



Marion County

OREGON

PLANNING COMMISSION

George Grabenhorst - Chair
Mike Fischer - Vice Chair
Patricia Fischer
Dan Goffin
Mike Long
Carla Mikkelson
Gary Monders
Ken Rasmussen

PLANNING COMMISSION MINUTES

DATE: February 5, 2008
TIME: 6:30 p.m.
PLACE: Marion County Senator Hearing Room

Present: Commissioners Grabenhorst, M. Fischer, Monders, Rasmussen, Mikkelson, Long, P. Fischer and Goffin

Absent: None

Chair Grabenhorst called the meeting to order and reviews the rules and procedures for the hearings.

1. Public hearings:

- SUB07-19. Request for conceptual and detail approval to subdivide 17.7 acres into 5 lots in an AR-3 zone located in the 9000 block of Silver Falls Highway SE, Aumsville.

Joe Fennimore, Principal Planner, reviewed the staff report for the PC.

David Dahl, applicant, 2405 W. Tortola Bluffs Dr., Tucson, testified he lived in the area for many years and has now inherited the property from his parents. He stated the SGO review was done and showed adequate water in the area.

Kathleen Riesterer, 9027 Silver Falls Dr., testified she lives across the street, the property is in grass seed and has been for many years as a lease. She stated she has lived there for years, there is a lot of traffic as the road is a state highway, and development will bring more traffic, which is unnecessary. Mr. Goffin asked if she has water problems? Ms. Riesterer responded only in the summer due to area irrigation wells, but rarely is it a problem.

Maria Githens-Reid, 5987 Shaw Center Pl. SE, testified by submitting a letter in opposition and a petition signed by “many” people expressing concern for the water quality in the area, pollution from additional septics, drainage issues, loss of agricultural land, change in the character of the land and possible wetlands.

David (last name intelligible and did not sign up), 1145 14th St. NE, Salem, testified he read an article in the Oregonian on new development not paying for itself and the PC should consider that information.

There was no rebuttal from the applicant. A motion was then made and seconded to close the public hearing. The motion passed, unanimously. Mr. Goffin stated he is familiar with the area and it does have some water shortage in spots due to lots of irrigation. He is concerned about allowing development and then folks run out of water. Chair Grabenhorst stated the applicant met the SGO burden and, while the water issue may need to be fixed, it's the state's problem and they have the power. Ms. Mikkelson asked about the SGO-6 designation within an AR-3 zone? Mr. Fennimore explained the SGO-6 is only an acreage trigger for review and is not related to minimum lot size. He explained this came from the Kienle report and was based on information collected as part of the water study. A motion was then made and seconded to grant conceptual and detail approval with the 12 conditions of approval in the staff report. A motion was made and seconded to amend that motion to limit the number of lots to only 3 with the conditions of approval in the staff report. Mr. Fennimore reminded the PC that 3 lots would make this a partition and not a subdivision. The motion to amend failed, 2-6. Another amendment to the original motion was made and seconded to approve only 4 lots with the 12 conditions of approval as outlined in the staff report. The motion failed, 2-6. The PC then voted on the original motion and it passed, 7-1. The dissenting member did not provide additional comment.

- SUB07-12 (cont. from 12/18/07). Request by Elkhorn Golf and Resort, LLC for detailed approval to implement the conceptual approval granted for Elkhorn Estates Planned Development in Plat Case No. 879 (P879) and Marion County Ordinance No. 677, which includes subdividing 65.3 acres into 153 lots (150 single family dwelling lots, 1 condominium lot, and 2 commercial lots) on a total of 464 acres. The property is zoned AR-LU (Acreage Residential – Limited Use Overlay), P (Public), and TC (Timber Conservation) and located at 32295 North Fork Road SE, Lyons [T9S; R3E; Section 10; tax lots 200, 500, 600, 700, and 800 and Section 11; tax lots 400, 401, and 500].

As no new evidence had been presented since the record closed, Mr. Fennimore outlined the need to make a decision or recommendation on the subdivision, new conditions proposed by the applicant, goal exception request, and staff recommended conditions. Mr. Fennimore explained the PC could make a recommendation on all of it as a package to the Board. Chair Grabenhorst commented the group would take the issues and conditions one-at-a-time.

Mr. Goffin stated that the current request is on a much larger scale, with condos and a hotel, than the original and he is concerned with the lack of infrastructure. Ms. Mikkelson stated that is the crux of the issue – are the changes significant or not? Chair Grabenhorst asked if anyone had concerns over the sewage treatment plant? Mr. Fischer replied it will require DEQ approval and watched by that agency very closely. Chair Grabenhorst asked if anyone had specific comments or concerns about road access? Ms. Fischer replied the road has been there for a long time, people know what it's like, and the developer is putting up \$1million for road improvements, although there is no assurance the money will be used by the county for that road. Mr. Long suggested signage on Gates Hill Road “steering” drivers eastbound. Mr. Goffin stated the condition of the road will be harmed with the development and additional traffic and he wants a fee on users of the development to go into escrow to fix the

road as the county lacks sufficient funds and the new owners will want it fixed. Mr. Goffin added he doesn't want to require funds up front but wants a pot of money (established) to maintain the road. The PC then discussed using SDC funds, creation of a hotel tax, and requiring SDC funds used only for North Fork Road.

Chair Grabenhorst referred to conditions 4 (h) and (i) of the September 26, 2007 staff report requiring the developer to make a proportional share contribution to the cost of a pavement overlay of the North Fork Road pavement. A motion was made and seconded to approve the first (i) and second (h) (staff report had numbering error) as conditions of approval. The motion passed, 8-0.

Ms. Mikkelson stated it may be best to deal with the conceptual and detail issue first, rather than review conditions of approval as, if the decision is to deny detailed approval, reviewing conditions of approval wouldn't be necessary. The PC discussed and agreed with Ms. Mikkelson. Chair Grabenhorst referred to the September 26, 2007 staff report, #16, first bulleted item, regarding the current development proposal being consistent with the original conceptual approval? A motion was made and seconded to deny detailed approval. The PC then briefly discussed denying detailed approval with recommendations to the Board of Commissioners if the proposal is eventually approved. The motion failed, 2-6. No additional comments were made on the motion. Another motion was made and seconded to follow option #3 outlined in an undated staff handout titled "OPTIONS FOR THE PLANNING COMMISSION'S CONSIDERATION" which states that "*If unable to determine whether the proposal satisfies the conceptual approval, defer the decision to the Board of Commissioners with recommendations on part or all of the proposal, the 7 issues outlined below, and conditions of approval.*" The motion passed, 8-0. The Chair made a motion to clarify that the PC is deferring the goal exception issue and conceptual and detailed approval to the Board and recommending inclusion of conditions as modified by the PC. The motion was modified by the maker to include the conditions of approval requested for inclusion by the applicant in their December 11, 2007 memorandum to the PC. The motion was seconded and passed, 8-0.

A motion was made and seconded to approve modification to condition of approval #21 as outlined in the fourth bulleted item in the "OPTIONS FOR THE PLANNING COMMISSION'S CONSIDERATION" memorandum where the applicant is requesting a maximum of 200 square feet of signage on each side of North Fork Rd.. The motion passed, 8-0.

After discussion on need and suitability, a motion was made and seconded to deny the applicant's request for 5 lodging rooms in the clubhouse as outlined in the fifth bulleted item in the "OPTIONS FOR THE PLANNING COMMISSION'S CONSIDERATION" memorandum. The motion failed, 2-6. No further discussion on the failed motion was made.

The PC then briefly discussed the planned phasing of the development. A motion was made to recommend the Board use the 27 conditions of approval in the September 26, 2007 staff report (page 23-27) as modified by the PC. The motion passed 8-0.

A motion was made and seconded to approve the first bulleted item under #16, page 22 of the September 26, 2007 staff report, regarding the applicant's request for eight additional lots

located at the eastern end of the single family development to be developed for condominiums, if needed. The motion passed, 8-0.

A motion was made and seconded to approve the third bulleted item under #16, page 22 of the September 26, 2007 staff report, regarding a boutique hotel with 40 rooms for overnight accommodations placed in the commercial area. The motion passed, 7-1 and the dissenting member did not comment.

A motion was made to approve the sixth bulleted item under #16, page 23 of the September 26, 2007 staff report, regarding the applicant requests for clarification on the conflicting condition regarding the golf course being in a separate ownership from the remainder of the development. It was noted that this condition had already been reviewed and approved as one of the 27 conditions outlined in the September 26, 2007 staff report. As such, the motion was withdrawn.

The PC discussed whether or not the goal exception is necessary as part of the current application and whether the applicants appear to have met the burden or not. Chair Grabenhorst commented it was not originally required, what has changed since then and what are the PC's options? Jo Stonecipher, Legal Counsel, briefly explained that Goal 11 has changed and outlined the rule. She added Goal 14 has changed somewhat and explained the options available for the PC on this issue. Mr. Fischer stated the issue is very complex and legal and suggested the PC send the issue to the Board without a recommendation. A motion was then made and seconded to pass the issue to the Board without recommendation. The motion passed, 7-1. The dissenting member did not provide comment.

A motion was made to develop a greens' fee, hotel/room tax and condo rental fee of 9%. The PC discussed imposing a user tax and Ms. Stonecipher explained the legalities of requesting the Board impose a new tax in Marion County. Based on the difficulty and legal issues involved in attempting to impose a new tax, the motion was restated by the maker to impose a greens fee, hotel fee and condo rental fee of 9% with funds collected from these fees used to maintain North Fork Road and Gates Hill Road. The PC discussed that these funds won't fix all of the road-related problems but it will help. A motion was made to amend the motion to recommend the Board and developer work together to develop a long-term funding mechanism, in the form of user fees for condo rental, homeowners fees, hotel fee, and greens fee, on the development with funds collected going to maintenance of both roads. The motion to amend was seconded and discussion followed on these types of fees not being paid by all users of these two roads. The amended motion passed, 6-2. The two dissenting members did not provide additional comment.

Mr. Fennimore then briefly reviewed the 20 proposed conditions of approval submitted by the applicant in their December 11, 2007 memorandum to the PC. A motion was then made and seconded to include these as conditions of approval as modified by the PC. The motion passed, 8-0.

3. 2008 Election of Chair and Vice-Chair.

A motion was made and seconded to retain the current Chair (George Grabenhorst) and Vice-Chair (Mike Fischer) for 2008. The motion passed, 8-0.

4. Adjournment.

There being no further business, the Chair adjourned the meeting.