

BOARD OF COMMISSIONERS

MINUTES OF THE BOARD SESSION – Regular Session

Wednesday, August 26, 2009  
Marion County Courthouse Square

9:00 a.m. Board Session  
Senator Hearing Room

**PRESENT:** Commissioner Patti Milne, Commissioner Janet Carlson and Commissioner Sam Brentano. Also present were John Lattimer as chief administrative officer, Jo Stonecipher as legal counsel and Kim Hulett as recorder.

**PUBLIC COMMENT**

None.

**CONSENT**

BUSINESS SERVICES – HUMAN RESOURCES

Approve recommendation to uphold the pay range of criminal investigator supervisor.

Approve recommendation to uphold the pay range of investigator.

PUBLIC WORKS – PLANNING

Receive appeal of hearings officer’s decision denying administrative review, case #AR09-012, Levy, Clerk’s File #5623.

Receive hearings officer’s decision denying administrative review, case #AR09-015, Mt. Angel Telecommunications, Inc., Clerk’s File #5624.

**MOTION:** Commissioner Brentano moved approval of the consent calendar.  
Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

**ACTION**

PUBLIC WORKS

1. Consider approval of a resolution deferring collection of systems development charge (SDC) payments for certain types of construction. – Bill Worcester

Bill Worcester, public works director, stated that the board had requested that Public Works consult with the Planning Commission as to whether deferring or waiving permit fees and systems development charges (SDCs) should be considered in light of the current economic state of the local building industry. The Planning Commission developed a couple of recommendations. One recommendation was to collect building permit fees the way the City of

Salem does. It was determined that the county collects fees in a manner very similar to the City of Salem, so no change was needed.

The Planning Commission also recommended delaying collection of SDCs of less than \$5,000 until issuance of the certificate of occupancy. SDCs of less than \$5,000 are eligible for deferral until the certificate of occupancy is ready to be issued and can only be issued once the fee is paid. The applicant would apply for the deferral and pay a recording fee and then the building permits would be issued. Mr. Worcester requested that the board approve these recommendations.

Commissioner Milne commented that she was very pleased with these suggestions. She said a draft was brought forward to the board and after a couple work sessions they were able to discuss how various aspects of these suggestions would work. She added that this would provide a little stimulus that is needed in Marion County. She said this would provide an incentive for people that are thinking about building. Commissioner Milne asked Mr. Worcester what size house or building this deferral would include. Mr. Worcester said it would capture all single-family dwellings, some multi-family up to a certain size, light commercial office space, agricultural buildings and nursing group homes. She said she wanted to reiterate that there is a \$75 fee to cover recording expenses. She wanted to clarify that this program is for a period of six months. This will be a test to see if it does stimulate some building and the program will be monitored. At the end of six-month period the program could be extended, changed or terminated. September 1, 2009, through February 28, 2010, is the time period when an applicant for a building permit may elect to defer payment of SDCs of up to \$5,000 until a certificate of occupancy is issued for the building subject to the SDCs. She commented that if an applicant came in on February 28, 2010, to apply for the deferral, there would still be time for the construction. The certificate of occupancy will not be issued until the SDCs are paid, but there is no time limit.

Commissioner Carlson said she is in favor of these recommendations and hopes that it has an impact on the economy. She stated she would like a report the first part of February of how this program worked because this would give the commissioners time to decide if they would like to extend the program or not. She added she would like to hear from someone in the homebuilders association before the end of the six months to get input on how they think the program is working as well.

Commissioner Brentano said he is in support of these recommendations and hopes it provides an incentive for someone to move ahead with their building.

**MOTION:** Commissioner Carlson moved approval of a resolution that defers collection of systems development charge (SDC) payments of up to \$5,000 from September 1, 2009, until February 28, 2010. Seconded by Commissioner Brentano; motion carried. A voice vote was unanimous.

#### PUBLIC WORKS - PLANNING

2. Consider order dismissing appeal and adopting hearings officer's decision granting conditional use, case #CU08-53, Smith, Clerk's File #5612. – Joe Fennimore

Joe Fennimore, planning, said the item today is an appeal of an application to place a non-farm dwelling on a 28.5 acre parcel in a special agriculture zone located at 13486 Parrish Gap Road

SE, Jefferson. After holding a public hearing, the hearings officer found the applicant met the criteria and approved the request subject to meeting certain conditions. The applicant appealed the decision because the condition of approval would not allow a joint access with property to the northwest. On April 22, 2009, the board accepted the appeal and scheduled the matter for a public hearing on May 20, 2009. On May 5, 2009, the applicant requested the board hearing be delayed indefinitely and on May 6, 2009, the board cancelled the hearing scheduled for May 20, 2009. On August 14, 2009, the applicant submitted a letter withdrawing the appeal. Mr. Fennimore stated the board had two options. The first would be to accept the withdrawal, dismiss the appeal and adopt the hearings officers's decision as their own that approves the conditional use. The second option would be to deny the withdrawal and schedule a public hearing at some point in the future.

Commissioner Brentano asked if he could assume that something was worked out to everyone's satisfaction. Mr. Fennimore said the applicant wanted more time to look at engineering options and see if there was a way he could raise the grade of the road. The engineering section of Public Works went out and did a study. Their conclusion was there was nowhere along the frontage area that would be suitable for a safe access. After talking with the applicant, it appears that he is going to try to get access from the south from another neighbor.

Commissioner Milne confirmed the applicant has terminated their appeal trying to find another way to get access. She confirmed that if the board dismisses the appeal and adopts the hearings officer's decision and should the applicant find some other access, he could come back and apply for the new access. Mr. Fennimore stated that was correct.

**MOTION:** Commissioner Brentano moved approval of an order dismissing the appeal and adopting the hearings officer's decision granting conditional use, case #CU08-53, Smith, Clerk's File #5612. Seconded by Commissioner Carlson; motion carried. A voice vote was unanimous.

**PUBLIC HEARING**  
**9:30 a.m.**

None.

Commissioner Milne adjourned the meeting at 9:28 a.m.

**Attachments:**

ABOVE MINUTES APPROVED

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CHAIR

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COMMISSIONER

\_\_\_\_\_  
COMMISSIONER

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