



MARION COUNTY BOARD OF COMMISSIONERS

Management Update Minutes

Monday, October 5, 2020, 9:00 a.m.

Courthouse Square, 555 Court St. NE, Salem
5th Floor, Suite 5231, Commissioners Boardroom

ATTENDANCE:

Commissioners Colm Willis, Sam Brentano and Kevin Cameron, Tom Rohlfling, Jane Vetto, Brian Nicholas, Tamra Goettsch, Brandon Reich, Joe Fennimore, Chris Trussell, Kent Inman, Jason Schneider, Barb Young, Lisa Trauernicht, Jolene Kelley, and Kristy Witherell as recorder.

Colm Willis called the meeting to order at 9:00 a.m.

INFORMATIONAL:

Building and Planning Update on Wildfire Permitting

- Russ Dilley, Tom Kissinger

Summary of presentation:

- After working with the cities and the property owners for years, this is an important document;
- Would like to memorialize these discussions in a policy document;
- Building and Planning Department created a packet for those affected by the wildfires:
 - It will be a very comprehensive packet; and
 - A revision date will be on the front of the packet.
- In Oregon Revised Statute (ORS), there is a one-year time limit to rebuild after destruction for a non-conforming building;
- A lot of the buildings that were burned are non-conforming;
- Ms. Young provided a letter on behalf of the board to the legislature to delay the date from three to five years;
- The ORS language says, "shall commence within one year":
 - Public Works will memorialize in a policy that commencement means debris removal within one year:
 - If a homeowner is removing debris, the intent is rebuilding and reusing the property.
- Looking for board support to use a land use application to affirm a non-conforming status;
- Linn County does non-conforming administrative reviews for property owners where they have up to 11 years to implement that review;
- If a non-conforming use is so outrageous, there would be the ability to appeal:
 - Would go to the neighbors and could be appealed to the board.
- Can live in an RV on their property up to 120 days in a calendar year;

- If people are living in RV's for more than 120 days, the county may need to speak with property owners regarding their long-term plan;
- May need to send a letter in May 2021, to show that they are working with the property owners;
- Building Code is aware that they will need to do some temporary hiring of plans examiners and additional staff to review residential and building plans:
 - May be able to execute third party contracts or intergovernmental agreements with other government entities:
 - The county has intergovernmental agreements with the City of Salem;
 - City of Woodburn; and
 - City of Silverton that can help assist with building plans.
 - It takes one to two and a half weeks on average to inspect building plans.
- The commissioners would like to flag applications for building permits from the canyon as a priority:
 - Public Works is currently flagging these permits.
- Renata Wakeley will be creating a flowchart for rebuilding and where they intersect with the city and the county to help the residents understand the process;
- The commissioners would like Public Works to identify choke points of getting permits;
- The Department of Environmental Quality (DEQ) has a set of policies they use when they implement local programs:
 - Marion County has a set of their own;
 - DEQ is not up to speed in the same way the county is in response to the fire; and
 - Marion County has a very experienced sanitarian on board and has hired a new one.
- Now is the time to discover if a septic system is water tight:
 - Existing drain fields can be used;
 - It is important not to drive over the drain field or septic tank while cleaning off the property;
 - Making sure a drain field is still operational is a case by case basis;
 - Hoping not to have to dig up each drain field;
 - If it was plastic piping, the county would want to look at it;
 - If the septic tanks would need to be replaced, the commissioners would like them to be replaced with like systems:
 - They do not want the homeowner to be obligated to have to install an upgraded system.
- Building Code recommends a 20 percent refund on plan review for structural permits related to the fire:
 - Would like to consider refunding fees to individuals that are having financial hardships;
 - Most of the fees will be covered by insurance;
 - The commissioners do not want to look like the county has profited or gained from this loss; and

- System Development Charges (SDC's) will not be an issue because they have already been paid.
- Will connect with the city and COG to streamline this process as much as possible;
- The building official has the ability under the current code to do an alternate materials and methods approval to go back and use previous codes when rebuilding;
- Encouraging property owners to incentivize people to be energy efficient homes;
- The board is supportive of the building official's judgement on individual cases refunding fees for property owners who were in the middle of remodels;
- The cities contract with COG to do certain work:
 - The cities have the ability to answer basic land use questions, but COG handles their land use cases;
 - When the cities do not have a city hall to answer the basic land use questions, they are going unanswered;
 - COG does not have enough staff to answer the questions and the city does not pay COG for those services; and
 - The county will work with COG to help answer questions of constituents.
- LCDC is considering temporary rules to allow shelter for homes for individuals displaced by wildfires:
 - The earliest they will adopt it is October 22, 2020; and
 - Since it is a temporary rule, it is only good for 180 days.
- Public Works will be watching legislation.

COMMISSIONERS' COMMITTEE ASSIGNMENTS AND UPDATE:

Sam Brentano:

- Attended MWACT Meeting:
 - Adding safety measures on Cordon Road from Lancaster Drive to Gaffin Road; and
 - Proposing bus service on 99E from McMinnville to Junction City.

Meeting adjourned at 9:55 a.m.

COMPLETED BY: **Kristy Witherell**

Reviewed by: Joanna Ritchie