



OREGON

MARION COUNTY BOARD OF COMMISSIONERS

# Management Update Minutes

**Monday, March 18, 2019, 9:00 a.m.**

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

## ATTENDANCE:

Commissioner Sam Brentano, Commissioner Colm Willis, John Lattimer, Jan Fritz, Jane Vetto, Scott Norris, Tamra Goettsch, Brian Nicholas, Joe Miller, Jeremy Landers, Laura Pekarek, Eric Hlad, Joe Fennimore, Krista Ulm, Ryan Crowther, Andrew Schmidt, Warren Jackson, Barb Young, Lisa Trauernicht, Jolene Kelley, and Kristy Witherell as Recorder.

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

## INFORMATIONAL:

### **Code Enforcement Update**

- Joe Miller, Laura Pekarek

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

- Update on the abatement efforts on a property located at 36<sup>th</sup> Avenue, Salem;
- Due to the hard work of Ms. Pekarek and Mr. Schmidt, the property is cleaned up;
- Three of the five buildings had to be removed;
- The manufactured home had been deemed a hazardous and dangerous building and has been removed;
- Septic system has been decommissioned;
- No code violations on the property;
- No dwellings left on the property;
- In the past, there were multiple RV dwellers on the property;
- Cost estimates:
  - Clean up cost was \$32,000:
    - Reclaimed \$6,000 in recyclable costs.
  - K&E Excavation donated their equipment and only charged \$2,000 for labor.
- The judgement amount will be entered as a judicial lien:
  - The person subject to the lien would have to pay the lien; and
  - If the lien doesn't get paid, the county will pursue a writ of execution to seize the property, and auction the property to recoup costs.
- The total cleanup cost between out of pocket costs and labor is \$40,000:
  - Marion County Code makes a provision for administrative fees, which takes care of overhead:

- Administrative fee is approximately \$6,000.
- The court has asked for legal fees assessment for the cost of the receivership:
  - That tentative number is \$9,000.
- The court will make a daily fine determination on the property:
  - The court ordered the owner to clean up the property on May 9, 2018, which did not happen;
  - The county took control of the property on October 31, 2018, which is 175 days from when the court ordered the cleanup; and
  - The courts daily fines are \$500:
    - The total is \$87,000 in fines.
- The real market value of the property is \$135,000:
  - The property is almost a full acre in urban transition zone; and
  - Mr. Miller believes that the market value assessment is low for the current market.

***Board discussion:***

- The commissioners appreciate the efforts of code enforcement for the cleanup of the property;
- There is a work session next week regarding other properties similar to this; and
- There was evidence of drug use on the property.

**Solar Array Work Group and Solar Rule Making Committees**

- Joe Fennimore

***Summary of presentation:***

- Marion County removed solar arrays from farm zones;
- Created a work group through the planning commission to establish regulations allowing solar arrays in farm zones and still protect the soils;
- Class I & II are the best soils in Marion County;
- On a 12-acre property of high value soil, no more than four acres can be used for solar arrays;
- The solar array industry does not want to build on anything less than 20 acres;
- The work group could not come to a consensus;
- The Oregon Department of Land Conservation and Development (LCDC) started considering new rules statewide to protect high value soils:
  - They conducted four rule making meetings and came up with the following determinations:
    - No solar arrays on Class I & II soils;
    - Adopted temporary rules on January 29, 2019; and
    - Will consider making the rules permanent May 25, 2019.
- The county is not accepting applications for solar arrays;
- The solar array industry wants flat land next to the road;
- Even if the work group came to a consensus, the LCDC ruling would overrule it; and
- The county can regulate dual use, but not on Class I & II soils.

## **Discuss Granting Extensions to Certain Land Use Decisions**

- Joe Fennimore, Scott Norris

### **Summary of presentation:**

- Under ORS 215.417, for residential uses in farm zones, if a conditional use permit is issued, it is good for four years and can be extended for two years:
  - Marion County believed it was an unlimited extension of two years:
    - Marion County and Lane County was applying the language that way:
      - Lane County had a decision appealed to the Land Use Board of Appeals and decided that it was a one two-year extension period.
    - Marion County has 13 cases that they have extended the permit by two years more than once:
      - Mr. Fennimore will contact the applicants and let them know that they will not be able to extend the permit.

## **Review Marion County ADA Transition Plan for Public Rights-of-Way**

- Brian Nicholas

### **Summary of presentation:**

- The Americans with Disabilities Act (ADA) law was passed in 1990, which requires all levels of government to have an ADA transition plan;
- ADA recognizes that transitioning from a state of non-compliance to a state of compliance takes time;
- Marion County has not developed a plan;
- The ADA transition requirements requires a self-assessment and a transition plan;
  - Last summer, the county completed the first phase of the self-assessment by generating a complete inventory of pedestrian facilities inside the county's right-of-way; and
  - The county hasn't conducted a policy review to see if the standards are adequate.
- The transition plan would be a prioritized list of infrastructures with an idea of improvements:
  - Schedule of implementation and completion; and
  - Budget package.
- Public Works did not push ahead with developing the ADA transition plan for the following reason:
  - There is a cost of upgrading public infrastructure; and
  - ADA is really specific about the process needing public input.
- The county doesn't want to be challenged on their lack of making progress like The Oregon Department of Transportation (ODOT) was;
- It has been the standard in the past that the county maintains the paved sections and the city maintains sidewalks and ADA ramps:
  - If the county comes up with a plan that gives cities an understanding of what is to be expected, then the cities and county can have the opportunity to do a cooperative project.
- ADA requires a tactile surface;
- Public Works has the funds to develop a transition plan; and

- Public Works will bring forth a contract in the next few weeks to retain a consultant for help with the plan.

### **Discuss Dispute Resolution Program Grant Funds for 2019-2021**

- Tamra Goettsch, Krista Ulm

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

- Each biennium, the commissioners are asked to determine what role the county should play in the process;
- Historically, Marion County believes that it is in their best interest to have a more active role in the selection process;
- University of Oregon is asking for the county put out a solicitation and make a selection:
  - The university will contract directly with the dispute resolution program, which is usually Neighbor-to-Neighbor, Inc.
- Marion County will incur the cost of the solicitation;
- The county does not receive the resources:
  - All of the money stays with the law school; and
  - The county participates in the decision making process and handles the administration.
- The goal is to help mitigate and mediate disputes before it goes through the courts:
  - Focus is on community conflicts.
- This is a free service:
  - Positions are funded out of legislation.
- Marion County has used this service for years; and
- This agenda item will come before the board at Wednesday's board session.

### **Permission Request Regarding Allowing Hard Alcohol at the Marion County Fair**

- Tamra Goettsch, Jill Ingalls

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

- Last year, the Marion County Fair Board asked the commissioners for permission to have sales of hard alcohol at the fair;
- The trial run was sales at The Woods area only:
  - Had games and music in the area; and
  - Had Oregon Liquor Control Commission (OLCC) security at the entry points.
- Zero problems reported;
- Alcohol was consumed only within The Woods;
- Did not allow people to go outside of The Woods with their hard alcohol;
- There are some inherent risks with requiring people to consume alcohol only in that area:
  - People may consume alcohol more quickly.
- The fair currently sells beer and wine at different areas of the fair;
- The beverage company that is contracted manages all of the OLCC regulations and security monitoring;
- Two event coordinators have their OLCC licenses;

- The county has allowed open consumption of beer and wine for the last 8-10 years;
- The fair board is asking for the same open consumption of hard alcohol as beer and wine;
- No alcohol would be allowed in the carnival area or barn;
- The Woods would still be an adult only area;
- The fair only sells alcohol Friday and Saturday; and
- Would like to have beer, wine, and hard alcohol sales in the rodeo area.

***Board discussion:***

- The commissioners are opposed to having hard alcohol served at the county fair.

**Discuss Marion County's Role in the 2020 Census**

- Jolene Kelley, Lisa Trauernicht

***Summary of presentation:***

- The county is coordinating their efforts with the City of Salem;
- The census work group is comprised of the following people:
  - A couple of Salem representatives;
  - Jolene Kelley;
  - Lisa Trauernicht;
  - Hitesh Parekh;
  - Katrina Rothenberger from Health and Human Services:
    - The county has a significant need to reach out to the underserved that might not respond to the census.
  - Lisa Miller:
    - County volunteers may be able to help with the census.
- There is \$13 billion that comes to the state based on census numbers;
- The constitution mandates that every person is counted every 10 years;
- Important for state and federal programs;
- Trying to launch a grass roots effort getting service providers to reach out to their communities to understand the importance of filling out the census;
- Some individuals are concerned with filling out the census due to the political environment:
  - Filling it out is safe and important.
- Oregon stands to gain another representative;
- The team wants to do a proclamation stating the commissioners' commitment to the census;
- Planning a kick-off meeting on April 24<sup>th</sup> for all community wide partners at the Center 50+;
- The census goes out in March 2020 and is online;
- Can fill it out over the phone;
- If individuals don't respond by April 1, 2020, there will be a door to door effort;
- Will create a webpage on the Marion County site that will have information on the census;
- The supreme court is deciding on the citizenship question; and
- Talking with CCTV regarding showing short videos.

## LEGISLATIVE UPDATES

- Barb Young

### **House Bill 2020 – Cap and Trade**

- Distributed the letter to the committee members and the Marion County delegation;
- Missed the public testimony deadline; and
- Teresa Alonso-Leon has questions regarding Marion County's position and will be meeting with the commissioners on Wednesday, March 25<sup>th</sup>.

### **Oregon Dairy Farmers**

- Asking the commissioners to back the opposition of SB 103 & 104;
- The commissioners are willing to testify against the bill; and
- The commissions will support opposing the bill.

### **Newberg/Dundee Bypass**

- The commissioners are supportive of the bypass;
- The commissioners suggest writing a letter of support and ask for approval;
- The cost of the bypass is \$264 million; and
- The county is most interested in Phase 2 of the project.

### **House Bill 2320**

- Will allow the county to get the full amount of lottery receipts;
- Lost \$5.1 million in revenues due to a modification in 2011;
- The bill is asking to bring the revenues back to the counties;
- The hearing is Monday, March 18<sup>th</sup> at 1:00 p.m.;
- Ms. Goettsch will go with Ms. Young to speak on behalf of Marion County; and
- Commissioner Pope will be representing Polk County.

## COMMUNICATIONS

### **Update**

- Jolene Kelley
- Ms. Kelley gave a brief update of upcoming scheduled events.

## COMMISSIONERS' COMMITTEE ASSIGNMENTS AND UPDATE:

Sam Brentano:

- Pleased with the state of the county address.

Colm Willis:

- Wanted more coverage of the State of the County;
- Met with one of the CCO applicants for WVCH:
  - The application requires MOU's between various providers.

Meeting adjourned at 10:41 a.m.

COMPLETED BY: **Kristy Witherell**

*Reviewed by:*