



Marion County OREGON

PLANNING COMMISSION MINUTES

PLANNING COMMISSION

George Grabenhorst - Chair
Mike Fischer - Vice Chair
Stanley Birch
Ryan Evenson
Mike Long
Carla Mikkelson
Gary Monders
Michael Shrock

DATE: October 19, 2010
TIME: 6:30 p.m.
PLACE: Marion County Public Works

Present: Commissioners Grabenhorst, Fischer, Monders, Long, Evenson, Shrock, Birch, and Mikkelson
Absent: None

Chair Grabenhorst called the meeting to order.

1. Public hearing:

- Legislative Amendment 10-001. Receive testimony on revisions to the Marion County Rural Zoning Code (Chapter 17 of the Marion County Code). The purpose of the revisions is to update the code to incorporate changes in Oregon Revised Statutes, Oregon Administrative Rules, general updating and clarification of regulations.

Joe Fennimore, Principal Planner, provided background information on the proposed amendments. He indicated information requested at a previous work session and revised amendments were mailed out, including minor changes to chapters 113 and 126. The PC discussed wind turbines and solar panels as possible new projects coming to the county for approval. Mr. Fennimore provided information on setbacks and permits needed. Mr. Monders asked, and the PC discussed, provisions in 17.126(k)(2) and the possibility of selling power back to PGE. Mr. Fennimore concluded his presentation by outlining the possible options for the PC.

Cindy Schmitt, Public Works Engineering, provided information on an issue the PC discussed at the work session regarding requiring a 125% bond. She indicated this is a standard practice that started over a year ago and handed out a list of reasons why to continue. She explained it costs more for the county to finish a project in the middle of construction if a contractor quits. Chair Grabenhorst asked how many have failed and Ms. Schmitt replied approximately 2-3 in the last five years. Her research indicated no one has been turned down, for the 125%. Ms. Schmitt reminded the PC that the bond is required only on the public portion of the project and it can be an escrow account, bond, letter of credit, etc.

The PC had no further questions for staff.

Alan Sorem, 250 Church St., Salem, testified he had submitted a memo regarding a request the PC review disproportionate share regulations included in land use decision conditions of

approval. He explained a new court ruling from the US Supreme Court now prohibits local governments from exacting a disproportionate share or implementing unrelated conditions of approval. On behalf of several groups, he requested wording related to this new court ruling be included in the county comprehensive plan requiring the county show how any conditions of approval are proportional to the impact of the proposed development. Mr. Shrock asked for examples and Mr. Sorem provided a few and outlined how the process currently works with the county and how it would work with limitations. Ms. Mikkelson asked if the formula the county uses is working? Mr. Sorem replied it depends on the case and, in his opinion, staff try to have a good analysis using the accepted formula.

Mark Shipman, 250 Church St., Salem, testified he is requesting the rural zone code be amended to allow events in the AR zone and submitted proposed wording. Mr. Shipman indicated this wording is similar to current home occupation standards permitted through the conditional use process. He indicated this is the result of a client unable to hold such events on their AR-zoned property, as outlined in a memo he submitted on 10/11/10.

Chair Grabenhorst declared he has met with the property owners and discussed the issue but this will not affect his decision-making. The PC discussed using a 2-acre minimum but the group all agreed that would be a very small size to hold an event without impacting neighbors. The PC also discussed how many 2-acre lots were currently in the AR zone in the county and felt it was a small number to consider making a major change to current regulations. Mr. Monders reiterated he felt 2 acres would be too small and with a great impact to neighbors and asked what the other members felt about using a 5-acre minimum? Mr. Birch added he lives on 5 acres and has neighbors that have frequent parties that cause his house to vibrate, from loud music. He added the proposed 10:00 p.m. limit is awfully late, 60 decibels is hard to measure and the Sheriff's Office is too busy to follow-up on noise complaints. The PC discussed notification of neighbors and how that might be done prior to any decision allowing an event. Mr. Fennimore indicated that could be incorporated into any permit process. Mr. Long stated he feels the minimum parcel size should be 5 acres at a minimum. The PC discussed making this issue countywide and impact to neighbors on small parcels. Mr. Monders added he is concerned that people live in the rural AR areas for peace and quiet and then asked how many 5 acre AR-zoned parcels exist in the county under farm deferral? Mr. Fennimore replied he would have to research that issue. The PC discussed lowering the number of guests, number per year, and a definition of "private event".

A motion was made and seconded to refer these two issues to a follow-up work session with Sterling Anderson, Planning Manager. The motion passed unanimously, 7-0. There being no further testimony, a second motion was made and seconded to close the public hearing. The motion passed unanimously, 7-0. A motion was then made and seconded to approve recommending to the board of commissioners the amendments to the rural zone code as proposed by staff, with changes as discussed and agreed to by the Planning Commission, and the two requests made by the general public be discussed at a work session for further review and possible recommendation to the board for action. The motion passed unanimously, 7-0.

2. Follow-up to discussion on System Development Charges.

Cindy Schmitt indicated Chair Grabenhorst had previously asked for a copy of current SDC charges and she provided the PC with a packet of information that reviewed SDC rates in five areas throughout the county. She explained the charges are done for reimbursement or improvement. The PC discussed how fees are then used and Ms. Schmitt explained they can be used anywhere, based on priority need and are project based. She added Marion County and the City of Salem only charge approximately 25% of what the accepted methodology indicates could be charged. The group then reviewed the charges and the

project list. Ms. Schmitt stated she is working on a new annual report due to the Board at an upcoming work session at the end of November. She added, based on a request from the board, she is setting up a task force to review this information and help staff identify issues. Mike Fischer and Carla Mikkelson volunteered. Ms. Schmitt then reviewed the methodology, indicating the rates haven't changed in 2 years due to the poor economy. The PC had no further questions.

3. Adjournment.

Mr. Fennimore announced the next meeting, a work session to discuss the two requests by the general public for events in the AR zone and proportionate share regulations, will tentatively be scheduled for November 10, 2010, if the meeting room was available. There being no further business, the Chair adjourned the meeting.