



# ***Marion County***

## **OREGON**

### **PLANNING COMMISSION MINUTES**

#### **PLANNING COMMISSION**

George Grabenhorst – Chair  
Carla Mikkelson – Vice Chair  
Stanley Birch  
Mike Long  
Rick Massey  
Gary Monders  
Dennis Person  
(vacant)  
(vacant)

**DATE:** April 19, 2016  
**TIME:** 6:30 p.m.  
**PLACE:** Senator Hearing Room, 555 Court St. NE, Salem

Present: Stanley Birch, George Grabenhorst, Dennis Person, Carla Mikkelson, Mike Long, Rick Massey, and Gary Monders  
Absent: None

Chair Grabenhorst called the meeting to order:

1. Public Hearing:

Subdivision 16-001. Application of Paul Nezbeda for conceptual and detail approval to subdivide a 0.77 acre parcel into 6 lots in an RS (Single Family Residential) zone located at 4123 Hayesville Drive NE, Salem.

Joe Fennimore, Principal Planner, reviewed the staff report for the Planning Commission. Gary Monders asked about putting the easement for the new development on the same side of the subject property as an existing easement to the west. John Rasmussen, Public Works Land Development Engineering and Permits, explained it was created, the existing easement, before it was common to stipulate that the lane would need to be shared in the future. They cannot, now, make the property owners living off that easement change the road maintenance agreement to include an easement for this new development. Members discussed combining both easements into one. John explained this creates difficulty his office has encountered when trying to get property owners to accept maintenance for new development. The group asked about having the easements side-by-side, having Milton run all the way, and fire turnaround, which is planned.

Brian VanDetta, 63 E. Ash St., Lebanon, testified as representative for the applicant. Mr. VanDetta briefly reviewed the proposal using a blow-up of the plan. He stated he feels the proposal meets all of the code requirements and regulations, and accepts all of the conditions of approval except LDEP's. Mr. VanDetta testified he has met with LDEP staff and will do a non-remonstrance agreement for the improvements to Hayesville Dr. when that area is further developed. He requested that condition of approval be modified to allow use of the non-remonstrance agreement.

Mr. Rasmussen stated it was actually the suggestion of LDEP to defer Hayesville Dr. improvements due to recent grants being issued for a large-scale project to the east in that area. Staff is also pursuing a grant to make improvements to the west area. It is more beneficial, to the county, to have the developer make his contribution to the overall project. There will also need to be stormwater improvements made, but that is separate from the road improvements. Deferring improvement requested in this application will allow the county to do it all as one large project. The developer will contribute a proportional share of the costs and the work will all be done in 2018. Mr. Fennimore added if the PC chooses to make that change, it would be to condition #4(b).

The PC members briefly discussed making that change and how to appropriately word the revised condition and whether or not the 17 feet will still be improved. Mr. Rasmussen explained the terms of #4(b) will still be incorporated into the overall project and the easement will have sidewalk, gutter, etc. Drainage in this area is a problem and deferring this work to the larger project will help the county address this issue, as well.

There was no other testimony. Carla Mikkelson made a motion, which was seconded, to close the public hearing. The motion passed unanimously. Mike Long made a motion to modify #4(b) by inserting "Prior to plat approval, record a non-remonstrance agreement for the future improvements of the Hayesville Dr. property frontage." The motion passed, unanimously. Mike Long made a motion to approve conceptual and detail approval of the subdivision with the nine conditions in the staff report, as amended. The motion was approved, unanimously.

## 2. Zone Code and Recreational Marijuana Discussion

Mr. Fennimore gave the Planning Commission a brief update on an upcoming project for the group on possible regulations for recreational marijuana, if approved by the voters in November. He referred to information sent to the PC for review to determine time, manner and place regulations the county can put into place. Mr. Fennimore briefly reviewed what a few other jurisdictions are doing on this topic and explained production, processing, wholesale and retail. The group briefly discussed that medical marijuana regulations are not a part of this new set of regulations, the state has determined growing is now considered a farm use and the difference between wholesale and retail.

Chair Grabenhorst asked staff to prepare a handout outlining each zone and options for the county and what is allowed or not allowed. Mr. Fennimore gave the example of not allowing marijuana activity in the Acreage Residential zones and the members discussed. He added the farm use now allowed in resource zones by the state, will remove any options for discussion for those zones. Mr. Fennimore indicated he will prepare the outline and send it to the PC prior to a potential meeting later in May.

## 3. Adjournment.

There being no further business, the meeting was adjourned.