .25 acres or above.
- Mr. Norris added that there may be an upcoming lawsuit regarding the changes to the permit:
 - The county may want to intervene to make sure that any settlement does not affect the county's general permit.

Board discussion:

- The commissioners inquired about the new .25 acre requirement for construction;
- Mr. Knudsen replied that the new requirement will become effective in 2022 or 2023:
 - A site plan would be customized for the construction site.
- The commissioners wanted to know if contractors would be educated on the new requirement, and if additional inspectors would be added in the future;
- Mr. Knudsen said that inspectors currently look at high risk sites and sites over one acre:
 - The requirements for the .25 acre are lower;
 - An approved site plan may only have to be submitted to fulfill the requirement;
 - Inspectors would look at the site to make sure the plan matches with what is occurring on the property;
 - This is an existing requirement; there is only a slight change in documentation; and
 - The red zones on the map provided are the areas that are affected by the new requirement.

Discuss Proposed Vacation of a Portion of Phipps Lane in Glendale Park Subdivision

- Kent Inman

Summary of presentation:

- Met with the adjoining property owners and owners of the Courthouse Athletic Club to discuss the proposed vacation;
- The vacated portion of the property would be equally conveyed to the adjoining property owners;
- The Sheriff's Office has a plan in place to close off the vacated area;
- Salem Keizer School District confirmed that once the vacation occurs a new bus stop will be established;
- A 30 day written notice to the adjacent property owners is required; and
- Asking for board direction on holding a public hearing on the matter.

Board discussion:

- This issue has been going on for over a year;
- Commissioner Cameron stated he did not want to delay the process any longer and was fine with sending the notice out;
- He was concerned with people jumping the fence and asked if it was possible to fence the property down the middle;
- Mr. Nicholas stated that the Sheriff's Office had a contractor provide a cost estimate for fencing materials, and they plan on having a volunteer work crew put it up:
 - He will go back and ask the Sheriff's Office what the additional expense would be.
- Commissioner Brentano commented that since the property owners are already receiving additional property, they should be responsible for putting up a fence;
- Mr. Inman stated they would have to survey the property to determine where the property lines would be to place the fencing;
- The property owners would not need to go through that process if they agree upon the location of the fencing;
- There will not be a change in the zoning of the property;
- The assessed value of the property may increase, but property taxes may remain the same;
- Mr. White wanted to make sure that the tax accounts for the properties are consolidated; and
- The board directed Mr. Nicholas to proceed with the vacation as proposed, without holding a public hearing, and update the board on the cost of the additional fencing.

Draper Street Flooding Update

- Brian Nicholas

Summary of presentation:

- There is a history of flooding issues in East Salem;
- The flooding has been progressively worse over the years;
- Draper Street is not a county road;
- The property owners are responsible to address localized flooding issues;

- The flooding is on the north end of the street at the cul-de-sac;
- The aerial photograph provided shows an undeveloped strip of land which was the old Willamette Valley Railroad right-of-way;
- The drainage path for Draper Street appears to have been to the railroad property;
- The railroad property was sold and the current or previous owner may have blocked the drainage path, which is causing the current flooding situation;
- The property owners are currently part of the East Salem Service District (ESSD) and are paying an assessment;
- The county could step in to help alleviate the flooding acting as the ESSD;
- Proposed solutions include:
 - Inform the current owner of the railroad property that they have a legal obligation to maintain the drainage path:
 - The property owners around the cul-de-sac obtained a legal judgment against the owner of the right-of-way, which did not result in any concrete action;
 - Leave it as a civil matter, and have the property owners resolve the issue;
 - Leave it as a civil matter, and have the district provide support with engineering information; or
 - Build a storm drainage system:
 - There is a storm drain system at the south end of Draper Street;
 - It is feasible to run a pipe from the inlet in the cul-de-sac and connect it to that existing system;
 - The cost estimate is approximately \$70,000, and includes construction contingencies;
 - The new pipe would only be a few inches below the pavement in the cul-de-sac so it will be a slow operating system; and
 - There may still be ponding on the street.
- The latest flooding took four to five days to dissipate.

Board discussion:

- The flooding issue was brought to the attention of public works through complaints received from the surrounding property owners;
- There have been other complaints about flooding on other roadways in the county:
 - Flooding is very dramatic on this street and is experienced on a regular basis.
- The right-of-way is privately owned and the owner is dividing the lots to sell:
 - Possible to acquire one of the lots and build a detention pond on it;
 - An easement to reestablish the flow to the ditch is required and does not currently exist.
- This is not the only stormwater problem in East Salem:
 - Most problems have to deal with the condition of the street rather than the lack of a drainage system;
 - The system was not designed for any large rain event;
 - Installing a drainage system would help alleviate the issue; and

- Other non-county roads do not have stormwater infrastructure in place, but the flooding experienced is not as dramatic as seen on this street.
- There is not currently a broader effort to alleviate the flooding issues in East Salem:
 - It is isolated to this property at this time; and
 - Public Works is taking a proactive approach on this issue.
- By state statute, the county has the ability to help individual property owners with street maintenance, but is not obligated to do so;
- The cost of the project will come from ESSD will be included in the second supplemental budget; and
- The board directed Mr. Nicholas to move forward with the project.

Review Strenke Gate Installation Complaint

- Brian Nicholas, Daniel Danicic

Summary of presentation:

- Mr. Strenke obtained a permit for electrical work for a powered gate;
- During construction, Ms. McBee contacted the county concerned that the gate was blocking her right-of-way access on Redstone Avenue:
 - The roadway dead ends at the two properties.
- Ms. McBee is able to access her property by an alternate route:
 - Her concern is that the location of the gate will potentially block future access to the right-of-way.
- The Marion County Code does not allow property owners to build in the right-of-way without obtaining a right-of-way permit, which Mr. Strenke did not obtain;
- The Oregon Revised Statutes allows the county to issue permits for building a gate in the public right-of-way:
 - It requires county approval; and
 - Conditions that the property owner maintains the gate at their own expense.
- Options for board consideration:
 - Ask Mr. Strenke to abandon and remove the gate; or
 - Have a formal written agreement between Mr. Strenke and the surrounding property owners granting access to the right-of-way.

Board discussion:

- Mr. Norris gave a brief overview regarding public rights-of-way in response to a question by the commissioners:
 - A right-of-way is a right for any person of the public to use; and
 - It is typically granted by way of dedication, usually in the plat when a property is divided.
- A public road and public right-of-way are similar; and
- The board directed Mr. Nicholas to proceed with the option of obtaining a formal agreement between the parties.

Salem/Keizer Urban Growth Boundary Population Discussion

- Brandon Reich

Summary of presentation:

- The county developed population estimates for all cities in the county in 2009;
- Salem and Keizer are the only two cities within the county that share an urban growth boundary (UGB);
- The board directed staff to work with the two cities on how to best divide the population in the boundary;
- The percentage used by each city in the past has generally been 16 percent for Keizer and 84 percent for Salem:
 - The cities do not always have to use this calculation; and
 - They can choose to use different numbers as long as it does not impact the previous number used.
- Keizer is currently working on a housing needs analysis that relies on this estimate;
- Portland State University will provide a forecast in 2021 and provide a separate estimate for each city;
- The two cities are “married” for land use purposes due to the language in their comprehensive plans that they share a UGB:
 - The two cities could “divorce” by removing this language; and
 - Both cities would then have to establish their own UGB.
- There are issues with both scenarios if they cities remain “married” or get “divorced”;
- All jurisdictions have to agree to the “divorce”;
- If the jurisdictions do not unanimously agree, the Salem Keizer Area Policy Agreement outlines the process to work out the differences prior to going to court;
- Developable land may be impacted if the cities get “divorced”; and
- There is no action required by the board at this time; is an informational topic only.

Discuss County Participation in FEMA Community Rating System

- Brandon Reich

Summary of presentation:

- The county has participated in the Community Rating System (CRS) since 1999;
- The CRS looks at county actions taken in the floodplain and based on that attribute a discount to property owners in the floodplain:
 - The current discount is 20 percent;
 - Only 10 percent of communities nationwide participate in the program; and
 - The county is in the top eight percent nationally.
- The CRS program performs a “cycle visit” every five years to verify the flood management activities that the county implements in order to maintain its classification;
- The next visit is scheduled for May 7, 2019;
- The county must indicate if it wishes to continue to participate in the program;

- If the board chooses to participate, the board must sign a form; and
- The results of the audit are expected by winter 2019.

Board discussion:

- The board directed Mr. Reich to continue with participation in the program; and
- Mr. Reich will provide Commissioner Cameron with the authorization form for signature.

Review Mill City’s Request to Purchase Real Property

- Jeff White

Summary of presentation:

- The city of Mill City has sent a formal request to purchase tax foreclosed property;
- The piece of property owned by the county is west of Hammond Park:
 - The property extends down into the river;
 - It is a non-buildable lot; and
 - It is used as an extension of the park by residents.
- The city submitted a proposal to purchase the property for \$1.00;
- The past due taxes total \$3,117.66;
- The assessed value of the property is \$10,000;
- Mr. White spoke with city staff regarding the county’s policy on selling tax foreclosed property; and
- Options for board consideration:
 - Accept the offer;
 - Propose a counter-offer; or
 - Reject the offer.

Board discussion:

- The board directed Mr. White to counter the offer with the amount of the past due taxes;
- If the city accepts the offer he may move forward with the sale of the property; and
- If the city rejects the offer he will bring the item back before the board for further discussion.

Discuss Scheduling Town Hall Meetings and Offsite Board Sessions

- Jolene Kelley, Lisa Trauernicht

Summary of presentation:

- Proposing offsite board sessions and town hall meetings for 2019;
- There have been three to four offsite board sessions held in previous years;
- It is a good way to engage the community in local government and to discuss current events happening in that community;
- Town hall meetings will be held in various parts of the county:
 - North County;
 - East County;
 - The Santiam Canyon; and
 - Salem.

- Meetings would be held on Tuesday or Wednesday evenings;
- Have invited local groups to present at the meeting;
- Traditionally have received a good response to the offsite board sessions;
- Mayors and city council members are invited to the meetings from the city the meeting is held in as well as the surrounding area; and
- Proposing a combined meeting in each area twice.

Board discussion:

- The commissioners wanted to know how the public would be informed about the upcoming meetings;
- Ms. Kelley said there are various tools that could be used:
 - Social media;
 - Local newspapers;
 - Informing the local school district; and
 - Mail and email lists for various groups.
- The format of the meeting would be to have board session first followed by the town hall meeting; and
- The board would like to incorporate public hearings at the offsite sessions for items that are pertinent to that location.

Review Community Development Block Grant – Housing Rehabilitation Program

- Lisa Trauernicht

Summary of presentation:

- In December 2017, the county partnered with various cities on a community block grant application for funding assistance to serve manufactured home owners for rehabilitation;
- These are items that are not covered in other loan programs because the owners either do not have enough equity in their home or they do not own the property;
- The city of Stayton is the lead agency on the application;
- There is \$53,000 available for Marion County residents;
- Ms. Trauernicht would like direction on the best way to reach out to home owners to let them know that funding is available:
 - There are approximately 953 manufactured home owners in the county;
 - Home owners must meet certain qualifications to be eligible for the program;
 - Each qualified home owner can use up to \$10,000.
- A couple options include sending out a blanket letter to all owners or compile a list of owners who meet the qualifications.

Board discussion:

- The commissioners wanted to know how the city of Stayton notified home owners;
- Ms. Trauernicht responded they sent a letter to all home owners:
 - Stayton reached out to the owners who had applied for the traditional loan program but did not qualify.

- Must meet income requirements;
- The commissioners wanted to know who decides which applicants receive the funding;
- Ms. Trauernicht stated she believed it was on a first come first serve basis:
 - The application is received and processed by the Council of Governments (COG); and
 - Home owners who were denied funding for one type of loan may qualify for this funding.
- There are various locations of mobile home parks in the county:
 - Many are located in East Salem; and
 - Some have Jefferson or Woodburn addresses but are in the county, not the city.
- A lottery may be best way to distribute the funds;
- Contact owners of the mobile home parks and have them get the information out to their tenants;
- The commissioners wanted to know if there was any data showing when mobile homes were built:
 - Mr. Norris stated if the home is titled through the Department of Consumer and Business Services (DCBS) there may be information available; and
 - The Assessor's Office may also have information.
- Ms. Fritz directed Ms. Trauernicht to gather additional information and bring back a recommendation to the board at a later date.

LEGISLATIVE UPDATES

Health and Human Services – Cary Moller

- HB 2600 Training for Administrators of Long-Term Care Facilities on Outbreak Prevention
 - Received a request from the Coalition of Local Health Officials (CLHO) for support including an invitation for testimony by a commissioner;
 - The bill proposes adding protocols and procedures for preventing and reporting disease and outbreaks in long-term and residential care facilities:
 - Long-term care facilities are not currently required to have kitchen inspections;
 - They are required to report outbreaks;
 - Incidents of outbreaks may be lower than actual; and
 - Reporting includes norovirus or the flu.
 - Inspections would be performed by Environmental Health:
 - This is delegated to the county by Oregon Health Authority; and
 - Is similar to restaurant inspections currently performed.
 - The commissioners need more understanding of the proposed changes; and
 - Ms. Moller will bring the item back at a future meeting.

Assessor's Office – Commissioner Cameron, Tom Rohlfiing

- LC 233 Property Tax Exemption on Farming Equipment

- The request was brought to Commissioner Cameron by an agricultural group;
- The concept deals with personal property taxes on certain farming equipment:
 - Would clarify what is or is not taxable.
- The Assessor's group is in agreement with the draft;
- Unsure if income would be lost;
- If the board supports the concept would like to have a commissioner provide testimony;
- May want to contact representatives from other agencies for additional support;
- The issue is regarding taxing equipment used for harvesting versus equipment used for processing; and
- The commissioners are in support of the concept and directed Ms. Young to move forward.

ACTION

Approve Proposed Letter to LCDC Regarding 2018 UGB Growth Management Decision – Marion County Objection

- Barb Young, Tom Hogue

Summary of presentation:

- The federal and state government are in the process of reallocating the water in the Willamette River System, which includes the North Santiam River;
- The metro region, which includes Wilsonville and Hillsboro, is building a large intake pipe for future water needs;
- This could impact the smaller communities and agricultural community that draw their water from the North Santiam River;
- The metro region is going through a Urban Growth Boundary (UGB) expansion process:
 - The county provided a comment letter voicing its concerns.
- The UGB expansion was approved:
 - The expansion includes four areas served by the Willamette River System.
- The process is now at the Department of Land Development and Conservation (DLCD):
 - Propose sending a letter in opposition to the expansion;
 - DLCD staff would review the county's objections and provide an analysis to the Land Conservation and Development Commission (LCDC);
 - LCDC would most likely uphold metro's request; and
 - The county could then decide to appeal the decision.
- The question before the board is does the county get involved to preserve its future water standing;
- Mr. Hogue believes a negotiated solution would be the best outcome;
- Mr. Armstrong added that this letter is similar to the letter sent on December 5, 2018:
 - It preserves the county's standing in the action;
 - It is likely that this will go before the commission:

- It could go to mediation or a hearing.
- Ms. Young suggested submitting the letter by January 30, 2019.

Board discussion:

- The commissioners wanted to know if the city of Salem was concerned about this expansion;
- Mr. Hogue responded that they have the most senior water rights on the system and most likely do not have any concerns;
- Mostly affects farmers and residents up the canyon;
- The agricultural industry would bear the brunt of the reallocation;
- The purchase of water rights from the city of Salem is part of this process; and
- Look into purchasing additional water rights.

MOTION: Commissioner Willis moved to approve the Proposed Letter to LCDC Regarding 2018 UGB Growth Management Decision. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

Approve the Amendment to the Marion County Public Safety Coordinating Council 2019 Legislative Agenda

- Commissioner Cameron, Barb Young, Hitesh Parekh

Summary of presentation:

- The MCPSCC has a meeting scheduled with state legislators tomorrow;
- A new county policy directs that any legislative agendas are approved by the board prior to advocating at the state level;
- The agenda was adopted at the December 26, 2018, board session;
- Any subsequent amendment will be brought to management update as a legislative update rather than an action item;
- Senate Bill 608, Housing and Homelessness, change item to watch;
- Commissioner Cameron gave a brief overview of how items get on the agenda:
 - Members bring proposed bills to the council;
 - The council decides whether to oppose, support, or watch the bill;
 - The department head picks their three top priority bills to place on the summary sheet;
 - Each department is responsible for tracking the progress of their bill;
 - There will be a hand out provided to the legislators at the meeting; and
 - The council only makes a recommendation; the board adopts the final agenda.
- Provided an updated agenda and all items in yellow are the new bills added to the agenda since the December presentation;
- The council has not taken a position on the newly added housing bills:
 - Need to compare with governor's proposed list.
- Working on amendment on House Bill 3067 with legislative counsel.

Board discussion:

- Change all three housing and homeless bills to watch and take them off the priority list.

MOTION: Commissioner Brentano moved to approve the Marion County Public Safety Coordinating Council 2019 Legislative Agenda with the amendments made by Commissioner Cameron. Seconded by Commissioner Willis; motion carried. A voice vote was unanimous.

COMMUNICATIONS

Update

- Jolene Kelley
- Ms. Kelley gave a brief update of upcoming scheduled events for the month of January and provided a printed editorial calendar for the next six months highlighting future stories and the newsletter schedule.

COMMISSIONERS' COMMITTEE ASSIGNMENTS AND UPDATE:

Sam Brentano:

- Attended the Marion County Parks Commission meeting:
 - Legal process on donating land for park space.
- Attended the Northwest Senior and Disability Service Board of Directors meeting; and
- Attended the SKATS Policy Committee meeting.

Kevin Cameron:

- Attended the Continuum of Care meeting:
 - Need to set up a work session regarding the new structure.
- Attended the Salem City Club meeting;
- Attended the Detroit Lake Recreation Area Business Association (DLRABA) meeting:
 - Concerns regarding water issues; and
 - Follow up with Army Corps and report back to association.

Colm Willis:

- Attended the Continuum of Care meeting.

OTHER:

Meeting adjourned at 11:07 a.m.

COMPLETED BY: **Joanna Ritchie**

Reviewed by: *Cindy Johnson*