

# CLACKAMAS COUNTY BOARD OF COUNTY COMMISSIONERS

## Policy Session Worksheet

**Presentation Date:** 10/06/20    **Approx. Start Time:** 1:30pm    **Approx. Length:** 30 min

**Presentation Title:** Development Services Wildfire Response Plan

**Department:** Transportation and Development (DTD)

**Presenters:** Dan Johnson, DTD Director; Cheryl Bell, DTD Assistant Director

**Other Invitees:** Matt Rozzell, Building Codes Administrator; Jennifer Hughes, Planning Director; Rick Nys, Development Engineering Supervisor; Erik Englebert, Development Review Supervisor (Septic/Onsite Wastewater).

### WHAT ACTION ARE YOU REQUESTING FROM THE BOARD?

This session has two goals:

- **Information** – Share Development Services' plan for supporting recovery efforts for residents with property affected by the recent wildfires
- **Action** – Seek Board support for development of a program to allow temporary residence of an RV or trailer if a primary residence was lost in the wildfires, and Board approval of related fee waivers

### EXECUTIVE SUMMARY:

As our community begins recovery from the recent wildfires, DTD's Development Services (Surveyor's Office, Sustainability and Solid Waste, Planning, Septic & Onsite Wastewater, Building Codes, and Development Engineering) will play a key role as property owners repair and rebuild their damaged or lost structures, and recreate their homes.

DTD proposes providing customers with the resources needed to foster recovery in the following ways.

### **Outreach and Information**

In coordination with the County Emergency Operations Center (EOC) and EOC PIO (Public Information Office), provide customers with specific and clear information on the repairing and rebuilding process. The framework we propose using follows the excellent example of Napa County, which led extensive recovery after the Hennessey Fire. The six pillars of this information program are:

1. Clear debris
2. Obtain financing
3. Prepare your plans
4. Obtain your permits
5. Construct and inspect
6. Move in!

**Status:** Underway. DTD is coordinating with the EOC to include this content on the County’s “returning home” website, DTD’s permitting websites, and in hard copy as part of the returning home information packets and to share at resource centers.

## Enhanced Customer Service

Development Services is known for great customer service, and Clackamas County professionalism and care. To assist customers during this challenging time, we plan to provide the following enhanced customer service options for those rebuilding following the wildfires.

- **Building Codes and Planning staff at the County Molalla Recovery Center** to give residents direct in-person service as they seek to understand the rebuilding process.  
**Status:** Underway.
- **Replacement property liaisons.** When customers contact the County with wildfire rebuilding questions, and when they are ready to apply for permits to replace primary residences lost by the fires, they will be assigned to a Building Codes staff member who will serve as a primary point of contact. This will give each customer a single staff person to connect with throughout the process, and to work with as they complete their applications, go through plans review/permitting, and complete construction.  
**Status:** Underway. Staff liaisons are identified and are ready to perform this work.
- **Records search.** State Statute (OAR 166-150-0020(9)) requires residential building plans to be kept by a building department for two years. Additionally, it is standard industry practice to not keep plans longer than this due to the costs and limitations associated with maintaining a large catalogue of plans and project documents. DTD staff are working with the EOC to identify wildfire-damaged properties and look for any primary residences that are in this two-year window (meaning the County has the approved plan sets on site). Copies of any drawings that are found will be provided at no cost to the customer and, if the exact plans and building footprint will be used for rebuilding, plan review fees will be waived.  
**Status** – Underway.
- **Rapid Permitting.** DTD will provide a rapid Building Codes plan review process for customers replacing primary residences lost in the wildfires. These applications will be placed in the front of the building plan review queue when they come in, and expedited through the process. To do this DTD will need to add staff, as we already have high permitting volumes. We will do this by using existing third-party plans review and inspection contracts and establish Intergovernmental Agreements (IGAs) with other regional partners.  
**Status** – Planned. Third party contracts are in place and work is underway on IGAs.

## Support with Immediate Recovery

To support immediate recovery for those impacted by the wildfires, DTD is proposing two programs:

1. Pathway for temporary residence of an RV or trailer if a primary residence was lost in the fires, and
2. Fee waivers to assist the community with site clean-up.

**1. Pathway for Temporary Residence of an RV or Trailer**

DTD is working with County Counsel to develop an ordinance regarding permitting and enforcement of occupied RVs and trailers. The ordinance will allow those who lost a primary residence in the wildfires to live in an RV on their own property or on property where they are an invited guest. The ordinance will include a free permit for tracking these occupied vehicles, time limits, and proper sanitation requirements.

Additionally, DTD proposes that the Board approve waiving the following Building Code fees related to establishing electrical power and water/sewer service for temporary residences.

**Proposed Fees to be Waived for Temporary Residences**

Required Permit	Scope of work/type of fixture	Fee	*Additional 12% State Surcharge	**Total Fee to Be Waived
Electrical	Temp Const Service/Feeder <200 Amps	\$94.00	\$11.28	<b>\$105.28</b>
Plumbing	0-50 linear ft. for <b>water system</b> -or-	\$87.00	\$10.44	<b>\$97.44</b>
	51-100 linear ft. for <b>water system</b>	\$145.00	\$17.40	<b>\$162.40</b>
Plumbing	<b>Septic Tank</b> connection first 50 ft or less	\$110.00	\$13.20	<b>\$123.20</b> to
	-ea. additional 100 ft or portion	+74.00	\$22.08	
	-or- Sewer Line <150 linear ft. for sanitary line	\$145.00	\$17.40	<b>\$206.08</b> <b>\$162.40</b>

*\*No surcharge would need to be paid out of pocket if we do not charge a permit fee.*

**\*\*Maximum total waived fee for required permits: \$473.76 (roughly \$474)**

In proposing these fee waivers it is important to note:

- We would waive fees for only wildfire-affected customers, only for the permits identified above.
- The cost of providing these waivers would be absorbed by the Building Codes fund. By Oregon Statute, Building Codes is a dedicated fund, and the cost of these lost revenues will be absorbed by its reserves.
- At the time this is being written, there are an estimated 53 primary structures destroyed and 43 properties with unknown status. If one-third to one-half of these property owners establish a temporary residence, the total value of waived fees would be \$15,160 to \$22,740.

**Status** – Underway. The ordinance is being developed and, if the Board directs staff to continue pursuing this program, the completed ordinance and fee waivers will be brought to the Board for approval in the near future.

*Today staff is seeking direction from the Board on proceeding with development of this ordinance and the fee waiver program.*

## 2. Fee Waivers to Assist the Community with Site Clean-Up

The fire damage assessment teams have noted the need for tree removal that could involve street closures, and for minor driveway (entrance) repairs to access sites. To support this effort, DTD requests the Board approve waiving the following Development Engineering fees related to driveway repair, and road closures for tree or other large debris removal. Please note that these fees are scheduled to increase on January 1, 2021, so both the current and future fee amounts are listed in the following table.

### Proposed Fees to be Waived– Development Engineering

Required Permit	Scope of work/type of fixture	Current Fee to be Waived	Fee Beginning 01/01/21 to be Waived
Entrance	Permits for existing driveways. (For repairs needed due to wildfire. This would commonly involve culvert repair or replacement).	\$150.00	\$300.00
Right-of-Way	Temporary road closures for tree or large debris removal	\$350.00	\$500.00
Right-of-Way	Traffic control related to tree or large debris removal (similar to the road closure fee above).	\$200.00	\$300.00

In proposing these fee waivers it is important to note:

- We are requesting to waive fees for only wildfire-affected customers, only for the permits identified above.
- Any cost related to providing these waivers would be absorbed by the Road Fund, which is a dedicated fund.
- At this time, we do not know how many in the community will need these services, and therefore we are not able to estimate the costs of waiving these fees. We anticipate the need for right-of-way permits to be limited due to other debris management work underway by the EOC. Since any potential permitting revenue from these permits was not anticipated when creating the approved budget, we will not see a decrease in revenues from this action. Additionally, we are not proposing adding staff to perform the related inspections, so expenses will not increase.

**Status** – Today staff is seeking approval from the Board to waive these Development Engineering fees for wildfire-affected customers.

### FINANCIAL IMPLICATIONS:

The proposals presented above have the following financial impacts on the county.

- **Building Codes Division Additional Staffing.** With the implementation of rapid permitting, we will need to add Building Codes staff to meet wildfire and regular permitting needs. We will do this by using on-call staffing via established third-party plan review and inspection contracts, and intergovernmental agreements (IGAs) with partner jurisdictions. While we do not yet know the amount of additional staff time, we do know that the cost of one year of 1.0 additional staff using these types of agreements is

approximately \$93,000. The Building Codes Division allocated \$140,000 in the FY 20/21 budget for professional service staffing, and these funds will be used to cover the costs for this additional staff. The Building Codes Division is a dedicated fund, and no general funds will be used.

- **Development Engineering Waived Fees.** We believe waiving fees for entrance permits, road closures, and traffic control for wildfire-affected properties will have a limited financial impact. While we do not know how many residents will need these services, we anticipate the need for right-of-way permits to be limited due to other debris management work underway by the EOC. Since any potential permitting revenue from these permits was not anticipated when creating the approved budget, we will not see a decrease in revenues from this action. Additionally, we will not add staff to perform the related inspections, so expenses will not increase. Lastly, Development Engineering operates as part of the Road Fund, so any cost impacts will be supported by the Road Fund. No general funds will be used.

DTD has also been asked about waiving all replacement residence permitting fees. We are not proposing this for the following reasons.

- Application, plan review and permitting fees are fees for service – they directly pay for staff to perform the work and provide the customer service related to submitted applications. Without the revenue from these fees, we would not be able to provide service to people with wildfire damages or to anyone else.
- Rebuilding projects can last several years and, especially when complicated with insurance requirements, can lead to the fees needing to span fiscal years. This results in the fees being limited when covering the costs associated with supporting a multi-year project.
- Lastly, it is typical that these fees are included in insurance settlements, so customers will have these fees included as part of their reimbursement.

#### **STRATEGIC PLAN ALIGNMENT:**

How does this item align with the County's Performance Clackamas goals?

- Build public trust through good government.
- Ensure safe, healthy and secure communities.

#### **LEGAL/POLICY REQUIREMENTS:**

In accordance with County Code Sections 1.01.090 and 9.02.320, the Board must grant approval to waive fees.

#### **PUBLIC/GOVERNMENTAL PARTICIPATION:**

As noted above, DTD is coordinating closely with PGA and the Emergency Operations Center PIO on outreach and communication. As we evolve our services, this partnership will continue so customers have real-time information.

**OPTIONS:**

1. Temporary residences (Building Codes)
  - a. Direct staff to proceed with development of an ordinance and fee waiver program that allows those who lost a primary residence in the wildfire to establish temporary residency in an RV or trailer, or
  - b. Decline to move forward with a program to establish temporary residency in an RV or trailer at this time.
2. Immediate recovery (Development Engineering)
  - a. Approve waiving Development Engineering fees related to immediate recovery as listed above, or
  - b. Approve waiving Development Engineering fees related to immediate recovery, with revisions, or
  - c. Decline to waive fees Development Engineering fees at this time.

**RECOMMENDATION:**

Staff respectfully recommends the Board approve:

- Option #1a, to proceed with development of an ordinance and fee waiver program that allows those who lost a primary residence in the wildfires to establish temporary residency in an RV or trailer, and
- Option #2b, to waive Development Engineering fees related to immediate recovery as presented in this worksheet.

**SUBMITTED BY:**

Division Director/Head Approval \_\_\_\_\_

Department Director/Head Approval   *Dan Johnson*  

County Administrator Approval \_\_\_\_\_

For information on this issue, please contact Cheryl Bell @ 503-742-4721
--------------------------------------------------------------------------