



Marion County

OREGON

PLANNING COMMISSION MINUTES

PLANNING COMMISSION

George Grabenhorst - Chair
Mike Fischer - Vice Chair
Paulette Alexandria
Stanley Birch
Glenn Holum
Mike Long
Carla Mikkelson
Gary Monders
(vacant)

DATE: February 7, 2012
TIME: 6:30 p.m.
PLACE: Marion County Board of Commissioners Hearing Room

Present: Mike Fischer, Gary Monders, Mike Long, Stanley Birch, Glenn Holum and Paulette Alexandria, George Grabenhorst and Carla Mikkelson

Absent: None

Chair Grabenhorst called the meeting to order.

1. Work session on proposed revisions to Marion County Code, Title 17 (Rural Zoning Code).

Joe Fennimore, Principal Planner, reminded the PC that the official record was still open for written comments on the sign code. He indicated no comments had been received to date and if any are submitted he will send them to the members. Ms. Mikkelson added she contacted a number of people letting them know about the additional time and if no comments are submitted she is satisfied the PC has provided sufficient opportunity. Chair Grabenhorst asked for clarification that these sign code changes are for businesses in the airport and Mr. Fennimore replied that was correct.

Chair Grabenhorst asked for discussion on the agri-tourism amendments and Mr. Monders asked for clarification on making the restrictions more but not less restrictive and Mr. Fennimore replied that was correct. The group discussed recommending a minimum lot size for the permits that do not have one and Mr. Fennimore added staff will probably determine a property must have farm deferral, which would make it difficult for a small parcel to be approved. The PC then discussed the possibility of 72 hour rock concerts, for example, and how that might impact the rural area. Mr. Fennimore replied something like that would probably be a mass gathering and require that type of permit. Discussion then followed on the 72 hour restriction and whether that includes set up and tear down and amplified sound and how these might be enforced with limited sheriff patrol.

Mr. Monders asked about use of existing structures, such as barns, and Mr. Fennimore explained if the structure was ag-exempt it could not be used. Brief discussion followed on restrictions on use of buildings for the events and life and safety requirements. Ms. Alexandria asked what type of events these might be and Mr. Fennimore replied that won't be known until an owner applies for a permit. Ms. Mikkelson asked how these might impact farm operations that currently hold events and Mr. Fennimore replied that has not yet been

determined but staff would consider how the event is tied to the existing farm use. Ms. Alexandria expressed concern about how well sound travels in the rural country and feels this will be the biggest issue. The PC discussed noise issues and the existing county noise ordinance.

Ms. Alexandria asked what the county options are and whether SB960 indicates a county may authorize the one-time permit and one of the other three options and Mr. Fennimore replied staff has interpreted SB960 as allowing all four or none. The PC briefly discussed that any regulations implemented could be challenged in court. Chair Grabenhorst stated he would like to see some type of setback from property lines and members agreed. Ms. Alexandria reiterated her concern on amplified sound, dust from additional cars, trash, etc. She also expressed concern with how applicants will tie an event to farm use and the PC discussed interpretation of the requirement of “being incidental to farm use”. Mr. Birch added he understands farms need to make income however they can and that some of these farms do quite a bit for charities. He also wondered if these farms holding these events will have to obtain one of these permits? Mr. Fennimore replied that these types of commercial farms are holding activities as part of the commercial farm use and would not need to obtain additional permits to continue. The PC also discussed issues with holding events on fields and creating possible fire hazards and events being held in other areas throughout the region and whether people could hold events at county parks. Ms. Alexandria discussed setback and amplified sound regulations from other jurisdictions and suggested any event using amplified sound be held indoors only, with the one event permit. Mr. Monders reminded her of the existing county noise ordinance and the group discussed those requirements and how it is difficult to implement.

Chair Grabenhorst suggested a one year review be included in the ordinance to allow the PC to review any applications submitted, events held, and determine what works or what hasn't and make revisions as needed. Members agreed that it will help to see what happens out in the rural area once the permits are implemented. Chair Grabenhorst added he would like to see an increased setback as 100 feet is not sufficient and suggested 200 feet from the property line for the event and 50 feet for parked cars. Ms. Alexandria asked about riparian setbacks and Mr. Birch added the water feature is often the draw for an event and Mr. Monders wondered about enforcement. Ms. Mikkelson suggested adding a requirement to meet the county noise ordinance, just as an added precaution. The PC discussed what type of notice should be provided to property owners adjacent to a property proposing to hold an event. Mr. Fennimore explained current regulations require notice of 750 feet and Ms. Mikkelson commented that would be only one neighbor for her and others commented that was not enough. Ms. Alexandria suggested 1000 feet and Mr. Fennimore suggested 1500 feet as that is the setback for gravel pits and would be easy for staff to work. Mr. Fennimore added the current process has notice being sent out when the decision is made and not before. The PC discussed whether notice should be sent out ahead of time, cost of mailing notice being charged to the applicant, and who should provide notice. Ms. Alexandria asked about limiting events on gravel roads and Mr. Fennimore replied it may not be possible to limit use of county roads. Ms. Alexandria read a memo from DLCDC to Deschutes County regarding agri-tourism events and whether weddings would qualify as being associated with farm use. She suggested this is further support for putting in minimum lot sizes in addition to the 18 event permit and the group discussed how a setback would limit some smaller parcels.

The members discussed how to include reference to the county noise ordinance and it was suggested it be included as a condition of approval with the conditional use permit. Ms. Alexandria suggested the group focus on the three different conditional uses and what kinds of events would fall under each but other members replied it would be very difficult to determine what kind of events property owners might request.

Chair Grabenhorst summed up the recommended additions having been agreed to by everyone as including a condition to meet the county noise ordinance standards, a 200 foot event setback with 50 feet for parked vehicles, a notice to adjacent property owners within 1500 feet of the decision, and review by the PC a year after the amendments are adopted. The group discussed whether or not notice could be done prior to the decision being issued and Mr. Fennimore indicated some types of land use applications were done that way in years' past. Ms. Alexandria expressed concern with not limiting the number of attendees, hours and cars for all of the four types. She added she would like the 72 hours to include set up and tear down. The other members felt including the day before and day after as part of the 72 hours might limit it too much and other members commented hours limitations could be changed later if needed. The PC further discussed who might request, and for what, the 18 event permit and how these would differ from approval of a farm stand and legislative changes made to state law regarding equine facilities.

A motion was made to forward to the Board of Commissioners the proposed amendments, as currently written by staff, including the requirements added by the PC: a condition to meet the county noise ordinance standards, a 200 foot event setback with 50 feet for parked vehicles, a notice to adjacent property owners within 1500 feet of the decision, and review by the PC a year after the amendments are adopted. Joe reminded the PC that the record was still open for comments on the sign code and offered to write up the amendments to include the changes and additions for the PC to review and another meeting. The Chair, with all members concurring, indicated they all were clear on the decisions made and would not need to review again. Comments were made that the members preferred to move the amendments along for anyone wishing to apply prior to summer. Mr. Fennimore asked if additional review was needed if there were no comments on the sign code? Chair Grabenhorst asked for a vote on the motion before starting discussion on the side code. The motion was seconded and passed unanimously, 8-0.

Karen Odenthal, Engineering, explained there was a remaining issue from a meeting last year where a group requested the county include wording on proportionality. The PC chose not to take action on the request and forwarded it onto the board. The group is still requesting it be included and staff has met and proposed different wording. Ms. Odenthal handed out the different proposed wording regarding imposing conditions of approval including justification showing how the requirements and costs were proportional to the need. Staff suggested modified wording and would like feedback from the PC. Chair Grabenhorst indicated he would need to refresh his memory on the meeting and discussion and Mr. Fennimore replied the concern was being required to make offsite improvements that were not tied directly to the development but if the improvements are not made, does the development proceed and would it be safe? Mr. Grabenhorst replied he is not in favor of requiring offsite improvements that, for example, are a half-mile away and asked if the board had any comments? Mr. Fennimore replied the board instructed staff to work with the citizen group and come up with some language. Ms. Odenthal commented it is staff's preference that no wording be included but, if required, staff recommends their wording. The PC discussed areas where offsite

improvements should have been included and were not. Chair Grabenhorst asked to take this under advisement and review the minutes from that last meeting and that would give the new members the opportunity to catch up with the issues and to discuss at the next meeting. The remaining members concurred.

Ms. Mikkelson stated she feels 500 sq.ft. for airport signs is excessive and the Woodburn Outlet stores are only at 300+ sq.ft. In reviewing other zones, only 300 sq.ft. of sign area is allowed and she didn't understand why the airport would be allowed larger signs. She also didn't understand the need as the airport does not have regular airlines and/or customers looking for airlines, restaurants, etc. Mr. Fennimore explained each sign can only be 100 sq.ft. for a total of 500. Ms. Mikkelson replied she understands but feels it is too large. The PC members discussed the need for signage, types of signs, purpose, etc. A motion was made and seconded that the sign code regulations covering the business center entrance signs at the Aurora Airport be limited to 300 square feet. The motion passed unanimously, 8-0. Chair Grabenhorst clarified that if no further comments are received regarding the sign code, the amendments will move forward to the Board? A motion was made and seconded that if no further comments are received regarding the sign code, the changes be made and included with the other proposed code amendments and forwarded to the Board. The motion passed, unanimously, 8-0.

2. Discussion on proposed Planning Division fee increases.

Chair Grabenhorst asked for discussion on this issue. Comments were made regarding the poor economic climate and a poor time to increase fees; engineering is not user-friendly and not inclined to approve a fee for that section; money is tight and the building industry needs support from government. Several members suggested considering this issue in a year, assuming business has increased. Another indicated any increase next year should be closer to 5% and not double digit. A motion was then made and seconded that no action on fee increases be done at this time and possibly be considered in 6 -12 months if applications are "coming in the door". The motion passed unanimously, 8-0.

3. Adjournment.

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