



# Management Update Minutes

OREGON

**Tuesday, April 5, 2022, 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, Chad Ball, Jessica Stanton, Robert Manier, Jon Heynen, Tanisha Bush, Tamra Goettsch, Jeff White, John Carlson, Colleen Coons-Chaffins, Justine Flora, Janelle Shanahan, Sherry Lintner, Carl Lund, Scott Norris, Brandon Reich, Lani Radtke, Chris Eppley, Teresa Darvell, Tim Glisson, Brian May, and Brian Nicholas.

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

## INFORMATIONAL:

### **Consider re-appointment of Bonnie Sullivan as a Solid Waste Representative (Building/Construction) to SWMAC**

-Brian May

#### ***Summary of presentation:***

- The Solid Waste Management Advisory Council (SWMAC) is a 16-member council comprised of 8 citizens at large, 3 business/industry representatives, 4 solid waste system representatives, and 1 community organization;
- Members serve four-year terms;
- Bonnie Sullivan serves as one of the business/industry representatives, and is the current chair of SWMAC; and
- Her re-appointment will be brought to April 20, 2022, Board Session.

### **Consider re-appointment of Kevin Hines as a Solid Waste Representative (Collection Industry) to SWMAC**

-Brian May

#### ***Summary of presentation:***

- Kevin Hines serves as one of the solid waste representatives for the collection industry;
- Mr. Hines has over 30 years of experience in the solid waste industry;
- He is currently the general manager of the Mid-Valley Garbage and Recycling Association;
- He is very active in serving his community; and
- His re-appointment will be brought to April 20, 2022, Board Session.

## **Transportation Planning Rule Amendments**

-Brandon Reich, Carl Lund, Janelle Shanahan

### **Summary of presentation:**

- The Department of Land Conservation and Development (DLCD) has been working on substantial rule amendments relating to greenhouse gas and equitable communities;
- Overall, the new rule amendments are looking at ways to ensure that as communities grow the transportation system minimizes greenhouse gas emissions and that individuals who have been unable to buy or rent homes in areas in the past are now able to do so;
- The amendments require substantial work from Marion County, Salem, and Keizer including:
  - Amendments to transportation system plans that require the county to create or amend the regional transportation system plan;
  - Amendments to the county's comprehensive plan for land use designations;
  - Changes to parking regulations that would not allow there to be any parking requirements in East Salem, Salem, or Keizer;
  - Equity analysis of different ethnicities, races, and genders;
  - Scenario planning to look at choices that can be made and how they affect future greenhouse gas;
  - There is a climate-friendly area designation; and
  - Metrics reporting.
- Some of the rule amendments are effective December 2022, with additional rules effective June 2023;
- By 2026 there would be a significant amount of work required;
- The Association of Oregon Counties (AOC) and the League of Oregon Cities (LOC) wrote a joint letter sharing some of the following concerns:
  - Jurisdictions do not have adequate staff resources, or staff with the expertise, to do the work;
  - It is not clear which jurisdictions have which responsibilities; and
  - There is not adequate funding to do the work.
- Staff shares a lot of the concerns of the AOC and LOC;
- The amendments conflict with existing county and city projects;
- There is also a requirement for a new governing structure regarding transportation and land use between Salem, Keizer, Turner, Marion County, and Polk County:
  - It is unclear what this will be, and why the existing structure is not adequate.
- If the county misses deadlines or does not participate, there could be reduced funding from the state, the city could not expand its Urban Growth Boundary, and the county could be subject to a work program:
  - In a work program DLCD tells the county what they have to do, and when they have to do it by.
- Options available to the county include:
  - Send a letter to the Land Conservation and Development Commission (LCDC) regarding the rules; and
  - Hold a work session with LCDC to provide more feedback.

**Board discussion:**

- The county needs to find out what all their options are;
- The LCDC will adopt the rules the third week of May;
- The November elections could direct the county's strategy on this issue;
- Mr. Reich provided the Commissioners with a summary of the rules; and
- Comments are due by the beginning of May:
  - Legal counsel needs to be involved.

**Planning Summary of Land Use Cases for 2021**

-Brandon Reich

**Summary of presentation:**

- Summarized the work that Planning did last year:
  - Received 224 applications, approved 192:
    - Some are still being worked on.
  - 22 rural dwelling applications were received;
  - Acreage was rezoned; and
  - Over 30 conditional uses for businesses were approved.

**Board discussion:**

- The Court of Appeals made a decision on the county's decision regarding the land next to the airport;
- Part of the county's decision was based on an administrative rule that states that Goals 3, 4, 11, and 14 are satisfied as matter of law if you are expanding a public use airport in a way that does not allow for a larger class of airplane;
- The county determined in its findings that as an alternative to the goal exceptions that the rule was satisfied, and the goals were satisfied as a matter of law;
- The Land Use Board of Appeals (LUBA) agreed with the county;
- The Court of Appeals did not agree, and stated that a public use airport can only be expanded if the local government adopts a new map expanding the public use airport's boundary:
  - This would be done through the master planning process adopting a new map expanding the airport boundaries; and
  - The boundaries need to be expanded first before the rule would apply.
- The Department of Aviation does the master plan; and
- The county's decision was reversed and remanded back to LUBA:
  - LUBA has not acted on this.

**Board Direction Regarding Tax Foreclosed Property Buy Back Request**

-John Carlson

**Summary of presentation:**

- Looking for Board direction on a buy back request for two foreclosed properties:
  - The request was made by the heir and descendant of the prior owner of record;
  - For tax accounts 543280 and 543281, 4757 and 4753 Niles Avenue NE;

- The properties came to foreclosure on January 4, 2022, and came before the Board on March 16, 2022, for the board order sending them to auction;
- Received a letter on March 25, 2022, from the heir of the late owner of record requesting to purchase the properties back:
  - He has been declared the sole claiming heir of the properties.
- The buy back amount would be \$12,961.05:
  - Includes back taxes, fees, and a finance fee.

**Board discussion:**

- The Board approved the buy back.

**Summary of presentation:**

- This item was added to the agenda yesterday; and
- Looking for Board direction on a request received from the City of Woodburn to buy a foreclosed property:
  - The property came to foreclosure on January 4, 2022, and came before the Board on March 16, 2022, for the board order sending it to auction on April 25, 2022;
  - Per county policy a courtesy notice is given to the city that the property is located in;
  - The City Manager of Woodburn has asked that Woodburn buy the property from the county, and then they would work with Habitat for Humanity to have a home built; and
  - They have offered to pay \$26,000, and they would forgive a \$9,500 lien that Woodburn has on the property.

**Board discussion:**

- The minimum bid for the property at auction would be \$75,000;
- Once the property was foreclosed, the Woodburn lien was extinguished;
- The past due taxes on the property are approximately \$26,000;
- All money that is received for foreclosed property sales goes to the Tax Title Fund and is distributed to taxing districts using the formula for property tax distribution; and
- The Commissioners agreed to offer the property to the City of Woodburn for \$82,500.

**Discuss East Blain St. Easement Options**

-Colleen Coons Chaffins, Brian Nicholas, Scott Norris

**Summary of presentation:**

- The county closed on the house last Wednesday;
- Public Works estimated what the easement purchase cost would be for a county only access easement:
  - The county plus the six properties would have access to the road; and
  - The purchase cost would be \$7 to \$14 per square foot.
- The easement is 13,304 square feet:
  - At \$7 per square foot the total cost is \$93,128.
- Following are options the county can take:

- Offer \$7 per square foot for the easements;
- Use the road with no easement agreements:
  - If the road is blocked the county could file a prescriptive easement.
- The county could condemn the road, force a sale, appraise the road, and go to court to agree on a price.
- Staff is looking for Board direction on how to proceed.

**Board discussion:**

- Several of the property owners have told the county to use the road without obtaining easements; and
- The Commissioners told staff to use the road without obtaining the easements.

**Policy 304 and Procedures 304-A and 304-B, Americans with Disabilities Act**

-Justine Flora, Lani Radtke

**Summary of presentation:**

- In order to implement the Americans with Disabilities Act transition plan there are policies and procedures that need to be updated;
- Policy 304 and Procedures 304-A and 304-B were first adopted in 1997, and last revised in 2019;
- Procedure 304-C is being added to cover the transition plan;
- The revisions and updates to the policy include:
  - Minor updates to include the new procedure; and
  - Formatting and grammar updates.
- Contact information was updated in Procedure 304-B;
- Procedure 304-C was drafted in coordination with the right of way program:
  - The right of way program requires a grievance procedure.
- Procedure 304-C covers the following:
  - Procedure for the public to request an accommodation;
  - Public Works determines if it is a reasonable accommodation that can be addressed; and
  - If Public Works determines the accommodation cannot be addressed, there is a grievance procedure that can be followed.
- The goal is to bring this to a Board Session, along with the transition plan, at the end of April.

**Update on the Community Resource Network**

-Tamra Goettsch

**Summary of presentation:**

- The program started in 2011;
- Working on a contract with Galaxux;
- The current budget includes funds for a one-time licensing fee, and ongoing licensing and hosting fees;
- The contract is coming to next week's Board Session's Contract Review Board as a special procurement:

- There is only one source that can operate the program that has been developed in partnership with Galaxux.
- There are no fees for organizations using the Community Resource Network (CRN);
- Giving partners fulfill needs, they cannot post needs;
- Procurement recommended that the new contract be for five years:
  - The county would be able to lock in the cost for the monthly hosting fee:
    - Currently \$374 per month.
- Following are the costs associated with the contract:
  - One time licensing fee of \$50,000;
  - Monthly licensing fee of \$1,000, retroactive to July; and
  - Monthly hosting fee of \$374.
- In future years the contract will cost approximately \$16,488 for the monthly fees.

***Board discussion:***

- The total cost of this year's contract is approximately \$62,748;
- Galaxux will do all system updates;
- The county reviews the applications of organizations that want to join CRN as participants able to receive goods;
- Commissioner Willis would like allowable and non-allowable requests listed on the website;
- The Commissioners asked for an email of the terms of use;
- Members are asked to work through all their other community resources before utilizing CRN;
- Currently, there are approximately four requests per day; and
- There is a without cause termination clause in the contract.

**CDBG/HOME Program Manuals and Final Policy Items**

-Chris Eppley, Tim Glisson

***Summary of presentation:***

- Staff has been working on the manuals, documents, and policies for the Community Development Block Grant (CDBG) and HOME programs;
- The following two pieces are coming before the Board at a later date:
  - HOME American Rescue Plan (ARP) program; and
  - The CDBG economic development piece.
- There are several manuals and policy documents that the Department of Housing and Urban Development (HUD) requires the county to adopt; and
- New policies that are imbedded in the manuals cover the following:
  - Required by HUD to institute an annual outreach plan before the development of the one-year action plan, and the five-year consolidated plan:
    - HUD identifies the organizations that have to be contacted for input that is then used in developing the one-year action plan;
    - Staff has had a hard time getting the organizations to participate;

- Staff would like the Board to create a committee with representatives from the organizations, and one Commissioner; and
  - Would have one meeting per year.
- In the past, the application review committee reviewed the applications, and gave funding recommendations to the Board:
  - Staff is considering having the committee grade the applications and bringing those to the board, without funding package applications:
    - Staff would be reviewing whether the applications meet program requirements.
- The Commissioners set program maximums every year:
  - \$15,000 per unit for housing rehab, \$25,000 for down payment assistance, and others;
  - A per housing unit application maximum has not been set;
  - If established, it should be between \$50,000 to \$100,000 per unit;
  - Will change yearly depending on current housing and construction costs;
  - The county does not have to have a per housing unit application maximum;
  - HUD does dictate a maximum, but it is really high;
  - The county can choose to have a stricter maximum; and
  - Want to put enough money into a project so the housing is affordable, without putting so much money in that it limits the number of houses that can be made affordable.
- Required to have a resale or a recapture provision:
  - Resale provision:
    - A unit of housing that is created with HUD dollars must be resold to an individual who meets the low to moderate income requirements.
  - Recapture provision:
    - If the county invests in a unit of housing that is then sold very quickly, the county gets something back that can be reinvested in another unit of housing; and
    - Staff's recommendation is to tie this to a forgivable loan, with the period of forgiveness tied to HUD's affordability periods.

***Board discussion:***

- The outreach plan is looking for input on how the county is intending to spend the money, and input on the different needs that are in the community:
  - If the Commissioners do not want to create a committee the organizations could be invited to a meeting;
  - There are approximately 20 different organizations that the county is required to receive input from; and
  - The Commissioners would like to have a work session on this.

- The Commissioners are fine with staff grading the applications, as long as they receive the full application packages;
- The Commissioners do not want to have a per housing unit application maximum:
  - This will give them the most flexibility.
- The Commissioners would like to have a work session to discuss the resale and recapture provisions; and
- The Commissioners would like to delegate signing authority to Ms. Fritz.

### **Legislative Update**

-Tanisha Bush

#### ***Summary of presentation:***

- Ms. Bush will have letters for the Commissioners to sign later in the week.

### **Communications Update**

-Jon Heynen

#### ***Summary of presentation:***

- The *Salem Reporter* would like to do a story on the new \$14.3 million Health and Human Services building;
- The news blog has been reviewed by Information Technology, and should be ready to launch this week;
- Working on videos for the reentry breakfast;
- Working on the next issue of *Marion County Today*; and
- Working on an article about the Strategic Economic Development Corporation (SECDOR) for their 40th anniversary.

Meeting adjourned at 11:23 a.m.

COMPLETED BY: **Betsy Young**

Reviewed by: Shawnnell Fuentes