



OREGON

MARION COUNTY BOARD OF COMMISSIONERS

Management Update Minutes

Tuesday, February 16, 2021, 9:30 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, Jeff White, Brian Nicholas, Ryan Matthews, Nate Coombs, Ann Potter, Brandon Reich, Lani Radtke, Scott Norris, Brian May, Dennis Mansfield, Kyle Wonderly, Lauren Thielke, Chris Trussell, Max Hepburn, Camber Schlag, John Carlson, Sherry Lintner, Barb Young, Lisa Trauernicht, Melissa Rounds, Chad Ball, Jolene Kelley, and Kristy Witherell as recorder.

Jan Fritz called the meeting to order at 9:30 a.m.

INFORMATIONAL:

Discuss Key Points of a Potential Memorandum of Understanding (MOU) with Willamette Humane Society

- Tamra Goettsch, Ann Potter

Summary of presentation:

- Would like to memorialize the work Ms. Potter has been doing with the Willamette Humane Society (WHS) in an agreement as leadership changes in the future;
- WHS helped the Dog Shelter during COVID by taking in animals during the stray hold period:
 - Helped out at the wildfire response.
- Adding into the agreement how each agency will help each other in daily operations:
 - Added emergency planning.
- Wants the board to have input in the MOU process;
- The Dog Shelter has worked with Legal Counsel on the MOU;
- The distinction between the two organizations is that the Dog Shelter takes in Marion County stray dogs:
 - WHS has a contract with Polk County for their stray dogs and takes owner surrender dogs.
- The Dog Shelter has worked on identifying the definition of an owner surrendered dog;
- The purpose of this agreement establishes a relationship between the two agencies that agrees on what ownership means:
 - Making sure that each entity is not sending people back and forth;
 - Codifies what each agency has already been doing, which is taking each other's strays; and

- Establishes emergency response measures.
- Will put this document into an official agreement and bring it before the board for final consideration at a future Board Session.

Volunteer Services Annual Report and Volunteer Awards Update

- Sherry Lintner

Summary of presentation:

- Would like to duplicate the efforts as last year in honoring the county's volunteers:
 - All volunteer awards were done virtually.
- Would like to have the board tape a congratulatory message for the award winners and sign an appreciation certificate;
- Would come back in April to present all 2020 volunteer awards at Board Session through pictures;
- Ms. Lintner reached out to other municipalities to see how they were handling their volunteer awards:
 - The two that she heard back from are suspending their volunteer award activities.
- It is very important that the county acknowledges their volunteers and Ms. Lintner plans on acknowledging all spontaneous community volunteers that helped with the wildfire response:
 - There are emails for the volunteers that showed up, because they registered though an electronic format.
- The two pieces that come before the board in April are the annual report, the proclamation around national volunteer week, and the volunteer awards:
 - In the past this has come before the board at one Board Session;
 - Ms. Lintner is proposing that she presents the annual report and proclamation in March:
 - Come back in April for the volunteer awards.

Board discussion:

- The commissioners would like to see more than an annual report done for the volunteers that helped with the wildfire response;
- The commissioners would like to move the awards presentation in the summer so that they can present them in person;
- The commissioners would like to hold a volunteer award ceremony barbecue for wildfire volunteers at the Marion County Fair:
 - Suggested having a barbecue on Labor Day weekend if the Marion County Fair is canceled again this year.

Discuss Selling Eleven Tax Foreclosed Properties within the Senecal Estates Subdivision to the City of Woodburn

- Jeff White, Camber Schlag, John Carlson

Summary of presentation:

- There are 11 tax foreclosed properties in the subdivision;
- Are directly adjacent to Senecal Creek, which puts them directly in the floodway;
- There have been significant obstacles for private development;

- There are homes in the subdivision, but these 11 properties are the ones that cannot be developed because of flooding;
- In 2004, the properties went into tax foreclosure and transferred to the county;
- Since that time, the county has received multiple complaints of people cutting down trees on the properties:
 - Riding ATV's; and
 - Expanding private fences onto the properties.
- The county received a letter from the City of Woodburn requesting to purchase these properties for \$7,759, which is the amount of taxes owed when they went into foreclosure;
- Attached to the packet is the updated assed value of the properties:
 - The real market value is \$280,000:
 - The Assessor's Office appraised the property at \$25,000 an acre, or \$.56 a square foot.
- The city would like to use this property to better manage the floodplains;
- The county is not interested in this property:
 - Public Works is not interested in the property for wetlands mitigation;
 - Public Works Parks Division did look at the properties, but it is not developable.
- The Finance Department did not put these properties up for auction due to not knowing if the county needed them for wetland mitigation:
 - With the wetland issues, the Finance Department did not believe that the properties would be marketable:
 - It is not buildable land.
- Risk is concerned with the city backing out on the sale if they cannot buy all 11 properties.

Board discussion:

- The commissioners would like go through a process to notify adjacent property owners to give them an opportunity to purchase the parcels before it is offered to the city:
 - There are six properties that have the potential to offer a sealed bid auction process.

Discuss a Permitting Issue with a Development Located in the City of Donald, which has Frontage on a County Road

- Brian Nicholas, Lani Radtke, Max Hepburn

Summary of presentation:

- A constituent came to Board Session last week to discuss at Public Comment his issues with a driveway off of Butteville Road;
- The county's goal is reasonable access to developed property;
- It seeks to limit the amount of access points on major roadways:
 - This includes combined shared accesses when possible, as well as maintaining proper spacing.
- Mr. Trudeau's property is on the corner of Butteville Road and Oak Street:
 - Reasonable access to the property is on Oak Street, which is a city street; and

- The property is within city limits.
- In February 1999, Mr. Trudeau received his access permits through the county for the Butteville Road accesses, which was two driveways:
 - The permits were approved based on the condition of an approved development plan for the site, which were never turned in.
- The county stated that if Mr. Trudeau provides the county with an updated site plan through the city, the county will support the access decision that was made in 1999:
 - The county requires site plans through all access permits, even residential.
- The access permits expire after a year of issuance;
- In April 2019, the county inspector observed that accesses along Butteville Road were getting prepped for paving:
 - A stop order was placed since there was not a current access permit filed.
- In July 2019, Mr. Trudeau met with the City of Donald Administrator, Public Works, and Marion County staff to discuss a solution allowing the accesses to exist, or improvements to be made:
 - The city and the county emphasized that a site development plan was needed through the city to ensure development was to be done properly;
 - A legal challenge to the stop work order was filed by Mr. Trudeau and his lawyer:
 - It stated that the stop work order was unconstitutional and the permits from 1999 were still valid.
 - In early 2020, the challenge was denied by the court on the basis that the stop work orders were valid because there were no valid permits:
 - They noted that Mr. Trudeau could submit a new driveway permit application.
 - In January 28, 2020, a contractor applied to pave the accesses, but it was missing several pieces of information that is standard for the county's review process:
 - Mr. Hepburn sent a letter to the contractor requesting the missing information needed to complete the application.
 - In April 2020, the contractor submitted additional information for the application and for Mr. Hepburn to amend the application on his behalf:
 - Mr. Hepburn stated that it was inappropriate for staff to amend an application on behalf of a contractor or applicant; and
 - A new application with the updated information would need to be provided:
 - If the application and material as presented were fully supplied to the county, it would most likely result in denial, because of the claims being made that the accesses were existing:
 - Not justifying the variances to the standards.
 - In October 2020, Mr. Trudeau contacted the county through his engineer that stated that he did not understand why paving of the

access was not being allowed and wanted to meet with Public Works supervisors:

- Staff reiterated that the county needed a city approved site development plan for the property.
- Staff is looking for board direction on how to handle this constituent's issue in the future;
- The reason why the record begins for this case starting in 1999, is because that's when they became the most reliable:
 - In 1990, none of the driveways existed on Butteville Road:
 - The three-parcel subdivision was one parcel.
 - In 1992, Mr. Trudeau purchased the property and hired a surveyor to subdivide the property to create the three driveways;
 - In 1992, the driveways existed;
 - In the 1999 permit, it was stated by the county that the driveways would be allowed since they were already installed;
 - Scott Norris clarified the process of seeking a variance for Mr. Trudeau and his lawyer;
 - Based on the record, this is a pattern of behavior of Mr. Trudeau that he makes the improvements to his property without a permit and gets upset when he gets caught;
 - There are county and traffic standards needed for the driveway access permit; and
 - There is not a willingness from Mr. Trudeau to follow that process.

Board discussion:

- The city manager asks the county for any concerns for an access permit so that the county has an opportunity to respond:
 - It is done out of courtesy.
- Mr. Trudeau has counsel, so communication was done through his counsel:
 - The commissioners would like a letter sent to Mr. Trudeau outlining the process of obtaining an access permit.

OTHER:

Waste Disposal Fee at Browns Island

- Brian May, Brian Nicholas

Summary of presentation:

- The county sent an email to surrounding cities that any wood waste collected due to the ice storm event can be disposed of at Browns Island at no charge;
- Staff is looking for board direction on a fee for private property owners and small businesses;
- There will be a capacity issue with finding a place to dispose of tree debris;
- Tree removal companies are asking for access to private land for burn piles;
- There are six sites around the city where residents can take their tree debris and the city will transport;
- Looking to see if the wood debris can go to Freres lumberyard for the residents up the canyon to be used for their fuel:
 - Freres can take some of the wood, but not all of it due to the wood being wet.

- The commissioners are in favor of opening up Browns Island for cities, but not for tree removal services;
- There is a grinder on site at Browns Island to help mitigate the waste; and
- The Marion Resource Recovery Facility has a grinder.

Board direction:

- The commissioners do not want the community to use Browns Island:
 - They can dispose at the two transfer stations;
 - Salem-Keizer Transit had 205 customers bring in more than 80 tons of wood waste on Monday;
 - North Marion is open:
 - Power lines and power poles were blocking the main access lines, but those have been fixed.
- The City of Salem was deciding on either curbside pickup or a drop off site, but they haven't decided yet;
- Public Works would set up a fee schedule for contractors to use Browns Island for wood debris:
 - The fee would be comparable to Salem-Keizer Transit.
- This may qualify for reimbursement through the solid waste fund;
- The county believes that this may qualify for FEMA reimbursement;
- The commissioners would like to expedite the process so that the county can communicate to the residents what their options are for disposing of wood debris; and
- Mr. May will bring a proposal before the board.

BEACHIE CREEK FIRE UPDATE:

Brandon Reich:

- Permits broken down by city:
 - Gates has applied for eight building permits;
 - One each for Idanha and Detroit;
 - There have been 15 septic system permits in Gates; and
 - There have been six septic permits in Detroit.

Board discussion:

- The commissioners have been receiving complaints from constituents regarding septic issues that they have been running into with Public Works:
 - The constituents have been told that if they hire a private contractor to inspect their septic system, Public Works would approve the septic system based on the contractor's recommendation:
 - Public Works is not approving the septic systems that way, they are still wanting to inspect them;
 - The commissioners stated that Public Works needs to be consistent on what they are telling the public;
 - Mr. Trussell stated that the inspectors are not factoring in the size of the septic system:
 - The location of the septic system to where the river is;
 - and

- Some of them are under existing buildings.
 - Public Works is concerned with pre-existing conditions leading up to now and whether they are suitable and usable.
- The Department of Environmental Quality has backed off on their standards for residents up the canyon;
- Public Works has not denied a system yet;
- The commissioners would like better communication to be done with the residents up the canyon;
- Public Works is still honoring private inspector's signoffs; and
- The commissioners will forward constituent complaints to Mr. Reich.

Tamra Goettsch:

- There are a couple of counties that are working with the state in converting hotels through state resources into housing options for fire victims:
 - Ms. Goettsch can contact the state if the commissioners are interested.

Meeting adjourned at 12:00 p.m.

COMPLETED BY: **Kristy Witherell**

Reviewed by: Melissa Rounds