

Brandon Reich - FW: Revised Appeal of Notice of Decision Case Floodplain/Greenway 20-003

From: Bill Kabeiseman <billkab@batemanseidel.com>
To: "planning@co.marion.or.us" <planning@co.marion.or.us>
Date: 7/1/2020 3:29 PM
Subject: FW: Revised Appeal of Notice of Decision Case Floodplain/Greenway 20-003
Cc: Kim Spiehler <kspiehler@batemanseidel.com>
Attachments: ButtevilleLandingAppealOfNoticeOfDecisionCaseNo20-003June152020.pdf;
Appeal Exhibits - FINAL.pdf

To whom it may concern,

Attached to this e-mail is material for the appeal of Case Floodplain/Greenway 20-003 in Butteville Landing. This submission is a revised version of the Appeal Notice for this case and related exhibits. The original Appeal Notice did not properly reference the exhibits and this revised version properly references those exhibits and is more understandable.

Please confirm receipt of these documents.

Thank you.

Bill Kabeiseman
Bateman♦Seidel
Bateman Seidel Miner Blomgren Chellis & Gram, P.C.
1000 SW Broadway, Suite 1910
Portland, OR 97205
(503) 972-9968 (direct phone)
(503) 972-9960 (direct fax)
billkab@batemanseidel.com

June 15, 2020

Marion County Planning Division
5155 Silverton Rd. NE
Salem OR 97305
503-588-5038
planning@co.marion.or.us
mcdpw@co.marion.or.us

Re: Notice of Decision
Floodplain Development/Greenway Permit Case No. 20-003
APPEAL OF PLANNING DIVISION DECISION

Location: Willamette River at Butteville Landing (River Mile 42.9)
20,500 block of Butte Street NE, Aurora
Identified 100 year Floodplain

Applicant: Marion County*

Appellants: Scott and Shaloe Putnam
23727 1st St. NE
Butteville OR 97002

Julia Kraemer and Patrick Stilwell
23707 1st St. NE
Butteville OR 97002

Iraj Rafei and Shaheen Brodle
23717 1st St. NE
Butteville OR 97002

**Although the Notice of Decision Permit Case No. 20-003 states that the Applicant is Marion County, all other records such as permit applications, letters, memos, recorded documents, emails, etc. related to the development at the subject location indicate that the Applicant is the Friends of Historic Butteville (FOHB) and/or its President, Ben Williams; therefore, the Appellants understand the term Applicant to be Ben Williams and/or the FOHB.*

We, the Appellants, Scott and Shaloe Putnam, Julia Kraemer and Patrick Stilwell, Iraj Rafei and Shaheen Brodle, wish to appeal Marion County Planning Division's decision to approve Floodplain Development/Greenway Permit Case No. 20-003 to install a dock and gangway at the above described subject location.

GENERAL COMMENTS:

County records show that the above described location of Butte Street NE, Aurora, is a road right of way easement granted by French Canadian settler Alexis Aubichon as a donation land claim in 1871. Mr. Aubichon built the original home currently owned by Scott and Shaloe Putnam, one of the homes directly adjoining to the above described location (Butte St) and part of the parcel owned by Iraj Rafei and Shaheen Brodle on which their home is located. Julia Kraemer and Patrick Stilwell's home, also directly adjoining to the described location of Butte St, is an historic 1890 Victorian home known as the William Riley Scheurer House and is listed on the National Registry of Historic Homes. Ms. Kraemer is a direct descendant of Captain W.R. Scheurer, another early settler of Butteville, town Mayor during the era and a successful grain merchant who stored wheat, oats and hops in warehouses next to the home at Butte St and shipped them via steamship from the Willamette River.

As defined under "Property Owner Rights in Right of Way", a publication from the Marion County Surveyor's Office, (see *Attachment #1* <https://www.co.marion.or.us/PW/Survey/rightofway/Pages/public.aspx>), it is stated: "A fee title owner of property owns not only the land, but everything below, on, or in the reasonable airspace above the land, including the trees or other natural growth. By granting a public right of way, the owner is giving an easement across their land for specific uses, but retains ownership of the land. Because of the extent of the easement this is often referred to as the underlying fee ownership."

As the only property owners directly adjoining the subject location, this makes us the fee titleholders of the right of way easement.

Records indicate that the Applicant and Marion County officials were aware there were issues related to ownership of the right of way road easement as far back as February 2015 (see *Attachment #11, Marion County Parks Commission Meeting Minutes 02/05/2015, Public Comment, Page 2, Paragraph 1, Sentences 3 & 4* <https://www.co.marion.or.us/PW/Parks/parkscommission/Documents/parkscommmtg020516.pdf> as well as the existence of a reversionary clause that Butte St must remain a roadway and cannot be given away prior to the installation of a recreational park in the right of way roadway easement in the fall of 2017. (See *Attachment #2, Page 3, Marion County Parks Commission Meeting Minutes 05/23/2017, Other Business, Paragraph 1* <https://www.co.marion.or.us/PW/Parks/parkscommission/Documents/2017.05.23.ParksCommMtg.pdf>

During the above referenced meeting minutes at which time Applicant Ben Williams was serving as Chair of the Parks Commission, the following statements from Mr. Williams were recorded:

“Ben provided an update on Butteville Landing. He said Marion County’s final position is that the right of way is an easement. Ben said the title is held by the neighbors with the county having easement, which has a reversionary clause that it must be (sic) remain a roadway and can’t be given away. He said BOC is fully supporting to (sic) establishing Butteville Landing but wants it funded by the community and/or a non-profit. Ben said this is not what everyone wanted to hear but it is a big improvement from where they were last year... .. He said tonight they will also kick off fundraising but certain grants are off the table now.”

It is important to note that the Applicant’s recorded comments were made on May 23, 2017, approximately ***five months before ground was broken on the floodplain and greenway development project*** in October 2017.

Under “Other’s Rights in Right of Way”, the Marion County Surveyor’s Office publication further states: *“The purpose of a public right of way is to provide the public with a means to travel between places and to provide ingress to or egress from their property.”* See ***Attachment #1*** <https://www.co.marion.or.us/PW/Survey/rightofway/Pages/public.aspx>. It does not state that the purpose of a 60’ wide right of way easement is to provide a public park, a gangway, or a dock.

The publication states: *“Oregon law also grants authority to any person or corporation a right and privilege to construct, maintain and operate water, gas, electric and communication lines, fixtures and other facilities along public roads. While the public’s rights are essentially restricted to travel, utilities enjoy the same rights as the county, subject to county oversight and control. This means they have the right to trim or remove vegetation in the right of way if it threatens or interferes with their facilities.”* Nowhere in this description does it say that the county nor anyone acting on its behalf nor a volunteer nor a member of the public has a right to construct a park, a dock or a gangway in any right of way road easement.

According to written records, Marion County acknowledges it has not maintained the Butte St right of way road easement as described in the subject location for many years. The road easement contains no utilities such as water, gas, electric, communication lines, etc., and even if it did, at no time did anything exist within it that would have threatened or interfered with any such activities.

While Marion County has the right to enter the property to do whatever is necessary to maintain the right of way road easement, it does not own the right of way nor does it have the right to remove anything from it without the property owners’ permission unless it interferes with the use of the easement. Under the section entitled “County’s Rights in Right of Way” in the referenced <https://www.co.marion.or.us/PW/Survey/rightofway/Pages/public.aspx>, the Marion County Surveyor’s Office publication specifically states: *“The county does not own the right of way or have the right to take away anything from it unless it interferes with the use of the easement. As*

an example, the county can trim a tree that causes a vision hazard or remove a tree or other material to allow for a road widening. However, the county cannot remove the material for any purpose not related to the road without the property owners permission."

For the past three years, our rights as property owners have been repeatedly violated by the Applicant through the allowance of the removal of all natural growth and 40+ year old trees, effectively destroying the habitat of wildlife such as bald eagles, owls, deer, squirrels, nesting birds, hawks, etc. from the subject location. In place of the natural growth and trees, the Applicant granted approval for the installation of an unattractive concrete sidewalk (see photo **Attachment #3**

<https://drive.google.com/file/d/1reKIJ1eTuisp3S4B9J7XVMGnqvUWo1D0/view?usp=sharing> and small "native vegetation" while knowing it had no funds for maintenance, allowing unsightly weeds to grow over five feet tall. (See photo **Attachment #4**; subject in photo is 5'7"

<https://drive.google.com/file/d/1tEvos64i-hMmSYIC6qRKmgJRolcynzJI/view?usp=sharing>)

It allowed the installation of picnic benches which regularly have unmowed grass and unsightly weeds and mushrooms growing in and around the benches and the park. See photo **Attachment #5** <https://drive.google.com/file/d/19IBiyUEw7aR2qaYTpJNO2VE-qBBQAN-/view?usp=sharing> and photo **Attachment #6**

https://drive.google.com/file/d/1MX4w_kj6_WNNQLXYwEXx7uzq3kgU_5U/view?usp=sharing

The Applicant encourages the general public to travel from the city of Portland and other outlying urban areas to congregate in the small rural community of Butteville (pop. 265) to visit its new park located in a right of way road easement without providing funds for any security, maintenance, or even providing signage restricting park usage or hours. See **Attachment #7**, a link showing the subject location as accessible 24 hours a day.

https://drive.google.com/file/d/1Lm_i6RxWIVl7h8Xa7ByfMao2_T78xrjm/view?usp=sharing

There is no signage preventing motorcycle or skateboard usage of the concrete sidewalk, which happens surprisingly often, and it's become known as an attractive site for IV drug use (See photo **Attachment #8**

https://drive.google.com/file/d/1IBRU4oXQ4R8-GhYh69tk0sO8_JKi5v3r/view?usp=sharing

and open alcohol use (See photo **Attachment #9**

<https://drive.google.com/file/d/1dsHtIRc4nFyPM7izueVLqOgUjKi2NVvg/view?usp=sharing>

and photo **Attachment #10**

<https://drive.google.com/file/d/1r4h1HXn2Z5eG3QtZNDO8koU-TvnD2tDu/view?usp=sharing>

Written documentation from Marion County clearly states that there is no funding for capital improvements, security, or even basic maintenance for the subject location (See **Attachment #11, Marion County Parks Commission Meeting Minutes 02/05/2015, Page 1, Public Comment, Paragraph 1, Sentence 1**

<https://www.co.marion.or.us/PW/Parks/parkscommission/Documents/parkscommmtg020516.pdf> and ***Attachment #12 Marion County Parks Commission Meeting Minutes 12/01/2015, Page 1, Council Member Announcements, Paragraph 1, Sentence 2***

<https://www.co.marion.or.us/PW/Parks/parkscommission/Documents/ParksCommMtg120115.pdf> creating a safety issue for both the general public and private property owners in the Butteville community.

As a result, for the past three years, as adjacent property owners to the development, we have experienced firsthand:

1. Trespassing at all hours
2. Sleep disruption at 2 or 3 am on a regular basis from trespassers or loud visitors at the park, often many nights in a row
3. Theft from trespassers
4. Vandalism
5. Threats
6. Loud fights and altercations
7. Trash and debris from trespassers
8. Trash blowing onto our private property from picnickers
9. Trash dumped from cars parked at the right of way roadway easement
10. Motorcycles, scooters and golf carts driving down the concrete walkway to the river*
11. Skateboarders riding down the concrete walkway and jumping into the river*
12. Loud music blasting and loud engine noise from park visitors 24 hours a day
13. Loss of privacy
14. Loss of quiet enjoyment of private property
15. IV drug use, open marijuana and alcohol use in the park

**As brought to the attention of the Applicant repeatedly, these activities have been encouraged by the installation of a concrete walkway in the right of way easement by the Applicant, and have created a potential liability to Marion County, the Applicant and the Appellants as adjacent property owners should an injury occur*

Appellant Julia Kraemer has experienced trespassers onto her private property from the subject location, as evidenced by the trail that can be seen at the end of the chain link fence that the Applicant refused to lengthen by a few extra feet. (See photo ***Attachment #13*** https://drive.google.com/file/d/10h4K_itPofhjLNRS8GsXcdPRMXEgrM6C/view?usp=sharing Appellants Scott and Shay Putnam are awakened on a regular basis in the middle of the night by trespassers accessing their private boat dock and their private property from the park.

By placing signage describing Julia Kraemer's historic home in close proximity to her property line, apparently to make it appear that her home is affiliated with the park development and thus directing the public's attention to her property, the Applicant has effectively prevented Ms. Kraemer from privacy, peace, or quiet enjoyment of her property. See photo ***Attachment #14*** https://drive.google.com/file/d/1k4i2tcGSvU1BW273f9x_o65fCjdlqjQz/view?usp=sharing.

At no time did the Applicant consult Ms. Kraemer as to placement of the signage.

Although we are the only three property owners whose homes adjoin Butte St and therefore are the most directly impacted, we have not been invited to attend any of the meetings during which the decisions to develop the roadway easement were made. We have never seen a request or permit for any road widening of Butte St due to a vision hazard or for any other reason. In fact, we have never been consulted regarding any of the changes that have occurred during the past three years, nor were we asked for permission. The first meeting the FOHB invited the Appellants to attend was a community informational meeting held in May 2017 and by that date, their plans were already well underway because the FOHB presented a slide show that included a topographical survey, engineering and landscape plans. These plans came as a surprise to the Appellants, so it was not possible that the Appellants were included in any of the FOHB's planning or decision meetings.

SPECIFIC COMMENTS:

CHAPTER 17.179 – GM (GREENWAY MANAGEMENT) OVERLAY ZONE

MCC 179.179.020 APPLICATION OF THE GM OVERLAY ZONE

We note that the following appears to have been omitted from the Notice of Decision 20-003.

We want to ensure that the last sentence of MCC 17.179.020(B) is appropriately applied.

MCC 17.179.020(B)

“The provisions of this chapter shall apply to lands within the Willamette River greenway boundary of Marion County in addition to any standards and requirements of the floodplain overlay zone that may apply to such lands. Nothing in this chapter shall be construed to constitute a waiver or suspension of the provisions of any primary zone or floodplain overlay zone within the Willamette River greenway. In the case of any conflict between the provisions of any other chapter of this title, the more restrictive provisions shall apply.”

It does not appear that the more restrictive provisions have been appropriately applied under all conditions described under Notice of Decision Floodplain Development/Greenway Permit Case No. 20-003.

CONDITIONS

1, 2 & 3. It is stated that conditions must be met before building permits can be obtained or the use established; however, it is evidenced throughout the Notice of Decision that the Applicant has not in fact obtained all required permits, conditions, certifications, declaratory statements, permissions, ratings, etc., nor met the majority of the required conditions.

OTHER PERMITS, FEES AND RESTRICTIONS:

It is stated that this approval does not remove or affect any covenants or restrictions imposed on the subject property by deed or any other instrument. It is also stated that this approval does not relieve the responsibility for obtaining other permits or satisfying any restrictions or conditions thereon.

#5. Regarding referenced prohibited buoyant, flammable, obnoxious, toxic or other injurious to persons or property materials that could be transported by floodwaters, Applicant has indicated that these materials (i.e. floating paddle board docks) will be removed at the end of every season, but without any funding from Marion County, it does not appear that this will be possible. These materials could potentially cause serious damage to neighboring boat docks and must be addressed.

The criterion has not been met.

#6. The natural vegetation and habitat on the subject property within the riparian area and greenway was removed by the Applicant three years ago, and the new plantings are currently being overrun by weeds and other invasive species.

The criterion has not been met.

FINDINGS AND CONCLUSIONS

#5. ENGINEERING REQUIREMENTS

A. Permit Reference #555-20-000324-PW is attached. See **Attachment #15**
https://drive.google.com/file/d/1HaTdDzxULZCcAiHadw_2I6_A6rNARnTo/view?usp=sharing
We note that Marion County is listed as Primary Owner and that the Applicant on Permit Reference #555-20-000324-PW is a third party, Friends of Historic Butteville (FOHB), while the Applicant listed on the Notice of Decision Permit Case No. 20-003 is Marion County. FOHB has in fact done all the work of developing the right of way easement into a park not as an agent of Marion County but rather as a third party who has acted independently to solicit funds and in-kind donations. See **Attachment #16**, Memorandum of Understanding between Marion County and FOHB

<https://drive.google.com/file/d/1M77cbPpLhxsY0p35xzqKDXFUMDB1JopQ/view?usp=sharing>

We note that Paragraph #4 on Page 1 of the Memorandum of Understanding states the following: *“Before any installation of in, over or on water improvements, FOHB will enter into an indemnification agreement with the County.”* We have been provided with a copy of the indemnification agreement, but we believe the Memorandum of Understanding and any indemnification agreement places us at risk of liability as adjacent property owners in the event the FOHB dissolves.

It is our understanding that Marion County cannot remove or affect any covenants or restrictions imposed on the subject property by deed or other instrument

A & B. The referenced Case No 20-003 was approved prior to Applicant completing Public Works Engineering Work in Right of Way Permit #555-20-000324-PW. All permits must be completed.

C. The DSL Permit plus ACOE Special conditions letter must be provided.

The criteria have not been met.

ENGINEERING ADVISORY

This paragraph states “*The traversable eastern one-third of Butte Street situated west of 1st Street is designated as non-County maintained Local Access Road and that upkeep defaults to adjacent property owners*”. Marion County’s definition of a Local Access Road (see **Attachment #17** <https://www.co.marion.or.us/PW/Pages/RoadDefinitions.aspx>) reads as follows: “Any roadway constructed in a public right-of-way that has not been accepted by the Marion County Commissioners as a County Road. This includes privately constructed roads, abandoned roads, etc.” As such, this is a private access road to private homes, maintained and funded by private individuals, who have not been consulted nor have they granted permission for continual public ingress and egress or public parking to and from said private Local Access Road.

8. MCC 17.178.050 (C) requires:

Declaratory Statement for Deed Records Regarding Floodplain

Because the development has been placed in a road right of way easement, we dispute that the development is publicly owned as well as the Applicant’s right to install a dock or a gangway and therefore disagree that a declaratory statement regarding the floodplain is not necessary.

The criterion has not been met.

9. MCC 17.178.050 (D) requires:

Certification from a Registered Civil Engineer

Floodplain is of deep concern in this area, and the provision of certification from a registered civil engineer demonstrating that a development or fill will not result in an increase in floodplain area on other properties and will not result in an increase in erosive velocity of the stream that may cause channel scouring or reduce slope stability downstream of the development or fill must be a condition of this case.

The criterion has not been met.

10. MCC 17.178.050 (E) exempts property owners from:

Elevation Certificate

Marion County is not the property owner of the subject property (see **Attachment #1** <https://www.co.marion.or.us/PW/Survey/rightofway/Pages/public.aspx>), and therefore is prohibited from making these changes to the subject property.

The criterion has not been met.

11. MCC 17.178.060 contains additional flood protection standards:

C. Nonresidential Development

1., a, b, c, d & e Marion County is not the property owner of the subject property (see **Attachment #1** <https://www.co.marion.or.us/PW/Survey/rightofway/Pages/public.aspx>), and therefore is prohibited from making these changes to the subject property, but even if Marion County were the owner of the property, provision of all certifications, ratings and accepted standards must be made a condition of this case.

The criterion has not been met.

D. Anchoring

1. Marion County is not the property owner of the subject property (see *Attachment #1* <https://www.co.marion.or.us/PW/Survey/rightofway/Pages/public.aspx>), and therefore is prohibited from making these changes to the subject property but even if Marion County were the owner of the property, provision of this certification per ORS 446.062 must be made a condition of this case.

The criterion has not been met.

E. Construction Materials and Methods

1 & 2. Marion County is not the property owner of the subject property per (see *Attachment #1* <https://www.co.marion.or.us/PW/Survey/rightofway/Pages/public.aspx>), and therefore is prohibited from making these changes to the subject property but even if Marion County were the owner of the property, provision of these certifications must be made a condition of this case for prevention of flood damages.

The criterion has not been met.

F. Utilities

Marion County is not the property owner of the subject property (see *Attachment #1* <https://www.co.marion.or.us/PW/Survey/rightofway/Pages/public.aspx>), and therefore is prohibited from making these changes to the subject property and no information has been provided as to whether there will be any new and replacement water supply systems, sanitary sewage systems, on-site waste disposal systems, etc., but even if Marion County were the owner of the property, provision of these certifications must be made a condition of this case for reasons of safety of neighboring properties.

The criterion has not been met.

H. Storage of Materials and Equipment

Marion County is not the property owner of the subject property (see *Attachment #1* <https://www.co.marion.or.us/PW/Survey/rightofway/Pages/public.aspx>), and therefore is prohibited from making these changes to the subject property, but even if Marion County were the owner of the property, provision of these certifications must be made a condition of this case because transport of buoyant, flammable obnoxious, toxic or otherwise injurious materials transported by floodwaters are of significant concern in the floodplain area.

The criterion has not been met.

J, 1&2 Floodways

Marion County is not the property owner of the subject property (see *Attachment #1* <https://www.co.marion.or.us/PW/Survey/rightofway/Pages/public.aspx>), and therefore is prohibited from making these changes to the subject property but even if Marion County were the owner of the property, provision of these analyses and certification by a registered professional civil engineer must be made a condition of this case because the floodway is an

extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, and to ensure that proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge. It is extremely dangerous to access the floodplain via a gangway during the majority of the year (see links to attached photos showing dangerous winter debris in Willamette River at proposed site of location of dock between pre-existing neighboring boat docks, (see photo

Attachment #18

<https://drive.google.com/file/d/1l8lcQna3MevYBxKLakUo0zUZ7nEIqIYy/view?usp=sharing> and ***Attachment #19***

<https://drive.google.com/file/d/1GE6XUuBb8XOMKuM7mb6tUdBF7-FZS3Fd/view?usp=sharing>) and analyses and certification must be made a condition of this case.

The criterion has not been met.

12. Criterion of the Greenway Management Overlay Zone MCC 17.179.050:

B. *“Significant fish and wildlife habitats will be protected.”*

The approval is based on a statement from the Applicant stating that the project has been approved by the National Marine Fisheries Service, but we do not understand how it would have been to obtain approval from National Marine Fisheries for this project or how it was possible for fish and wildlife habitats to have been protected when the natural vegetative fringe, growth habitat and 40+ year old shade trees were all destroyed by the Applicant without being adequately replaced.

The criterion has not been met.

C. *“Significant natural and scenic areas, viewpoints and vistas shall be preserved.”*

The significant natural and scenic area as well as with associated wildlife that previously existed at the location were not preserved and were destroyed three years ago by the Applicant, (see photo ***Attachment #20***, remains of 40+ year old shade trees at project location destroyed by Applicant.

https://drive.google.com/file/d/1COqyXTpA6Nk7JpGx_tIOOMS5VnBZCVrT/view?usp=sharing). The area is not currently being preserved or maintained

The criterion has not been met.

D. *“Areas of ecological, scientific, historical or archaeological significance shall be protected, preserved, restored or enhanced to the maximum extent possible.”*

No cultural survey or State Historic Preservation Office listing has been provided.

The criterion has not been met.

E. *“The quality of the air, water and land resources in and adjacent to the greenway shall be preserved in the development, change of use or intensification of use of land within the greenway management zone.”*

The referenced Notice of Decision for Case No. 20-003 states here that the project location has recently been developed into a park. Although this actually happened in 2017, we have written documentation from a Marion County official clearly stating that the project location is in fact not a park but a public right of way (See ***Attachment #26***

https://drive.google.com/file/d/1pD9WKdiFLtBuyt2_9cRAqMl4OLllmHYt/view?usp=sharing. One such document states that “the right of way is an easement with the title being held by the neighbors which has a reversionary clause that it MUST REMAIN A ROADWAY (emphasis added)”. As previously noted throughout various documents, Marion County has no operating funds so it is not possible that air, water and land resources will be adequately maintained as we have already experienced.

The criterion has not been met.

F. *“Areas of annual flooding, floodplains and wetlands shall be preserved in their natural state to the maximum possible extent to protect water retention, overflow and other natural functions.”*

The natural state of the Butte St location as it existed prior to the Applicant’s removal of 40+ year old trees and natural vegetation functioned perfectly well to protect water retention, overflow and other natural functions, but has all now been destroyed.

Additionally, Marion County is not the property owner of the subject property (see **Attachment #1** <https://www.co.marion.or.us/PW/Survey/rightofway/Pages/public.aspx>), and therefore is prohibited from making these changes to the subject property, but even if Marion County were the owner of the property, provision of these required analyses and certification by a registered professional civil engineer must be made a condition of this case. The floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles and erosion potential, and it must be ensured that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

It is dangerous to access the floodplain at the subject location via a gangway during the majority of the year (see links to attached photos showing dangerous winter debris in Willamette River at proposed new dock location site between pre-existing neighboring boat docks. See **Attachment #18**

<https://drive.google.com/file/d/118lcQna3MevYBxKLakUo0zUZ7nEIqIYy/view?usp=sharing> and **Attachment #19**

<https://drive.google.com/file/d/1GE6XUuBb8XOMKuM7mb6tUdBF7-FZS3Fd/view?usp=sharing>). Analyses and certification must be made a condition of this case.

The criterion has not been met.

G. *“The natural vegetative fringe along the river shall be maintained to the maximum extent that is practical in order to assure scenic quality, protection of wildlife, protection from erosion and screening of uses from the river.”*

The Planning Division’s response is that the subject property is being made into a park, and the Applicant’s original request to Marion County regarding the subject location was for an additional park (See **Attachment #11, Marion County Parks Commission Meeting Minutes 02/05/2015, Public Comment, Page 1, Paragraph 1, Sentence 1**

<https://www.co.marion.or.us/PW/Parks/parkscommission/Documents/parkscommmtg020516.pdf>

yet we have written documentation from a Marion County official clearly stating that Butte St is in fact not a park but that it is a public right of way (See *Attachment #26* https://drive.google.com/file/d/1pD9WKdiFLtBuyt2_9cRAqMl4OLllmHYt/view?usp=sharing).

Again, Marion County is not the property owner of the subject property per *Attachment #1* <https://www.co.marion.or.us/PW/Survey/rightofway/Pages/public.aspx>), and therefore is prohibited from making these changes to the subject property but even if Marion County were the owner of the property, a right of way roadway easement cannot be made into a park.

Since the destruction of the natural vegetative fringe, growth habitat and 40+ year old trees within the subject property in 2017 and the increase in human traffic to the area, wildlife such as bald eagles, owls, deer, squirrels, nesting birds, hawks, etc. are no longer seen in the immediate vicinity and thus wildlife and erosion have not been preserved.

The criterion has not been met.

I. *“The proposed development, change or intensification of use is compatible with existing uses on the site and the surrounding area.”*

The response from the Applicant is that the proposed use of the land will not change or intensify the use of the property and that it had previously been the site of a dock.

According to historic records, the first recorded use of a dock at the subject location was the Butteville Ferry in 1851 and it has not been used since the Scheurer Ferry last set sail in 1916 (Appellant Julia Kraemer’s great-great-grandfather’s ferry boat).

Use of the subject location has changed intensely since the development in 2017. It was previously a quiet, peaceful site nestled among tall shade trees. See photo *Attachment #21* <https://drive.google.com/file/d/1YrrMVj43jqAvfcEs6FSC6xkJNSOdTdOR/view?usp=sharing> Following the Applicant’s destruction of the natural growth habitat, vegetative fringe, and 40+ year old trees in the fall of 2017, (see photo *Attachment #20* https://drive.google.com/file/d/1COqyXTpA6Nk7JpGx_tIOOMS5VnBZCVrT/view?usp=sharing) it now primarily contains an unattractive concrete sidewalk leading to the river (see photo *Attachment #3* <https://drive.google.com/file/d/1reKIJ1eTuisp3S4B9J7XVMGnqvWolD0/view?usp=sharing>), is now unshaded and contains small plantings and unsightly weeds. With the significant increase in public visitors, we are now experiencing parking problem in the area.

The roadway easement has always provided public access to the river and was to remain a right of way for ingress and egress, not for recreation. For recreation purposes, we have beautiful 622 acre Champoeg Park, located just 3.3 miles west of Butteville.

Additionally, Marion County is not the property owner of the subject property (see *Attachment #1* <https://www.co.marion.or.us/PW/Survey/rightofway/Pages/public.aspx>), and therefore is prohibited from making these changes to the subject property but even if Marion County were the owner of the property, Butte St is a right of way easement and is thus prohibited from changing the right of way easement into a park with a dock and a gangway.

The criterion has not been met.

J. *“Areas considered for development, change or intensification of use which have erosion potential shall be protected from loss by appropriate means which are compatible with the provisions of the greenway management zone.”*

Neither the National Marine Fisheries Service nor the joint Army Corp of Engineers and DSL permits were provided. We need to see both permits.

The criterion has not been met.

L. *“Any public recreational use or facility shall not substantially interfere with the established uses on adjoining property.”*

M. *“Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practical.”*

There was no response to the requirement (L.) that any public recreational use or facility shall not substantially interfere with the established uses on adjoining property. The response to requirement (M.) from the Applicant was that “the proposal will re-establish safe access to the river by developing the area into a public access park.”

The public park was installed three years ago and has substantially interfered with established uses on our adjoining properties for the past three years in the following ways:

1. Trespassing at all hours
2. Sleep disruption at 2 or 3 am on a regular basis from trespassers or loud visitors at the park, often many nights in a row
3. Theft from trespassers
4. Vandalism
5. Threats
6. Loud fights and altercations
7. Trash and debris from trespassers
8. Trash blowing onto our private property from picnickers
9. Trash dumped from cars parked at the right of way roadway easement
10. Motorcycles, scooters and golf carts driving down the concrete walkway to the river*
11. Skateboarders riding down the concrete walkway and jumping into the river*
12. Loud music blasting and loud engine noise from park visitors 24 hours a day
13. Loss of privacy
14. Loss of quiet enjoyment of private property
15. IV drug use, open marijuana and alcohol use in the park

**As brought to the attention of the Applicant repeatedly, these activities have been encouraged by the installation of a concrete walkway in the right of way easement by the Applicant, and have created a potential liability to Marion County, the Applicant and the Appellants as adjacent property owners should an injury occur*

We have found it necessary to call the Marion County Sheriff's Department due to the above issues that have occurred in the subject location and found that it takes an average of 40

minutes to 3 hours arrival time due to the large territory the Sheriff's Dept. is covering. There are times the Sheriff does not respond at all, depending on call volume.

Applicant's proposal to install a dock and gangway located in close proximity between the pre-existing boat docks of adjoining homeowners can only cause these issues to worsen.

Additionally, the Applicant's recently revised plans to allow docking of motorized boats in close proximity to established private docks is unsafe. Despite repeated requests, the Applicant is unwilling to provide information on exactly how close the proposed boat dock will be to our pre-existing docks and informs us we must calculate the distance ourselves.

The waters of the Willamette immediately surrounding the established boat docks are commonly used by our families for swimming during the summer months, and those family members include small children. Given the proximity of the proposed dock and motorized boats that will now be anchoring at the proposed dock, swimming will no longer be safe.

The photo link below shows historic concrete remains of Butte Landing over which Applicant proposes to place the gangway. The proposed dock will then be placed within very close proximity of Appellant Scott and Shay Putnam's existing boat dock. (See photo **Attachment #22**, Pg 10, Trimble rendering from Applicant's Floodplain/Greenway Application <https://www.co.marion.or.us/PW/Planning/Documents/PublicHearings/FPGW20-003Application.pdf> and see photo **Attachment #23** https://drive.google.com/file/d/0B_NVCwR2vVJDdWs2dk9OS2dPUkdyNG81WVZyQUi4a0JhQ1pF/view?usp=sharing)

Allowing motorized boats continuously docking and anchoring closely to kayak and paddle boat users will be dangerous and unsafe for the public as well.

As to the Applicant's statement that this location will support other peoples' use of docks and access to the river, Marion County already has beautiful 622 acre Champoege State Park located only 3.3 miles from Butteville with plenty of boat docks to support others' use of docks and river access. See **Attachment #24**, link to Champoege gangway and dock information https://www.google.com/maps/uv?hl=en&pb=!1s0x54956973d8fb8f1b%3A0x1ac2a6b55895df5f!3m1!7e115!4shttps%3A%2F%2Flh5.googleusercontent.com%2Fp%2FAF1QipM_bIbtdK4shQFVQx5humsJioZtVtGnfqMB4SyO%3Dw216-h144-k-no!5sboat%20dock%20at%20champoege%20state%20park%20-%20Google%20Search&imagekey=!1e10!2sAF1QipM_bIbtdK4shQFVQx5humsJioZtVtGnfqMB4SyO&sa=X&ved=2ahUKEwi158Csx5HpAhVE_J4KHVQMAAn0QoiowCnoECBYQBg

The right of way easement as it previously existed has always provided public access to the Willamette River, and Butteville does not need a hazardous and unsafe dock and gangway located in such close proximity to previously existing homeowners' docks when such docks already exist only a short distance away.

There is no protection for us from trespassing, theft and vandalism of our private property with a park, boat and gangway located in close proximity to our homes because Marion County has made it clear they have no funding for such protection, yet have allowed this project to go forward.

The criteria for L and M have not been met.

O. *"Public access to and along the river be considered in conjunction with subdivision, commercial and industrial development and public lands acquisition where appropriate. This access should be located and designed to minimize trespass and other adverse affects on adjoining property."*

The Applicant's response that the proposal will re-establish safe access to the river by developing the area into a public access park is non-responsive. The public access park that was created on the right of way easement at Butte St has actually encouraged trespassing onto Ms. Kraemer's adjoining property as evidenced by the trail through the English ivy that can be seen at the end of the chain link fence due to the fact that the Applicant refused to lengthen the fence by a few extra feet to prevent such trespassing (see photo *Attachment #13* https://drive.google.com/file/d/10h4K_itPofhjLNRS8GsXcdPRMXEgrM6C/view?usp=sharing). The public has only to walk around the end of the chain link fence to trespass onto Ms. Kraemer's private property and do so with regularity.

The Putnams have regularly experienced the same trespassing issue onto their private property at all hours of the day and night.

Other adverse affects the Appellants have experienced are theft, vandalism, threats, loud fights and altercations, trash and debris from picnickers and cars, loss of privacy, loss of quiet enjoyment and property devaluation as previously described in Sections L and M.

The criterion has not been met.

P. *"The development shall be directed away from the river to the greatest possible extent."*

The response from the Applicant states that structures associated with the proposal are the dock and gangway, which are in the river; however, they are directed toward the river, not away from it.

The response also states that other development, such as open areas, a walking path and picnic tables are designed to enhance access to and views of the river and that the proposal complies with this criterion. The subject location is a 60' wide right of way roadway easement which has already had a concrete sidewalk installed leading straight toward the river with a proposal for a gangway and dock at the end of the concrete walkway, thus the entire project is directed toward the river.

The criterion has not been met.

Q. *"The development, change or intensification of use shall provide the maximum possible landscaped area, open space or vegetation between the activity and the river."*

The response states that the subject property has been re-landscaped with native species and that this meets the criterion.

The subject property is only 60' wide and a large portion of it has been covered with concrete, which not only allows but encourages use by motorcycles and skateboarders because the concrete walkway is extremely inviting for such use. Because the Applicant has refused our requests to install prohibitive signage, we have witnessed this becoming an increasing problem over the past three years.

This was never a problem prior to the installation of the park when there was a natural access trail to the river, nor was there any need for the Applicant to re-landscape the subject property because it was perfectly functional and beautiful the way it was. See photo *Attachment #21*

<https://drive.google.com/file/d/1YrrMVj43jqAvfcEs6FSC6xkJNSOdTdOR/view?usp=sharing>

Most of the native species used to re-landscape the natural growth and large shade trees that were destroyed by the Applicant are extremely small, will take many years to grow, and because there is little to no maintenance, are mostly being overrun by weeds and invasive species and have died, creating an eyesore; see photo *Attachment #25*

<https://drive.google.com/file/d/1I1A0nDjBrCbekVk1AbB2s22tlfMeCdzg/view?usp=sharing>

The criterion has not been met.

R. *Private docks, wharfs, and covered storage shall be limited to one per property ownership, shall not extend more than ten feet above water level, and shall be limited to 300 square feet of gross area. Walkways to the dock wharf or covered storage shall be not more than five feet wide.*

The response from the Applicant is that since the dock is public, this criterion does not apply.

Marion County is not the property owner of the subject property (see *Attachment #1* link <https://www.co.marion.or.us/PW/Survey/rightofway/Pages/public.aspx>), and therefore is prohibited from making these changes to the subject property, but even if Marion County were the owner of the property, a dock cannot be installed in a roadway easement.

The criterion does apply and has not been met.

ADDITIONAL COMMENTS:

In response to the Oregon Governor's Executive Order and Marion County's response regarding Covid-19 park closures, Appellant Julia Kraemer submitted a written request to the Applicant on April 2, 2020 that the park at the subject location be closed. The Applicant made several park closure requests and received a written response from Brian Nicholas, Public Works Director, on April 16, 2020 declining to close the subject location by stating "*Butteville Landing is not a park, it's a public right-of-way and river access and doesn't fall under the governor's list of facilities that are closed.*" Mr. Nicholas stated that he would send Sheriff Sphoon out to check on the landing periodically and monitor activities there and that he hoped that would keep behavior in check. See *Attachment #26*

https://drive.google.com/file/d/1pD9WKdiFLtBuyt2_9cRAqMI4OLlImHYt/view?usp=sharing

Out of concern for the community, with the approval of Applicant in an effort to prevent the spread of the Covid-19 virus, we posted "Temporarily Closed Until Further Notice" signage. However, our signs have been routinely ignored and we have been subjected to verbal abuse and threats after politely reminding visitors that the subject location is temporarily closed. The signs were also vandalized by motorcyclists who chose to drive through them and destroy them in order to access the concrete sidewalk to drive to the river.

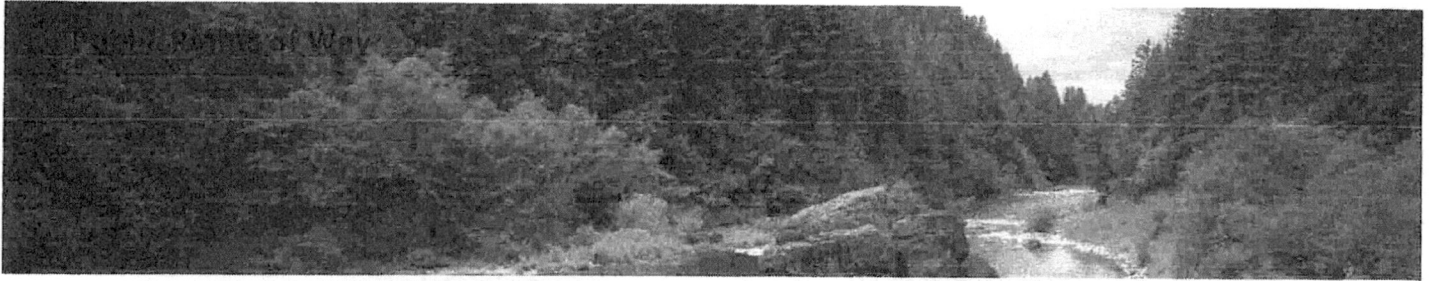
In view of this experience, it is clear that without funding from the County for management or regular maintenance, we as adjoining property owners will be left to deal with the fallout from the issues that seem destined to occur due to the lack of oversight and supervision of the subject property.

As evidenced by April 16, 2020 email from its Public Works Director referenced in *Attachment #26*, it appears that Marion County is in agreement that the subject property is in fact a right of way road access easement.

Additionally, our “Temporarily Closed” signage was repeatedly removed by the Public Works Department, along with some of our personal property. We spoke with the Director regarding the signage removal and explained the trespassing, vandalism, theft, drug abuse and other issues experienced by the Butteville community as a result of the park. He requested written documentation of the problems and stated he would discuss it with his superiors. However, the only response we received from the Director as an answer to our concerns was the arrival of two Public Works employees within 2-1/2 hours of our written email who installed four signs forbidding closure of the right of way (See photo *Attachment #27* <https://drive.google.com/file/d/1tYxQqc9cZI45Up5x7jehwmlIcivMMIyn/view?usp=sharing>)

13. Based on our findings that : (A) Marion County does not own the right of way roadway easement and (B) the proposal does not comply and cannot be conditioned to comply with Marion County land use policies, regulations, codes and criteria, nor covenants or restrictions imposed on the subject property by deed or other instrument, and (C) the Applicant’s disregard for the safety and well-being of the local community and adjacent property owners, we hereby respectfully request that this approval be considered for Appeal by a Hearings Officer.

Thank you.



[Surveyor's Office \(/PW/Survey/Pages/default.aspx\)](/PW/Survey/Pages/default.aspx)

[CORS Station \(/PW/Survey/CORS/Pages/default.aspx\)](/PW/Survey/CORS/Pages/default.aspx)

[Existing Subdivision Names \(/PW/Survey/Pages/subnames.aspx\)](/PW/Survey/Pages/subnames.aspx)

[Frequently Asked Questions \(/PW/Survey/Pages/faqs.aspx\)](/PW/Survey/Pages/faqs.aspx)

[General Information & Mission Statement \(/PW/Survey/Pages/info.aspx\)](/PW/Survey/Pages/info.aspx)

[Government Corner Restoration \(/PW/Survey/Pages/govcorner.aspx\)](/PW/Survey/Pages/govcorner.aspx)

[Map Standards, Check Sheets, and Forms \(/PW/Survey/Pages/forms.aspx\)](/PW/Survey/Pages/forms.aspx)

[Memorandum Archive \(/PW/Survey/Pages/archive.aspx\)](/PW/Survey/Pages/archive.aspx)

[Monument Box Requirements \(/PW/Survey/Pages/Mon.aspx\)](/PW/Survey/Pages/Mon.aspx)

[Notary Reference for Plats \(/PW/Survey/Pages/Notary Reference for Plats.aspx\)](/PW/Survey/Pages/Notary Reference for Plats.aspx)

[Right of Way \(/PW/Survey/rightofway/Pages/default.aspx\)](/PW/Survey/rightofway/Pages/default.aspx)

[Acquiring Land for Roads and Public Projects](#)

[Definitions](#)

[Public Rights of Way](#)

[Road Legalizations \(/PW/Survey/Pages/road.aspx\)](/PW/Survey/Pages/road.aspx)

[Road Vacations \(/PW/Survey/Pages/vacations.aspx\)](/PW/Survey/Pages/vacations.aspx)

Public Rights of Way

Who Owns What?

Public rights of way directly affect nearly all land owners in Marion County yet few have an understanding of what a public right of way is, or what rights they may or may not have in the right of way. The following is an overview of ownership and rights in and to public right of ways.

County's Rights in Right of Way

Most of the county's right of way is in the form of road right of way easements. An easement is a limited right to go onto and make use of another's land for a specific purpose. The granting of a public road easement gives the county the right to go onto property to do whatever may be necessary to construct and maintain public roads. Since the easement leaves the property under the virtual control of the county, it is removed from the tax rolls.

The county does not own the right of way or have the right to take away anything from it unless it interferes with the use of the easement. As an example, the county can trim a tree that causes a vision hazard or remove a tree or other material to allow for a road widening. However, the county cannot remove the material for any purpose not related to the road without the property owners permission.

Property Owner Rights in Right of Way

A fee title owner of property owns not only the land, but everything below, on, or in the reasonable airspace above the land, including trees or other natural growth. By granting a public right of way, the owner is giving an easement across their land for specific uses, but retains ownership of the land. Because of the extent of the easement this is often referred to as the underlying fee ownership.

Under Oregon law, a property owner does not have the right to allow trees or other vegetation to intrude onto an abutting property or to interfere with an easement. The abutting owner or easement holder has the right to remove the offending vegetation, but is required to place the offending material on the original property owner's land, if the original owner wants them. This is a common situation for Public Works trimming in the right of way. The department usually removes the trimmings as a courtesy, but the property owner can keep the trimmings if they want.

Other's Rights in Right of Way

The purpose of a public right of way is to provide the public with a means to travel between places and to provide ingress to or egress from their property. Oregon law also grants authority to any person or corporation a right and privilege to construct, maintain and operate water, gas, electric and communication lines, fixtures and other facilities along public roads. While the public's rights are essentially restricted to travel, utilities enjoy the same rights as the county, subject to county oversight and control. This means they have the right to trim or remove vegetation in the right of way if it threatens or interferes with their facilities.

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MARION COUNTY PARKS COMMISSION MINUTES OF THE MEETING

May 23, 2017, 10:00 a.m. to 12:00 p.m.

North Santiam Room at 5155 Silverton Road NE, Salem, Oregon

Members Present: Sandy Grulkey, Marty Heyen, Wayne Rawlins, Ben Williams

Public/Guests: Ryan Mann

Staff Present: Brian May, Russ Dilley, Jolene Bray

ADMINISTRATIVE (Information/Discussion/Action) Call to Order: 10:06 a.m.

Approval of February 15, 2017 Meeting Minutes

Marty made a motion to approve the February 15, 2017, meeting minutes as submitted. Sandy seconded the motion and it was approved unanimously.

Public Input

None.

Commission Member Announcements and Upcoming Events

Sandy said she read that 3 million visitors were expected in Oregon for the solar eclipse in August and asked if the county has a plan to handle this influx of people. Russ said Marion County will be opening and staffing its Emergency Operations Center so it's prepared to deal with a wide range of issues. He said with so many vehicles expected on the road, there are concerns about emergency vehicle access on North Fork Road. Russ said Oregon Garden and Keizer Rapids Park are both renting camp sites for the eclipse, but the Public Works Director chose not to open Spong's Landing Park for camping and rates will not be increased at Bear Creek Campground, which will remain first-come, first-served. He said although it looks like county parks are perfect for eclipse viewing on the map, the tree line at parks located in the canyon may obscure the view. Brian said there has also been a lot of discussion about potential solid waste issues and everyone is preparing for the unknown. There was discussion about what to do about people who may camp at non-campsite parks. Russ said at St. Louis Ponds there is a camp host that will handle that and Spong's Landing and Scotts Mills parks are closed nightly by Pro-Star Security.

MASTER PLAN DISCUSSION

Brian said staff discussed the Parks Master Plan (PMP) with the board of commissioners at a work session meeting. He said there were questions and concerns about the proposed disc golf course at Bonesteele Park because of its Natural Heritage Park (NHP) designation. The commissioners asked staff to research the history and intent of the NHP plan before moving forward. Brian said the PMP will be used for deciding how the county parks program is developed. Sandy said she would like to revisit her idea to follow the Illinois Safe Park Plan where thru legislation they give parks the same protection as school zones. Russ advised her to speak with transportation engineering staff about this suggestion.

Wayne asked what was needed in terms of an update and if the county was willing to hire a consultant to assist. Ben said there were two levels of updates; one is clarifying priorities (such as capital projects) and another based on the entire document update. Wayne said the Oregon Park and Recreation Department's Statewide Comprehensive Outdoor Recreation Plan (SCORP) had to do community outreach when writing the plan. He asked if Marion County had an interest in hiring skilled help to update the PMP and suggested Terry Bergeron

who has many years of experience with the state and provided a SCORP presentation to the commission in the past. Ben asked if the board of commissioners was already planning to budget for a consultant in 2018-2019. Brian said staff will start this discussion with the BOC after the current budget is approved. He said staff will do a Request for Proposal so they have a solid proposal to share with the board.

Marty made a motion to the Board of Commissioners that the planning and budgeting process begin now for the update to the Parks Master Plan so it can be available to the public in July 2020. Wayne seconded the motion and it passed unanimously.

There was discussion about the creation of the National Heritage Parks program, which Commissioner Carlson has requested more background information about. Brian asked commission members to familiarize themselves with current parks master plan and they will discuss at the next commission meeting.

2017/18 BUDGET DISCUSSION

Russ said six projects were approved for 17/18 FY; three the Parks Commission recommended and an additional three that staff was asked to include in budget discussion. He said the Public Works director asked them to pick a small, medium, and large project. Russ said projects recommended by the PC that were approved are: \$25,000 for the North Fork Park picnic area; \$40,000 for the restroom upgrade at Spong's Landing Park; and \$15,000 for the hillside assessment at Niagara Park. He said projects recommended by staff that were approved are: \$8,000 for stairs at Minto Park; \$60,000 for playground equipment at Auburn Park, subject to negotiations with Salem-Keizer Schools; and, \$30,000 for resurfacing of the road and parking lot at Bear Creek Park. Russ said on top of that they approved six seasonal positions. Brian said they haven't received approval for a permanent position yet but this is a step forward in that process. He said the BOC also approved the purchase of a new mower, three seasonal pick-ups for seasonal staff to use (fleet vehicles that would otherwise be auctioned), and a trailer to haul mower and maintenance equipment. Wayne and Ben said this was wonderful news and more than they expected when they started working on the budget last fall.

NORTH FORK DISCUSSION

Russ said North Fork Park is currently closed because the county is asphaltting the parking lot. He said crews have started by cutting trees and widening the parking area, but processing the IGA with BLM took longer than expected. Brian said Russ envisioned this and BLM was very supportive. He said the cost of the new paved parking lot is \$30,000. Russ said Bear Creek Park is open and the camp host has returned. He said Salmon Falls Park has remained closed because of tree damage and large, downed trees on trails. Russ said the Juvenile crews are removing and he expects the park to open by the end of this week.

Russ said the fee collection stations are in and he is collecting the parking fees. He said the newly implemented parking fee, which includes roadside parking and all county parks, is \$5 per day per vehicle and envelopes are provided at the fee stations for visitors to pay with cash or check. He said a \$30 annual pass is also offered and can be purchased at Public Works. Brian said they are already learning that driving and collecting fees from the fee stations is very time consuming for parks and admin staff, but will hopefully this will help correct traffic in the North Fork area. Brian said they heard from a motorcyclist who wants to see an annual permit sticker since they have nowhere to hang a pass without it being stolen.

FUTURE TOPICS / EMERGING ISSUES / OTHER BUSINESS

Staff Updates

- Russ said Labish Village has new playground. He said they are still waiting to install the boulders and will also install stormwater grates to help with drainage.
- Seasonal county parks opened on May 1.

Other Business

Ben provided an update on Butteville Landing. He said Marion County's final position is that the right of way is an easement. Ben said the title is held by the neighbors with the county having easement, which has a reversionary clause that it must be remain a roadway and can't be given away. He said BOC is fully supporting to establishing Butteville Landing but wants it funded by the community and/or a non-profit. Ben said this is not what everyone wanted to hear but it is a big improvement from where they were last year. He said the community applied and received a grant to do a survey of the landing, which also provided engineering plans for a walkway that allowed emergency vehicle access and a landscape rendering. He said the budget for the landing is just under \$200,000. Ben said they are holding a community meeting in Butteville tonight, and some neighbors are very supportive and the other is not. He said tonight they will also kick off fundraising, but certain grants are off the table now. Ben said county surveyor has a copy of the survey and PW director has a copy of the engineering plans.

Russ said Wayne's term expires to June 30 and asked if him he wanted to continue on the commission. Wayne requested that he be reappointed to the commission.

Future Topics

- Discuss Parks Master Plan

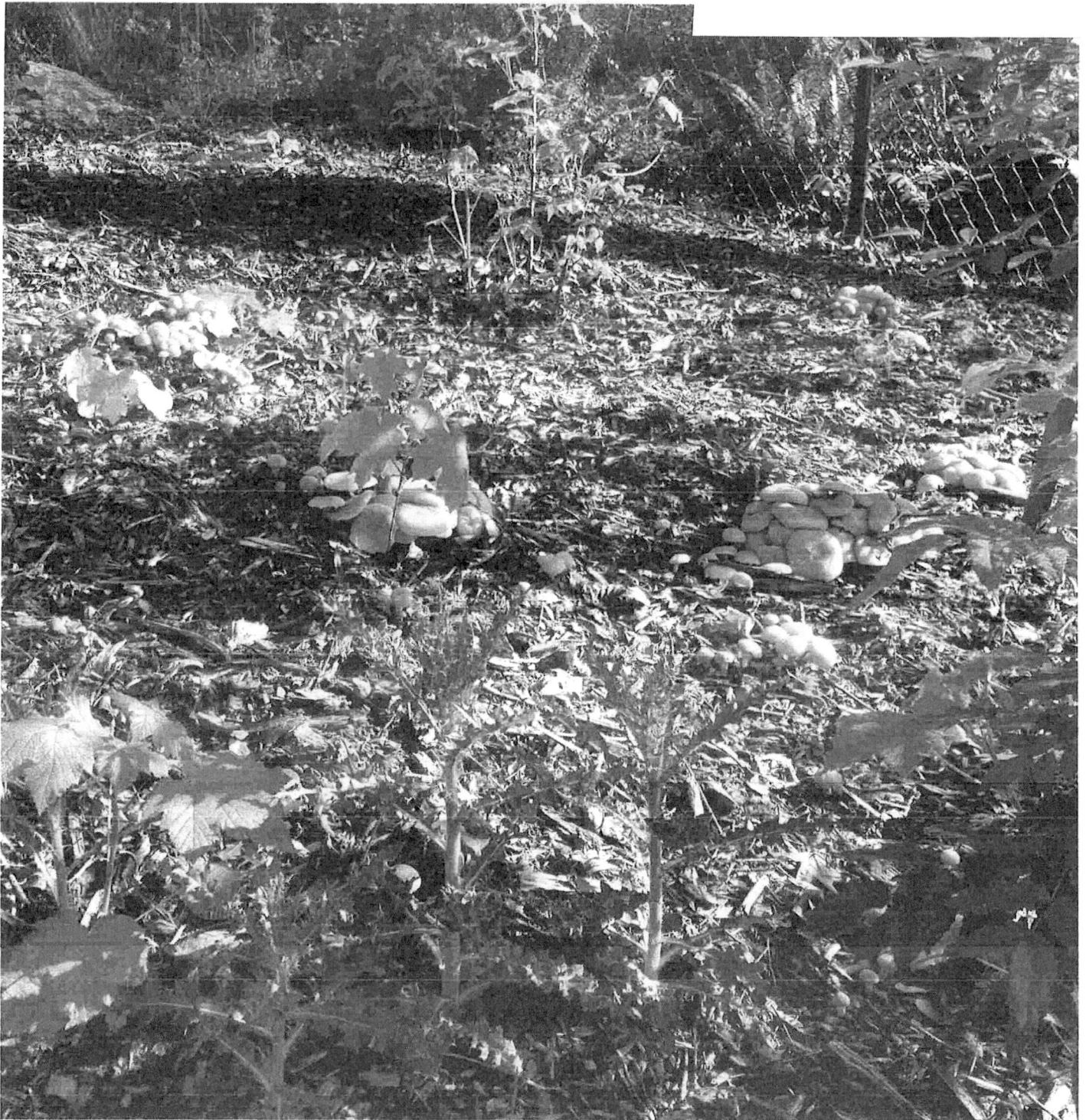
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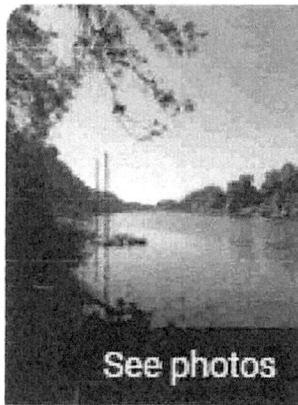
NEXT MEETING: July 11, 2017, at 10:00 a.m. in the North Santiam Room (1st Floor) at Public Works.



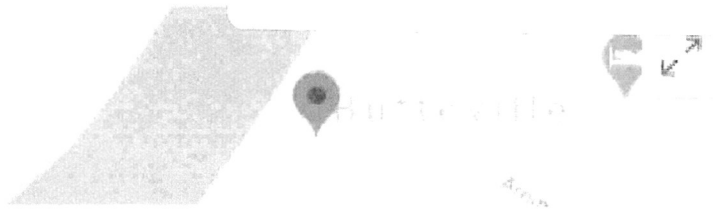








See photos



See outside

Historic Butteville Landing

Website

Directions

Save

5.0 ★★★★★ 1 Google review

Historical landmark in the Butteville, Oregon

Address: 23725-23501 1st St NE, Aurora, OR 97002

Hours: Open 24 hours ▾

⚠ Hours or services may differ

Suggest an edit · Own this business?

Add missing information

Add phone number

Know this place? Share the latest info

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MARION COUNTY PARKS COMMISSION MEETING MINUTES OF THE MEETING

February 5, 2015 ~ 9:00 -11:00 a.m.

5155 Silverton Rd. NE, Salem, Oregon in the North Santiam Room

PRESENT: Scott Anderson, Sandy Grulkey, Marty Heyen, George Moeller, Wayne Rawlins

PUBLIC: Ben Williams, Friends of French Prairie; Vickie Anderson

STAFF: Russ Dilley

CALL TO ORDER AND INTRODUCTIONS: 9:00 a.m.

APPROVAL OF NOVEMBER 20, 2014 MEETING MINUTES

Wayne made a motion to approve the November 20, 2014 meeting minutes. Marty seconded the motion. The motion was approved unanimously.

PUBLIC COMMENT

Ben said he was with the Friends of French Prairie (FFP) and was here today to present a request for an additional Marion County park at the current county right-of-way in Butteville. He distributed a handout and gave an overview. He said other than St. Louis Fish Ponds there are no county parks in French Prairie. Ben said Butteville was a major economic center in the past but now there is only the Butteville store, which is the oldest, continuously running retail business in Oregon. He said the Willamette River Trail has been established and Butteville sits on that trail. He said Champoeg Park is installing a paddle dock and the Friends of French Prairie is proposing the county create a park from the current right-of-way on Butte Street down to the wharfs. He said there could be landscaping and a pavilion with historical information. He said it sits between Champoeg and Wilsonville on the trail, but is currently not a safe place to stop because of chunks of concrete and pilings. Ben said the proposed park would add a component to the community and supplement the Butteville store, which is struggling. He said Oregon Parks and Recreation Department (OPRD) operates Champoeg State Park and Willamette Mission Park and own the Butteville store, which is separate from the park.

The commission expressed their support for this project but said there were no funds available from Marion County for acquiring this property. They strongly encouraged Ben to approach OPRD about taking lead and funding this effort. Wayne said there are annual grant funds available through OPRD to acquire property. He also suggested the Oregon Marine Board and Oregon Fish and Wildlife Department. Sandy said based on the parks master plan this is exactly what we want to encourage and suggested contacting independent kayak groups as a separate funding source. Ben said he's had a positive response from Willamette River Keepers. He said OPRD is sensitive to Marion County being the major landowner and until they have conceptual buy-in, they can't move forward.

There was discussion about acquiring additional property adjacent to the right-of-way neither of which is for sale at this time. Ben said another option is for Marion County to upgrade the right-of-way and access to the river. Russ said the right-of-way doesn't belong to Marion County Parks so the request would have to go through Marion County Business Services since they are the owners. Wayne suggested Ben contact Business Services for property descriptions. Sandy asked about FFP meetings. Ben said FFP has been in existence since 2006 and their role is advocating for the preservation of agriculture land and supporting local farming. He said their website is www.Friendsoffrenchprairie.org. Ben said he appreciated the opportunity to discuss this with the parks commission.

COMMISSIONER UPDATES

Sandy said she wanted to follow up on the discussion from the last parks commission meeting about the removal of the dam in Scotts Mills. She said there's an ongoing assessment of the dam by agencies and she's concerned about two human fatalities. Sandy said people walk along the crumbling dam and jump off the cliffs and are injured when they hit dam debris in the water. Marty asked if the cause of death was the crumbling dam or that they choose to jump off it. Sandy said it's hand in hand because debris is crumbling into the water. She said it's now determined to be a mistake to cover dirt with concrete. She said Fish and Wildlife, DEQ, and State Lands all agree that this is an obsolete and non-functional dam and the consensus is that it has to go. She said it's adjacent to the county park and not in the best interest of parks visitors. George asked if the dam is on Marion County park property. Russ said no, and ownership is unsure because no one wants to take responsibility. George asked about swimmers. Sandy said visitation to the park seems to be down greatly in the last two years because of these deaths. George asked what kind of use the park gets. Russ said when the weather is nice it's heavy on the weekends.

Wayne asked Sandy what she is proposing. Sandy said she was making a motion that **"in lieu of recent deaths and the accelerating crumbling of the obsolete dam in Butte Creek in the Marion County Park at Scotts Mills, we support any action that helps protect the health and recreational enjoyment of park visitors. Should the Marion County commissioners find themselves in a position of influence and are asked to give their opinion about the multi-jurisdictional effort to remove the dam on the basis of environmental safety, let it be known that the Marion County Parks Commission supports that effort for those reasons as well as the health and safety of park visitors."**

She said one thing she forgot to mention in the introduction is that there's endangered species with dwindling numbers and everyone agrees the dam needs to be removed. She said she thinks it's a wonderful opportunity to send a letter to the board of commissioners that people matter too and we stand up for visitors that visit and have access to our parks. George said the motion was quite lengthy and asked her to repeat. Sandy repeated the wording and said it could be in a letter to the BOC. Scott moved that they table this motion until they have a time to read and get additional information. He said he doesn't have enough info on status, responsibilities, and can't take any type of action at this time. Marty asked if we would be saying we're supporting the efforts of other groups due to safety. Sandy said she was fine to table it for now. George asked Russ to follow-up. Russ asked for a wording change to the motion to say **"adjacent to Marion County Park"** instead of **"in Marion County Park."** Sandy agreed to the change and also to tabling the motion for now. George said we can gather more

information and perhaps act on the motion at the next meeting. Russ will look into this matter and see what he can bring back to the group.

Sandy said the annual meeting of Pudding River Watershed is in February and they have a new website. She said they're looking for board members and this would be a good opportunity or contact Anna Rankin who attended the last parks commission meeting. George asked about the proposal brought from Anna Rankin at last meeting. Russ said this issue has been going on for at least nine years without resolution. Sandy said a number of agencies have to get approval so this will take time. She said she doesn't want the commission to get bogged down with detail about the dam removal, but wanted to focus on the safety and recreational enjoyment of the park visitor. She said since the park is the neighbor that puts the visitor at risk. Scott said every water park has a certain inherent risk to personal safety and Scotts Mills isn't the only park to have a drowning, so to separate this from the general issue of public safety in parks he would need to understand the situation a lot better. Wayne said if there is something specific as a member of the parks commission to help with an issue, he wants to do that, but he doesn't want to send a letter to the board of commissioners telling them that if something comes up with a safety issue, they should support it. Sandy said that is her intent. Wayne said he doesn't want to tell the commissioners that. Sandy said she'd like to send the commissioners an opinion that if they're in the position to act to protect the safety and recreational enjoyment of our parks visitors that the parks commission will go on the record stating that is important to us. She said she thinks this commission is the voice of our residents and it's her impression from comments from some people that this commission has not stood up for the safety of its parks visitors and that it should be taking a strong role. Sandy said this is a way for this body to tell the commissioners that we think this is important. Russ asked if the commission wanted him to schedule a field trip to Scotts Mills at the next meeting. Marty asked if it would be their regularly scheduled meeting or a special meeting. Russ said after the next regular meeting is adjourned they would visit the park.

Marty said she was under the impression that Joryville Park is always closed. Russ said it is always open except at night. Scott said the horse facility is closed. Marty said she went to the Salem's Parks Master Plan meeting and it's an interesting process. She will go to the next two meetings as well.

ACTION ITEMS

Promotion of volunteer opportunities – George Moeller and Wayne Rawlins

George said he and Wayne met and discussed possible ideas or ways of approaching volunteer involvement with parks. He distributed a handout that outlined candidate activities that can be promoted as a group or individually.

- **MC Parks Volunteer website** – George said the existing site is useful but it could be revised and/or updated annually and made more specific regarding volunteer opportunities. He said a "community opportunities" section could be added and the "adopt-a-park" page needs to be developed more. George asked how much traffic the parks web pages receive. Russ said he's unsure. Marty said the website needs to be kept current because when it's allowed to lapse people don't visit. Russ said there are one or two completed projects that need to be removed, but the rest are ongoing. George asked why the volunteer application asked for the applicant's employer. Russ said he's unsure but some volunteer work may require a background check.

- **Explore approaches that other organizations/agencies have used to encourage volunteerism (e.g., Oregon Parks Association, State Parks, Salem Parks, etc.)** – George said the City of Salem Parks has an organization that helps people to support parks. He said he wants to speak with Tibby Larson about what they do to encourage involvement. Marty said the Jane Goodall Environmental Middle School goes to parks and removes invasive species and they may be a resource for some volunteer work, as well as other middle schools, high schools or colleges with environmental classes. Russ said there are already colleges volunteering at Bonesteel Park. She asked if anyone on staff keeps in touch with schools. Russ said no but he does keep in touch with colleges. George suggested the website have something about school opportunities.
- **Prepare and submit a newspaper item to announce/advertise MC Parks' volunteer opportunities.** George said he sees articles in newspaper about opportunities at City of Salem parks and thought we could do the same for Marion County parks. There was discussion about highlighting a specific opportunity. Marty suggested featuring a "Park of the Month."
- **Prepare a newspaper article on MC Parks** – George suggested the commission stress opportunities for individual, community, and organizational volunteerism.
- **Develop a PowerPoint presentation to describe MC Parks** - George asked if the department had a PowerPoint presentation highlighting parks. Russ said there was only one prepared for a grant. George said it would take a lot of work to put together and use but some organizations are looking for opportunities to help and this may be a project we could get a volunteer to do.
- **Prepare and distribute a brochure that describes opportunities for volunteer involvement.** George said this can be put on the website and used in conjunction with the PowerPoint. Marty asked if there was a generic business card commissioners could hand out. Russ said there is a parks brochure. George said all parks commissioners should have some brochures they can hand out. Russ said they're available at the front desk and at the Travel Salem office.
- **Participate in MC Fair/State Fair/other events** – George suggested staffing a booth at the state fair or other events to distribute information on Marion County Parks and volunteer opportunities. Russ said this would work if the parks commission wanted to provide staffing but there is no county staff available or funding for it. Marty suggested a booth at Saturday Market, which has an area for non-profits.
- **Hold community meetings at Parks; invite Park users to an "Evening in the Park"**. George said this would give the commission an opportunity to discuss park programs and individual/group community volunteer opportunities. He said they could also organize a "Friends of Marion County Parks" group or a "Friends" of a specific park.
- **Hold a "MC Parks Day"**.
- **Actively search for volunteers to carry out specific, defined projects.** George said they may get more involvement if folks know what the parks program is looking for.
- **Explore opportunities to arrange park sponsors (i.e., businesses, organizations, neighborhood associations, etc.).**

George asked if anyone has additional items. Scott asked the other commissioners to take staff time into account if an idea really resonates because the parks commission will probably have to do it. He said the more specific they can be about what they want people to do, the more likely they'll be to engage volunteers and/or get a volunteer for that job. Wayne asked George if they could ask Cathy

Crocker to come to a meeting as volunteer coordinator to give feedback and ideas of what they can accomplish with Marion County's help. Russ said he would invite her and could also ask Tibby Larson to attend. George said the parks commission could devote half an hour to that at the next meeting and will provide this list to them ahead of time. Sandy suggested also working with unofficial volunteer individuals and groups.

George asked if any parks commissioners wanted to take on any of these items and then bring back to the next meeting for discussion. Sandy said she would look into a fair booth and will try to come up with ideas so it didn't have to be staffed all the time. Wayne cautioned that there may be a cost associated with a booth now. George said he'd like to pursue website options. Wayne said he will see if he can get state parks to put Marion County Parks brochures in their kiosks. Marty said she would talk to the Statesman Journal about writing a "Park of the Month" article. Russ suggested she speak with Zach Urness. George asked if she would also ask about having parks volunteer opportunities added to their local volunteer opportunities. He said it didn't need to be specific and can reference the website.

Bonesteel Park Work Plans – Scott Anderson

Scott said he talked at the last parks commission meeting about educational opportunities and focused on Bonesteel Park, which is one of Marion County's two natural heritage parks and listed as open for educational opportunities. Scott said Bonesteel Park is a 30 acre park east of Salem. He said 10 acres date back to 1930's that are mixed woodlands and 20 acres are under agriculture production. He said the site lends itself to having amenities of an upland prairie. He said in 1998-2002 there was a significant project to eradicate invasive weeds and plant natives. He said they were trying to invoke a return to status of 1854, pre-European impact on this area. Scott said it was generally not successful but a lot of effort was put in by a number of organizations. He said both Willamette University and Chemeketa Community College were heavily involved but there has been minimal maintenance since then. Scott said he and his wife took on the project on their own to do what's outlined in the work plan. He said the work plan is more ambitious than is perhaps feasible.

He said he asked George and Jeff if he could represent himself as a parks commissioner when he contacted organizations about getting involved with Bonesteel Park and they were fine with that. Scott said he plans to contact eight entities: Chemeketa Community College, Willamette University, Marion County Soil and Water Conservation District, Willamette Native Plant Society, The Nature Conservancy, Federal Fish and Wildlife Service (FWS), OSU Master Naturalists, Marion County Master Gardeners, and Marion County Public Works. He shared the work plan with some of these organizations and asked if they would like to join the county's efforts, and has received a mixed number of affirmative replies. He said he is currently looking at history work which was available on the website and is now creating a survey of the site so they can say not only what was done in the past but what is happening now. He said they hope to survey and record natives planted from April through the summer. He said once they get to the end of surveying the site, he may come back to the parks commission with a recommendation for something other than a natural heritage park, such as horse trails or walking paths, but they may find that with some enhanced annual maintenance it may still be viable. He said the invasives are pretty well spread and show seedlings on over 50% of the upland prairie, so it clearly has a problem with invasive weeds. He said he would like to get a concurrence from this body for him to represent himself as a parks commission member as he contacts these

outer edge of the park property. Mr. Franz said they would create and maintain the trail as they do the other trails. Russ asked if the parks commission would support this. All agreed this sounded good.

- Russ said the playground equipment for Scotts Mills has been delivered. He said it will be installed the second week of April and the operations crew will remove the old equipment, which will go to the City of Scotts Mills for their city park. He said then the operations crew will level out the ground and the installer will put up the equipment. Wayne asked if this was purchased with grant funds. Russ said it came from \$45,000 in general fund dollars.
- Russ said the well at Spongs Landing Park should be up and running in a month. He said all the black locusts trees are down, the stumps have been treated, and juvenile crews are chipping and removing the wood.
- Russ said the summer temp from past years will not be returning so he will meet with operations staff about getting a new summer temp.
- George asked about PacWest disc golf. Russ has not heard from them since the last Parks Commission meeting.
- Wayne said there has been a downturn in real property activity across the United States and asked for an update on how funds are doing at next meeting. Russ said they have stayed pretty steady. Wayne said in that case no report was needed.

NEXT MEETING: TBD

ADJOURN: 11:50 a.m.



MARION COUNTY PARKS COMMISSION MINUTES OF THE MEETING

December 1, 2015 at 10:00 a.m. to 12:30 p.m.

North Santiam Room at 5155 Silverton Rd. NE, Salem, Oregon

MEMBERS PRESENT: Marty Heyen, George Moeller, Wayne Rawlins, Ben Williams

MEMBERS ABSENT: Scott Anderson, Steve Koch, Sandy Grulkey

STAFF PRESENT: Jeff Bickford, Russ Dilley, Jolene Bray

BOC LIAISON: Commissioner Sam Brentano

BOC: Commissioner Janet Carlson

PUBLIC SIGNED IN: Richard Walsh, Walsh and Associates
Nate Brown, City of Keizer Community Development
Steve Nerrow, Marion County Juvenile Department

ADMINISTRATIVE (Information/Discussion/Action)

- **Welcome and Introductions**
 - George called the meeting to order and attendees introduced themselves.
- **Approval of August 20, 2015 Meeting Minutes**
 - Wayne made a motion to approve the August 20, 2015 meeting minutes. Ben seconded the motion and it was approved unanimously.
- **Public Input**
 - None.
- **Council Member Announcements and Upcoming Events**
 - Ben said at the last meeting Commissioner Brentano had asked Jeff and Russ to do research into longer term solutions for the Butteville property instead of looking at quick fixes. Jeff said he clarified with staff that this is right of way property with no park funding available. Ben said he met with Ryan Sparks, manager of Champoege State Park, Sparks regarding the feasibility of Oregon State Parks and Recreation (OPRD) becoming involved in the maintenance of the property. He stressed that the county needs to know there is receptivity on the part of OPRD before the county moves forward and Mr. Sparks said he will discuss with his area manager. He said he is waiting to receive feedback from OPRD and will bring that information back to the next commission meeting. Commissioner Brentano said this hasn't been discussed amongst the board of commissioners so he is unclear on rules regarding right of way but suggested the possibility of transferring ownership to state parks. He said he would look into right of way rules and if it can be transferred to another organization.
- **Nomination of new Parks Commission Chair**
 - Jeff said the commission bylaws state that the nomination of a commission chair must be done at first meeting of the calendar year so this item will be moved to next meeting.

KEIZER RAPIDS PARK GRANT APPLICATION

Commissioner Carlson thanked Rich Walsh and Nate Brown for attending with her. She then shared a presentation with the commission that gave background on the acquisition of additional property for Keizer Rapids Park via a grant in 2005. Commissioner Carlson said the State of Oregon owns 85 acres of the park which has been leased for 99 years for a small dollar amount. She said the City of Keizer recently purchased more property, which is where the Big Toy is located, and Marion County has invested \$427,000 in a recreation easement and \$150,000 in a conservation easement. She said there was an emphasis to purchase additional parks land when the park was created, which the Marion County Parks Master Plan and City of Keizer Master Plan also recommends. Rich said this park was built on these master plans and state land acquisition, and it tied into Governor Kulongoski's water initiative which identified a need for a motorized boat ramp between downtown Salem and Willamette Mission State Park.

Rich said because of the interest in the water trail, the partners received an unprecedented amount of grants, including one grant from the Bureau of Land Management (BLM) to do master planning. Commissioner Carlson said they had 2,000 surveys returned from citizens prioritizing elements of the park, with a playground being identified after other essential park features. She said out of this the big toy became an idea, as well as the amphitheater, boat ramp, and dog park. Commissioner Carlson said when the big toy was built in June 2015 they knew they needed 700 volunteers, but had tremendous community support with 800 volunteers working multiple shifts.

Commissioner Carlson said the total cost for the big toy was \$319,000 and gave credit to Rich for raising the funds. She said most was donated funds and the remaining was done as a service (i.e., gravel). Commissioner Carlson said the initial budget was \$500,000 because they wanted a spongy surface or fall area under the big toy but estimates for that alone were \$180,000 to \$230,000. She said because they were worried they wouldn't raise these funds by the deadline, they decided to instead put down manufactured wood chips. Commissioner Carlson said they are now in Phase 2 of the project and would like to make disability services or amenities a larger focus. She said the park as no ADA bathrooms and no paved trails. She said she asked Wayne to meet with them to discuss grant possibilities and are now working on that as a smaller grant group to write the grant. She said they were so successful at the outset in the city and county's joint effort that she is here today to ask the Parks Commission endorsement for the grant application moving forward. Commissioner Carlson said the grant application is April 1, 2016 and they will be able to use the purchased property as a match for the grant application.

Nate said the City of Keizer has to do their master plan indicating where the trails will go and will divide into two phases with the first phase including restrooms and fall surfaces and the second phase focusing on a paved trail. He said the total amount they are requesting for phase one is \$250,000. He said the newly purchased property is natural and the developed part of a former orchard. Nate said the restroom and fall surface is in the middle of this property. He said a portion of the park is undeveloped Marion County property but the City of Keizer is policing and maintaining. Nate said they are joining together with Marion County to strengthen the position of the grant and are asking for the parks commission's endorsement.

Marty asked about the current restrooms. Nate said they are portable restrooms with some being ADA. Commissioner Carlson said they also need feedback from people with disabilities and are meeting the Marion County Intellectual and Developmental Disability Advisory Committee (IDDAC) and will hopefully receive their endorsement. She said they met with the parks commission first because they oversee Marion County parks.

Rich said the initial plan was to have the spongy, fall surface, and it was very disappointing to not have for children, parents, and grandparents with handicaps that can't walk on the wood chip surface. He said so many people of all walks of life use the dog park and big toy as a social experience too.

Commissioner Carlson said there may be some other soft match but no money outlay. Wayne said Commissioner Carlson has done an excellent job pulling in different entities and people that could almost assure the success of the grant request. George asked Wayne to keep the commission updated on the park.

Ben made a motion that the parks commission endorse a joint application by Marion County and the City of Keizer for grant funding for the Keizer Rapids Park. Marty seconded the motion and it was passed unanimously.

BONESTEELE PARK INFORMATION

Since Scott was not able to attend this meeting, this discussion topic will be tabled until the next meeting. George said he also wants more work done to Parks Master Plan, particularly the Natural Heritage Parks Plan. Jeff said there is an upcoming work session with the board of commissioners to discuss the Parks Master Plan and more information will be shared with the parks commission.

NORTH FORK PARKS TOUR / ACTION PLANNING

Jeff said in October, the board of commissioners did a tour of the North Fork corridor with staff from public works, sheriff's office, and BLM, looking at law enforcement, roads, and parks issues. Commissioner Brentano said there are new stresses on the North Fork area because of heat and water, and there have been several disputes with neighbors, as well as a fire at North Fork Park, so commissioners thought they'd visit and see if they could put together a plan to make things better. Jeff said there is a work session with the board of commissioners next Tuesday about these issues. He said some highlights included:

- Trees are still down at North Fork Park and not yet removed by BLM although they were told this would be done by October.
- Looking at different ideas with parking to allow parking in a more orderly fashion, including expanding the parking lot at North Fork Park.
- Looking at money handling issues at Bear Creek Park. The county has the park host pull the money but BLM has two people handle the money, so the county is looking at other options so there are always two people when doing this to ensure safety and good accounting practices. Jeff said this is a challenge because the money is pulled daily so the host can see who has paid. Commissioner Brentano said he was quite impressed with wooden stair structure at the park. Jeff said the Juvenile department created these stairs and staff is talking with them about doing the same at Salmon Falls Park.
- Salmon Falls Park has signage that the trail is closed because the railing going to the river needs to be repaired or replaced. Jeff said this is a precarious way for EMTs to get down to the water when someone is injured. He said the Juvenile department has a design and sometime before the parks opening next May they will have a new stairway done and ready for use. Jeff said the park also has a new life jacket station from the family of the young man who died at park in 2015. Commissioner Brentano said there is also a concern about people riding through the salmon passage structure, which is a tunnel with metal grates locked down.
- The parking lot Salmon Falls Park is very small for the amount of use it receives. Jeff said they are looking at the delineation of the park to make it more efficient. He said engineering staff have also written plans for a possible future expansion. Jeff said neighbors aren't supportive because they feel if there's more legal parking that will bring more vehicles that will continue to park illegally.
- Looking at efforts to work cooperatively with BLM.

George asked if are any other organizations that have plans to expand in the area. Jeff said they've not heard of anything. Commissioner Brentano said there has been increased publicity about the great swimming and recreation opportunities, which brings more traffic to area parks and increases staff workload.

FUTURE TOPICS / EMERGING ISSUES / OTHER BUSINESS

George said the commission hasn't heard any updates about Scotts Mills. Jeff said there was a voice message from the woman from the Pudding River Watershed Council and thought she would attend today. George said the commission is waiting for information from her and would welcome an update.

George asked about the county volunteer coordinator position. Jeff said he heard last week that the county has hired a new volunteer coordinator and she wants to contact advisory board members. He said Sandy and Scott both have terms ending after this meeting and have asked to be reappointed for another term. Jeff said he will work with her to process the paperwork to bring before the board of commissioners and will share her information with the parks commission.

George said the commission needs to schedule meetings early enough so parks commission and Commissioner Brentano can all attend. Jeff said the meeting day is usually the first Thursday and would email potential meeting dates to the commission. Commissioner Brentano said his only Thursday conflict is the department heads/elected officials meeting. Jeff said will email potential dates to the commission.

George asked about preparing a thank you letter to send to volunteers. Russ said he has a boilerplate that he can share. George said the commission can review at next meeting.

George asked about LED grant opportunities that Sandy discussed in a previous meeting. Russ said these grants dealt with switching out streetlights to LED which the county is already doing.

- **Staff Updates**

- Russ said waiting for tree removal at Bear Creek Park.
- Bonesteele Park is closed for the season. Russ said the gates are installed and one driveway was removed and planted. He said it looks great and will see how it works in the off season.
- Russ said Lt. Baldrige from the sheriff's office asked to meet and discuss how they can help in county parks. The sheriff's office is providing inmate labor pulling ivy and blackberries, and will have someone picked as crew leader and continue into the future.
- Russ said at the last meeting he said the parks program had received extra money in the budget for playground equipment at Spong's Landing Park. He distributed a schematic for the commission to review and said he wants to purchase the equipment quickly because there is a year-end sale with 30% off. George asked the cost. Russ said with everything (borders, labor, and installation) the cost is approximately \$77,000. He said other money goes to the operations division and they will clear the area and do site prep. Jeff said the playground equipment at Scotts Mills cost about \$45,000. Russ said looked at foam surfacing and the cost was \$40,000, which isn't doable.
- Jeff told the commission that this is his last parks commission meeting because he is retiring December 31. He told the commission he really enjoyed working with them and appreciates everything they put into the committee. Jeff said for now the commission will work with Russ although the public works director will name an interim manager. Wayne said he spoke for the group in thanking Jeff for his help, guidance, and enthusiasm with the committee.

ADJOURN: 11:16 a.m.

NEXT MEETING: February 18, 2016 at 10:00 a.m. in the North Santiam Room at Public Works







5155 Silverton Rd NE
Salem, OR 97305
503-584-7714
Fax: 503-373-4418

Public Works Permit

Public Works Tracking
Work in the Right-of-Way - General

Permit: 555-20-000324-PW

IVR Number: 555085614648

Web Address: <http://www.co.marion.or.us/PW/Pages/default.aspx>Email Address: mcldp@co.marion.or.us**First Issued:** 4/23/20**Expiration:** 4/23/21**Project:** BUTTEVILLE LANDING DOCK**Description:** PLACEMENT OF DOCK AND GANGWAY AT BUTTEVILLE LANDING**Site Information****Worksite Address**

Unknown

Parcel

ROW - GENERAL

Contacts

Type	Name	Address	Phone	Email
Applicant	FRIENDS OF HISTORIC BUTTEVILLE	PO BOX 506 DONALD, OR 97020	503-568-3567	ben.williams@liturgica.com
Contractor	OREGON MARINE CONSTRUCTION LLC	9085 ARNEY LN NE WOODBURN, OR 97071	503-982-5521	info@oregonmarine.net
Primary Owner	MARION COUNTY			

General Information**Application Type:** Public Works Tracking**Type of Project:** Not specified**Type of Work:** Not specified**Detailed Project Purpose/Description:** PLACEMENT OF DOCK AND GANGWAY AT BUTTEVILLE LANDING**Planning Information**

No Planning Information Specified

Pending Inspections

None specified

Start of work/event shall indicate the applicant accepts and approves the terms and provisions contained and attached hereto, including applicable special provisions and the Marion County Design Standards.

Failure to comply with requirements and provisions can be grounds to refer non-compliance to Code Enforcement.

IT IS THE RESPONSIBILITY OF THE APPLICANT (UTILITY COMPANY, CONTRACTOR, ETC.) TO LOCATE THE RIGHT-OF-WAY

CALL BEFORE YOU DIG...IT'S THE LAW

ATTENTION: Oregon law requires you to follow rules adopted by the Oregon Utility Notification Center. Those rules are set forth by the Oregon Administrative Rules. You may obtain copies of the rules by calling the center. (Note: The telephone number for the Oregon Utility Notification Center is 1-800-332-2344).

As applicable, inspections must be scheduled by calling the IVR line at 1-(888)-299-2821, online at the Oregon ePermitting website (<https://aca-oregon.accela.com/oregon/>), or via the ORinspect app. Instructions are available on our website (<http://www.co.marion.or.us/pw/engineering/permit>). The applicable inspection codes may be found at the end of the following sections of this permit: Conditions of Approval for Public Works, Erosion/Sediment Control, Driveway Sidewalk Curbcuts, and Right-of-Way.

Public Works inspections are NOT guaranteed to occur within 24 hours. Please allow up to 5 business days for an inspection to be completed once scheduled. We attempt to conduct inspections as quickly and efficiently as possible.

Pursuant to ORS 374.305 et. seq. and the order of Marion County Board of Commissioners, dated May 17, 1994; and in consideration of the permit application as submitted, Marion County hereby permits the work in the public right-of-way with the included construction requirements. Follow General Provisions and Special Provisions as provided.

General Provisions:

1. EMAIL START NOTICE TO COUNTY INSPECTOR AT MCLDEP@CO.MARION.OR.US 48 HOURS PRIOR TO START OF WORK AND 24 HOURS PRIOR TO POURING CONCRETE FOR FORMS INSPECTION. THE CONSTRUCTOR'S I.D. SIGN MUST BE IN PLACE BEFORE NOTIFICATION. SEE SPECIAL PROVISIONS FOR I.D. SIGNS.
2. TRAFFIC CONTROL SHALL CONFORM TO THE REQUIREMENTS OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES AND THE OREGON TEMPORARY TRAFFIC CONTROL HANDBOOK PREPARED BY ODOT FOR SPECIFICATIONS, UNLESS OTHERWISE NOTED.
3. MAINTAIN LOCAL ACCESS AT ALL TIMES AND PROVIDE SAFE PEDESTRIAN ACCESS.
4. PAVEMENT CUTTING WILL NOT BE ALLOWED WITHOUT PRIOR APPROVAL. OPEN CUTS OF PAVEMENT WITHIN TRAVEL LANES SHALL BE PATCHED WITH COLD MIX OR COVERED WITH PINNED STEEL PLATES AND RAMPED WITH COLD MIX TO ACCOMMODATE TRAFFIC OVERNIGHT OR UNTIL THE FINAL HOT PATCH IS CONSTRUCTED.
5. OREGON STATE LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH 952-001-0900. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER. THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS (503) 232-1987.
6. SYSTEMS BUILT TO BE MAINTAINED BY MARION COUNTY MUST FUNCTION ADEQUATELY AS PLANNED FOR A PERIOD OF ONE (1) YEAR AS A WARRANTY PERIOD. ALL PAVEMENT CUTS SHALL BE GUARANTEED AGAINST SETTLEMENT FOR A PERIOD OF ONE (1) YEAR. ALL AREA WITHIN THE PUBLIC RIGHT-OF-WAY DISTURBED BY THE PROJECT SHALL BE RESTORED TO THE SAME OR BETTER CONDITION.
7. A COPY OF AN APPROVED PERMIT MUST BE ON THE JOB AT ALL TIMES THAT WORK IS BEING PERFORMED. THE COPY SHALL BE PRESENTED WHEN REQUESTED BY A PUBLIC WORKS EMPLOYEE.
8. MARION COUNTY WILL NOT BE RESPONSIBLE FOR DAMAGE TO ANY FACILITY DUE TO NORMAL MAINTENANCE BY ROAD CREWS IF FACILITY IS NOT LOCATED IN ACCORDANCE WITH THIS PERMIT AND/OR HAS LESS THAN MINIMUM COVER.
9. PERMITTED CONSTRUCTION THAT IS NOT COMPLETED BY THE PERMIT EXPIRATION DATE SHALL BE SUBJECT TO COMPLETION BY THE COUNTY AT THE APPLICANT'S EXPENSE AND/OR MAY BE REFERRED TO COUNTY CODE ENFORCEMENT OFFICE FOR COMPLIANCE.

Special Provision - IDENTIFICATION SIGN REQUIREMENT:

1. THIS PROVISION SHALL APPLY TO ALL AGENCIES, UTILITIES, CORPORATIONS (PUBLIC OR PRIVATE), OR INDIVIDUALS ENGAGING IN WORK ACTIVITIES IN PUBLIC RIGHT-OF-WAYS WHICH ARE UNDER THE JURISDICTION OF MARION COUNTY. THIS PROVISION APPLIES TO ALL WORK ACTIVITIES REGARDLESS OF WHETHER THEY ARE CONSIDERED TO BE ROUTINE MAINTENANCE OF EXISTING FACILITIES OR ARE BEING PERFORMED UNDER A SEPARATE PERMIT TO CONSTRUCT NEW FACILITIES.
2. THE ENTITY FOR WHOM THE WORK IS BEING PERFORMED, OR SUBCONTRACTOR ACTING ON BEHALF OF THIS ENTITY, SHALL DISPLAY SIGNS STATING THE ENTITY'S OR CONTRACTOR'S NAME AND PHONE NUMBER WHERE QUESTIONS MAY BE DIRECTED. THE SIGNS SHALL BE A MINIMUM OF 2 FEET BY 2 FEET WITH 2 INCH HIGH BLUE LETTERS ON A WHITE BACKGROUND CONFORMING TO THE FOLLOWING OUTLINE:

PROJECT BY

John J. Smith Contracting
Phone 123-456-7890

3. THE ABOVE-MENTIONED SIGN SHALL BE REQUIRED FOR ANY ACTIVITY, WHICH WILL OCCUPY THE SAME GENERAL LOCATION FOR A DURATION OF ONE HOUR OR MORE. THESE ACTIVITIES WILL INCLUDE LONG-TERM, INTERMEDIATE-TERM, AND SHORT-TERM STATIONARY WORK ZONES AS DEFINED BY THE CURRENT EDITION OF PART VI OF THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
4. THE SIGNS MAY BE POSTED, MOUNTED, OR MOUNTED ON A TYPE II BARRICADE (MINIMUM 2 FEET WIDE BY 3 FEET HIGH). THE SIGNS SHALL BE LOCATED IN A PROMINENT LOCATION ADJACENT TO THE WORK AND SHALL BE VISIBLE TO BOTH DIRECTIONS OF ONCOMING TRAFFIC.
5. LOGOS OR LETTERING ON THE SIDE OF FLEET OR CONSTRUCTION VEHICLES STATING THE CONTRACTORS NAME AND PHONE NUMBER WILL NOT BE PERMITTED AS A SUBSTITUTE FOR THE SIGNS REQUIRED HEREIN.
6. WHERE PRIME CONTRACTORS, DEVELOPERS OR OWNERS HAVE POSTED SIGNS, WHICH MEET REQUIREMENTS CONTAINED HEREIN, SUBCONTRACTORS WILL NOT BE REQUIRED TO POST ADDITIONAL SIGNS.
7. THE SIGNS SHALL BE AT THE PROJECT SITE AT ALL TIMES DURING THE COURSE OF THE PROJECT. ABSENCE OF THE SIGNS WILL BE GROUNDS FOR SUSPENSION OF ALL WORK COVERED UNDER THE PERMIT.
8. SIGN SUPPLIERS MAY BE FOUND IN THE YELLOW PAGES UNDER "TRAFFIC SIGNS, SIGNALS & EQUIPMENT", "BARRICADES", AND "SIGNS".
9. THE PURPOSE OF THIS PROVISION IS TO POSITIVELY IDENTIFY FOR THE PUBLIC, WHO MAY HAVE QUESTIONS OR CONCERNS, THOSE WORKING IN THE PUBLIC RIGHT-OF-WAY.
10. PROPERTY OWNERS PERFORMING THEIR OWN WORK ADJACENT TO THEIR OWNER-OCCUPIED PROPERTY ARE EXEMPT FROM THE ABOVE REQUIREMENTS OF THIS SPECIAL PROVISION.

Special Provision - TEMPORARY HARD ROAD SURFACE:

1. CUTS IN PAVED ROADS REQUIRE A HARD SURFACE IN THE TRAVEL LANE AND TURN RADIUS WHEN THE ROAD IS OPEN TO TRAFFIC. HARD SURFACES INCLUDE NON-COMPRESSIBLE BACKFILL, "COLD MIX" PATCH, STEEL PLATES, OR THE PERMANENT RESTORATION OF THE PAVEMENT AS REQUIRED IN THE PERMIT. THE PERMANENT SURFACE SHALL BE CONSTRUCTED AS SOON AS POSSIBLE.
2. WHERE NON-COMPRESSIBLE BACKFILL (NCB) IS USED AS A TEMPORARY HARD ROAD SURFACE, IT SHALL BE MADE WITH SAND (FINES) ONLY AND BE PLACED FLUSH WITH THE PAVEMENT +/- 1/4". AN "EARLY RISE" SLURRY MIX SHOULD BE USED AND THE PATCH PROTECTED UNTIL READY FOR TRAFFIC. NCB WORN MORE THAN 1/2" BELOW THE ROAD SURFACE SHALL BE "COLD MIX" PATCHED (SEE BELOW).
3. WHERE COLD MIX ASPHALT IS USED AS A TEMPORARY HARD ROAD SURFACE, IT SHALL BE PLACED FROM AT LEAST 1-1/2" BELOW THE ROAD SURFACE TO 1/4" ABOVE THE ROAD SURFACE +/- 1/4". IT MUST BE COMPACTED BY MECHANICAL MEANS WHEN PLACED OR ADDED TO. COLD PATCH REQUIRES CONSTANT MAINTENANCE. TEMPORARY PATCHES WHICH DROP MORE THAN 1/2" BELOW THE EXISTING PAVEMENT ARE SUBJECT TO IMMEDIATE MAINTENANCE AT THE DIRECTION OF MARION COUNTY AND THE CONTRACTOR SHALL BE BILLED FOR THE COST OF MOBILIZATION AND PATCHING.
4. WHERE STEEL PLATES ARE USED AS A TEMPORARY HARD ROAD SURFACE, THE STEEL PLATES SHALL BE CAPABLE OF SUPPORTING H-20 LOADING. THE STEEL PLATES SHALL BE CENTERED OVER THE CUT. NO MORE THAN 1/2 OF THE PLATE SHALL SPAN A TRENCH. STEEL PLATES SHALL HAVE A MINIMUM OF TWO 3/4" DIAMETER HOLES FOR STEEL PINS TO BE DRIVEN IN 6" BELOW THE PAVEMENT SURFACE INTO SOLID PAVEMENT AT LEAST 18" FROM THE ROAD CUT. THE PINS SHALL HAVE HEADS LARGER THAN THE HOLES IN THE PLATES AND EXTEND NO MORE THAN 3/4" ABOVE THE PLATE SURFACE. UNEVEN PAVEMENT SURFACES MUST FIRST BE LEVELED WITH COLD MIX BEFORE STEEL PLATES ARE LAID DOWN. COLD MIX SHALL BE USED TO RAMP UP TO THE STEEL PLATES. COLD MIX RAMP MUST BE CONSTANTLY MAINTAINED. FAILURE TO PROPERLY MAINTAIN IS GROUNDS FOR MARION COUNTY TO MAINTAIN AND CHARGE BACK THE COSTS OF MOBILIZATION AND MAINTENANCE. USE OF STEEL PLATES IN THE TRAVEL LANES REQUIRES TWO 30" X 30" BUMP WARNING SIGNS (W 8 - 1) LOCATED ON EACH SIDE OF THE ROAD CUT AND FACING THE ON COMING TRAFFIC. STEEL PLATES SHALL BE REMOVED AS SOON AS POSSIBLE AND SHALL REMAIN IN THE TRAVEL LANE NO MORE THAN FIVE WORK DAYS.
5. OTHER TRENCHES AND PITS WITHIN 10' OF THE TRAVEL LANE MUST BE BACKFILLED OR STEEL PLATED WHEN THE LANE IS OPEN TO NIGHT TRAFFIC. DURING DAYLIGHT HOURS, CONE AND BARRICADES ARE REQUIRED.

Applicant shall follow all other Special Provisions as deemed appropriate by Marion County - Land Development Engineering & Permits.

This permit automatically expires at insurance expiration or termination. With continued valid insurance, this permit expires

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into between Marion County, Oregon ("the County") and Friends of Historic Butteville, an Oregon nonprofit corporation ("FOHB"), relating to the development and maintenance of the right-of-way at the Willamette River landing located in Butteville, Oregon ("the Landing").

Recitals:

1. The County owns a right-of-way at the Landing, more specifically described in Exhibit A.
2. The Landing has been in general disuse for many years. The County and FOHB both desire that the Landing be improved to allow the public to access the river and to highlight the significant role that the Landing played in Oregon's history ("the Project").
3. The County does not have current operating funds to undertake the development of the Landing at this time. FOHB has the ability to raise funds and in-kind donations hopefully sufficient to develop the Landing over several years in multiple phases.

NOW THEREFORE, the County and FOHB understand as follows:

1. FOHB shall, in concert with the County, prepare plans for development of the Landing. FOHB shall present to the County all plans for development, and the County shall have the right to disapprove of any aspect of the plans, so long as such disapproval is reasonably timely with respect to the anticipated work schedule. Additionally, FOHB shall deliver to the County all plans (topo survey, engineering drawings, landscape architecture plans, etc.) that shall arise from the Project.
2. FOHB shall raise funds and solicit in-kind donations for the Project. Said fund and donations (other than any funds or donations made by the County for the benefit of the Project) shall be under the exclusive control of FOHB. FOHB shall insure that any and all funds or donations intended by the donor for application toward the Project shall in fact be used for that purpose. The parties anticipate the County may contribute to the Project at least through in-kind construction services and perhaps through direct funding.
3. Ownership of all capital improvements on the right-of-way at the Landing shall vest immediately in the County. The parties anticipate that subsequent phases of the Project may include improvements and equipment in, over or on the river, which may include a gangway and dock.
4. Before any installation of in, over or on water improvements, FOHB will enter into an indemnification agreement with the County.

5. The parties anticipate that each will participate in the on-going maintenance of the Landing, with FOHB organizing its members and volunteers to assist in the cleanup and maintenance, and with The County providing maintenance services as needed and as feasible.
6. Neither party is an agent of the other, and this MOU does not constitute a partnership or joint venture agreement.

MARION COUNTY

FRIENDS OF HISTORIC BUTTEVILLE

Brian Nicholas

Benjamin D. Williams

By: Brian Nicholas

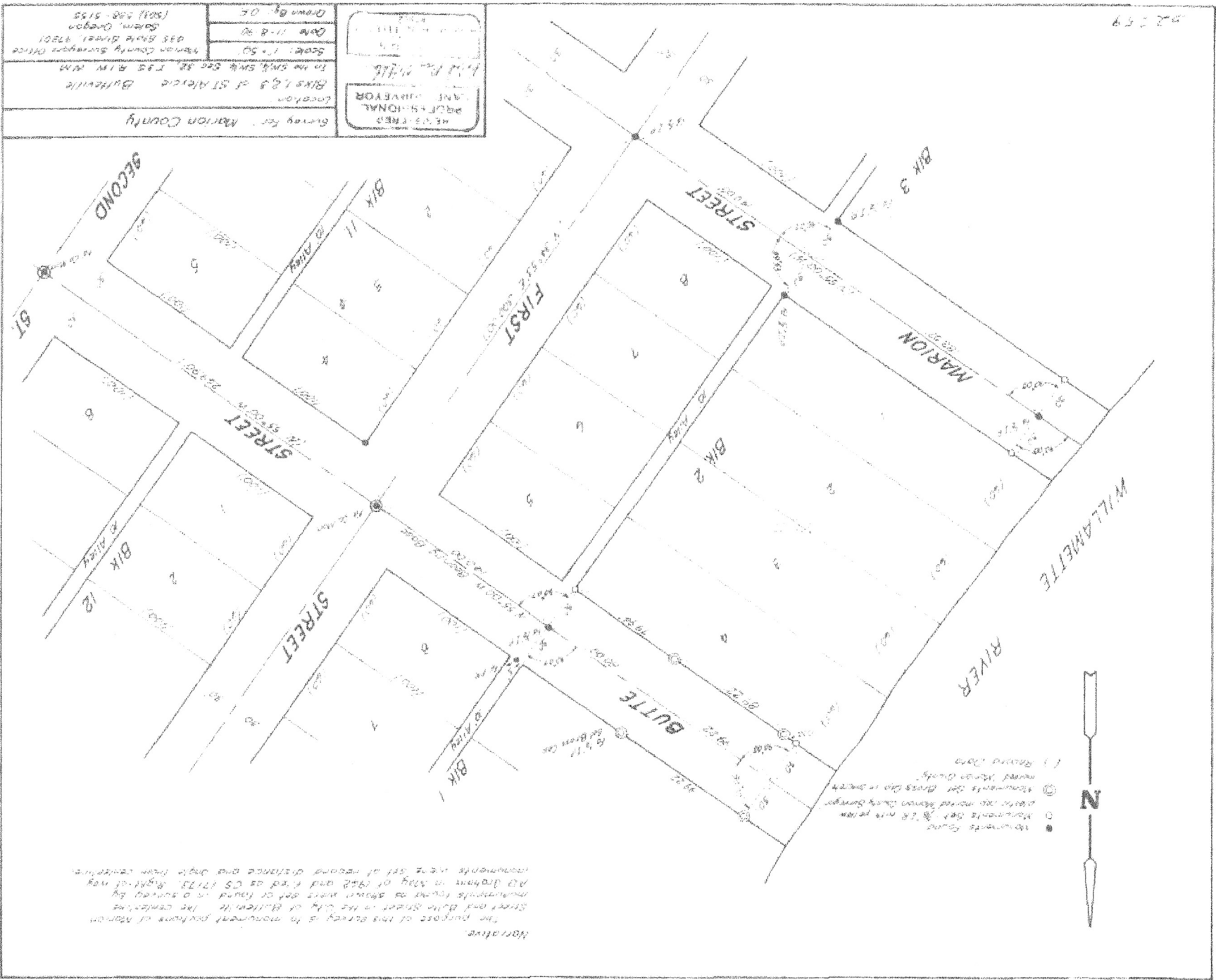
By: Benjamin D. Williams

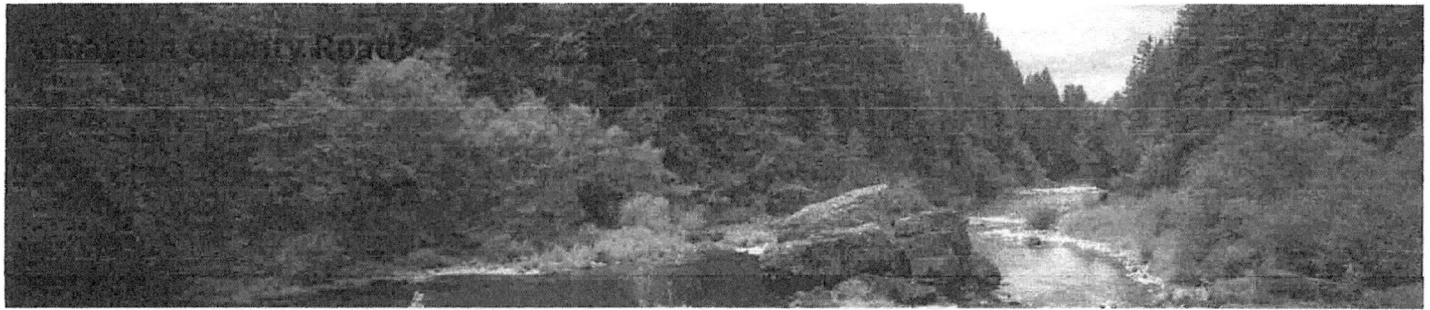
Its: Public Works Director

Its: President

Dated: 6/13/19

Dated: 6/13/19





[Public Works \(/PW/Pages/default.aspx\)](#)

[Contact Info & Business Hours \(/PW/Pages/contact.aspx\)](#)

[News, Meetings & Events \(/PW/Pages/media.aspx\)](#)

[Mill City Bridge Photo Contest \(/PW/Pages/millcitybridge.aspx\)](#)

[Building Inspection \(/PW/BuildingInspection/Pages/default.aspx\)](#)

[Emergency Management \(/PW/EmergencyManagement/Pages/default.aspx\)](#)

[Engineering \(/PW/Engineering/Pages/default.aspx\)](#)

[Environmental Services \(/PW/ES/Pages/default.aspx\)](#)

[Ferries \(/PW/ferries/Pages/default.aspx\)](#)

[Parks \(/PW/Parks/Pages/default.aspx\)](#)

[Planning & Zoning \(/PW/Planning/Pages/default.aspx\)](#)

[Road Maintenance \(/PW/Roads/Pages/default.aspx\)](#)

[Service Districts \(/PW/servicedistricts/Pages/default.aspx\)](#)

[Surveyor's Office \(/PW/Survey/Pages/default.aspx\)](#)

[Report-A-Concern \(/PW/Pages/Report-A-Concern.aspx\)](#)

What is a "County Road"?

The term "County Road" is often misused today to describe a number of different road situations. It is used to describe a public right-of-way, whether it is a County Road or not. It is also used by City and State personnel to describe any street or road over which the City or State do not have jurisdiction. Local property owners often believe any road that cannot be closed to the public is, or should be, a County Road. This is an effort to clarify what is and is not a County Road.

Public road law in Oregon was first created by the Territorial Act of 1848 and has gone through many changes over the years. The most significant change occurred in the late 1930's, when the Work Project Administrator, under the supervision of the County Engineer, prepared an Official Map of the Roads of Marion County showing and numbering all Market Roads and County Roads in Marion County. On March 22, 1939, Circuit Court Judge J. C. Siegmund and the County Commissioners decreed, "Any road not designated on said map as a County or Market Road shall not be considered a County Road until accepted or re-established by order of this Court and the County Engineer hereby is directed to perform or have performed no work on any road which is not designated on said map as a County Road." This decree established the road system designations being used today. County Roads can come about by dedication, grant, eminent domain, statutory proceedings, etc. Oregon Revised Statutes detail the requirements for establishing a County Road under current law.

The Marion County Public Works Department (MCPW) uses the following definitions:

- **Right-of-Way** - refers to a strip of land given to the public for specific uses including roadways, bridge structures, public utilities, etc. Right-of-ways are available for use by the public at large and are administered by the jurisdiction (City, State or County) in which they lie. The most common County right-of-way is an easement for roadway purposes granted to the County by a private landowner.
- **County Road** - is a public right-of-way that has been formally accepted by the County Commissioners as a County Road. MCPW maintains all County Roads, but generally is prohibited from spending road funds on any road that is not an officially designated County Road.
- **Easement** - see Private Road
- **Local Access Road** - also referred to as a Non-County Road by MCPW, is any roadway constructed in a public right-of-way that has not been accepted by the Marion County Commissioners as a County Road. This includes privately constructed roads, abandoned roads, etc. Maintenance of these roads is the responsibility of the local property owners.
- **Non-County Road (NCR)** - see Local Access Road
- **Private Road** - any road constructed on private property or in a private easement. Maintenance of these roads is the responsibility of the owner of the property where it is located.


For More Information


You can request information about specific roads at the MCPW offices located at 5155 Silverton Road NE, Salem, Oregon, by email at MCDPW@co.marion.or.us (mailto:MCDPW@co.marion.or.us), or by calling 503-588-5036.


Two important questions to ask are: A. "What is the legal status of the property where the road is located?" (The most common are: 1. Privately owned with an easement to the public; 2. Dedicated to the public, as in a subdivision; and 3. Privately owned with a private easement); and, B. Who has responsibility to maintain the physical structure of the road?" (A government agency, in the case of a County Road, City Street, or State Highway; the owner in the case of a Private Road; the users in the case of a Local Access or Non-County Road; or no one in the case of unopened Right-of-Way.)


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Select Language ▼

 (<https://twitter.com/home?status=https://www.co.marion.or.us/PW/Pages/RoadDefinitions.aspx>)

 (<https://www.facebook.com/sharer/sharer.php?u=https://www.co.marion.or.us/PW/Pages/RoadDefinitions.aspx>)

 (mailto:?&subject=What is a County Road?&body=Check%20out%20this%20page:%20https://www.co.marion.or.us/PW/Pages/RoadDefinitions.aspx)

 (<https://plus.google.com/share?url=https://www.co.marion.or.us/PW/Pages/RoadDefinitions.aspx>)

 (<https://www.linkedin.com/shareArticle?mini=true&url=https://www.co.marion.or.us/PW/Pages/RoadDefinitions.aspx&title=What is a County Road?&summary=&source=>)



Attachment #18



Attachment #19





Attachment #21

DATE 12/4/2017 NWP-2018-135 DSL 61011-RF



Flowing solutions



Flowing Solutions
3305 SW 87th Avenue
Portland, OR 97225
Phone (503) 297-6311

SHEET TITLE: RIVER CONTEXT

PROJECT: BUTTEVILLE LANDING RIVER ACCESS
BUTTE ST NE
BUTTEVILLE, OREGON

RIVER/MILE: WILLAMETTE RIVER, MILE 42.9

DATUM: NAVD88

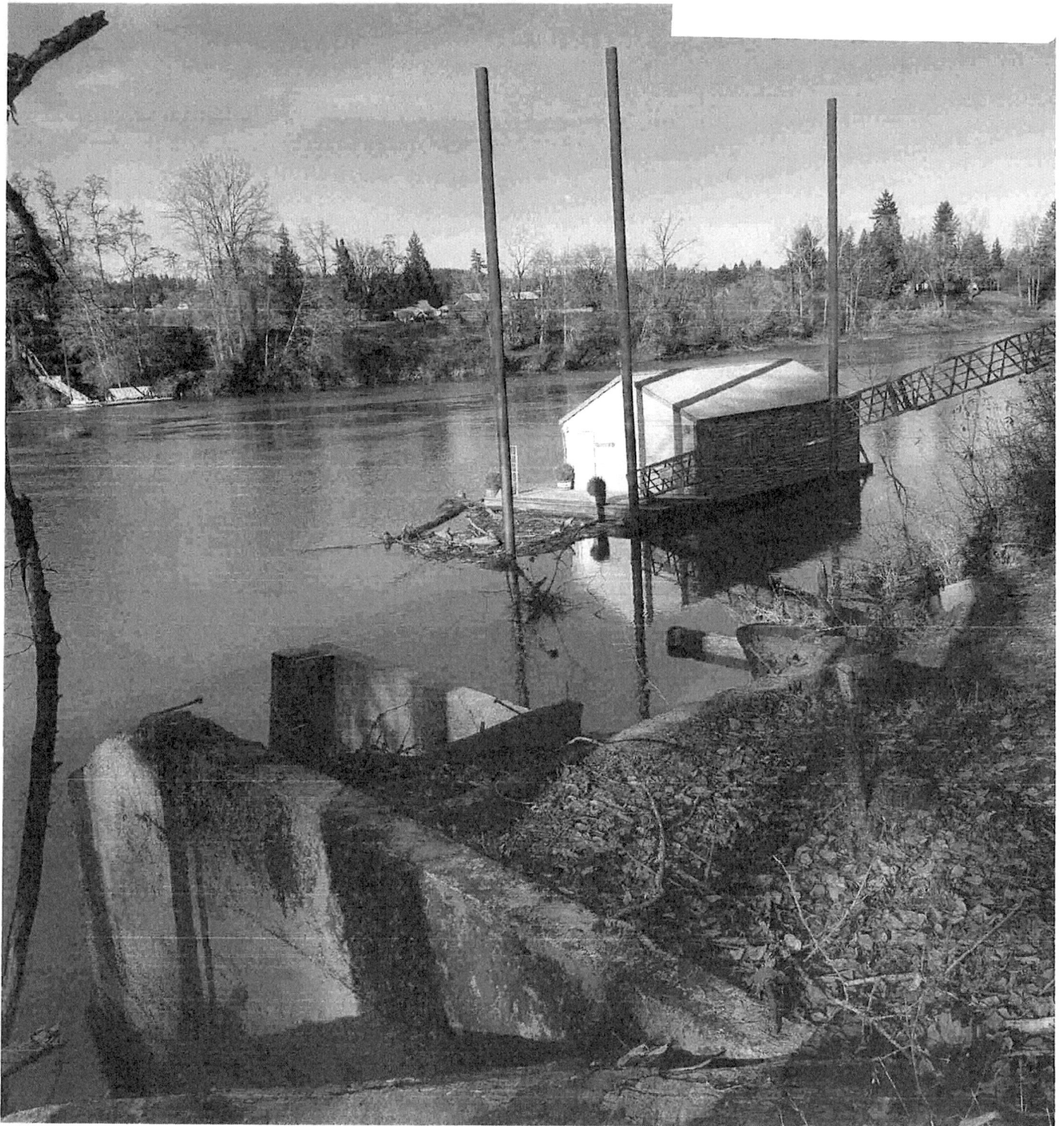
DATE:

12/4/17
Rev 5/8/19

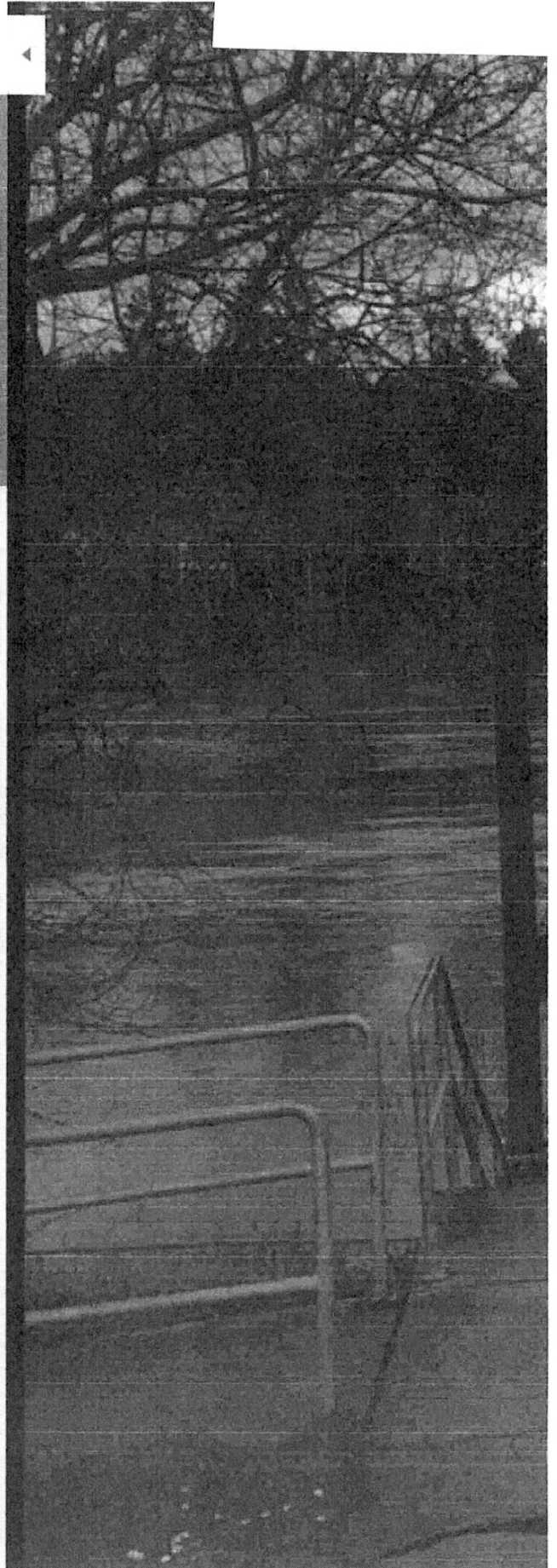
SHEET NO.

9

\\fscomp-41\fsprojects\butteville\landing\cad\fs-butteville revised permit 5-8-2019 move dock.dwg



← Champoeg State Park boating/fi...





E Lee
JUN 2018



Fwd: Closure of Butteville Landing

Inb
ox

ben.williams@liturgica.com

Apr 16,
2020, 7:05
PM

to me

Julie;

I'm responding to your message from this afternoon by forwarding my earlier email to Brian Nicholas, Director of Public Works...and his reply.

You now have his email address, and feel free to reach out yourself.

Again, I'm glad you took the initiative and put up the Temporarily Closed signs.

All the best

Ben Williams

Begin forwarded message:

From: Brian Nicholas <BNicholas@co.marion.or.us>

Date: April 16, 2020 at 5:16:07 PM PDT

To: Ben.williams@liturgica.com

Subject: Re: Closure of Butteville Landing

Ben-

It has been busy. Butteville Landing is not a park, it's a public right-of-way and river access and doesn't fall under the governor's list of facilities that are closed. Marion County is not going to close the landing and prevent lawful river access. However, I have asked Deputy Sphoon to check on the landing periodically and monitor activities there. I'm hoping that will keep behavior in check.

-BN

>>> "ben.williams@liturgica.com" <ben.williams@liturgica.com> 4/16/2020 3:59 PM >>>

Brian;

I sent you an email and then left a voicemail or two about closing the Landing. People are still using it, congregating, violating the social distancing order, etc.

I know you're busy, but am disappointed that over a week's gone by and no response from you on a subject that has health implications under the current Exec. Orders.

Please give me a call.

