



# ***Marion County***

## **OREGON**

### **PLANNING COMMISSION MINUTES**

#### **PLANNING COMMISSION**

Carla Mikkelson – Chair  
Dennis Person – Vice Chair  
Stanley Birch  
Chris Enquist  
George Grabenhorst  
Mike Long  
Rick Massey  
Gary Monders  
Britany Randall

**DATE:** September 11, 2018  
**TIME:** 6:30 p.m.  
**PLACE:** Senator Hearing Room, 555 Court St. NE, Salem

Present: Mike Long, Carla Mikkelson, Stanley Birch, Gary Monders  
Rick Massey and George Grabenhorst  
Absent: Chris Enquist, Britany Randall, Dennis Person

Chair Mikkelson called the meeting to order.

#### 1. Work Session

- Discuss amendments to the Marion County Urban and Rural Zone Codes

Brandon Reich, Senior Planner, briefly went through his staff report outlining the proposed amendments that will cover legislative changes made through 2017:

- allow cider business similar to a winery;
- jurisdictions above a certain population have to allow accessory dwelling units (Marion County has already done this);
- allow ADUs in Acreage Residential zones and convert existing homes into ADUs;
- allow equine therapeutic and counseling facilities as a conditional use, limited to existing buildings, with license requirements. Staff is not recommending as Marion County already has a land use path to allow this type of use but does not have expertise to review the proposed license requirements.

Brandon then reviewed code amendments staff is requesting:

- Lyons has quite a few residences on commercial-zoned properties and owners have difficulty obtaining refinancing or sell the property because it is nonconforming. Remedies include rezoning, which would be time-intensive for county and city staff. Another option is to amend the code to allow residences in commercial zones in Lyons making the use no longer nonconforming;
- clarification in floodplain for standards to approve an emergency facility;
- clarification for front yard setbacks for accessory structures;
- does an issue referred to the PC by the Board of Commissioners require the PC hold a public hearing;
- hearings officer determined when having a residential use on rural land next to farming

or timber, there is a limit on the amount of adjustment to that setback that the property owner can request;

- clear up confusion in Conditional Use expiration, when a use stops;
- clear up confusion with regard to definition of kitchen currently being used and includes option for a domestic suite;
- permit wireless cell towers as outright use in Public zones, which currently go through a review similar to being placed in a residential zone;
- when to determine that a parcel needs septic service.

Brandon indicated the mandatory changes are relatively minor and he did not review them. He then asked which amendments the PC would like to review in more depth. Mr. Massey asked for clarification on the Lyons issue being used for other jurisdictions in similar situations? Brandon indicated it would just apply to Lyons for now as that city has unique land use issues, but that option could be used for other jurisdictions. Brandon clarified the definition of front yard for the front yard setback amendment. Ms. Mikkelson asked for an example of the Board's intent of not requiring the PC to hold a public hearing. Brandon replied the Board wanted to pose a question on solar farms to the PC, for feedback and recommendation, but discovered the code indicated a public hearing was required. Joe Fennimore, Planning Director, added staff has brought very minor code housekeeping amendments to the PC that did not really need a hearing. Ms. Mikkelson asked could the PC decide to hold a public hearing if it felt one was necessary? Joe replied he would find out. Brandon added the cider provision is only for apples and pears. Brandon clarified the amendment on septic systems is for parcels of 10 acres or smaller to require some kind of review for proof it can be served by a septic system.

The group briefly discussed the special setbacks for certain roads that require a 70 foot setback from centerline and the proposal is to reduce it to 50 feet. Mr. Grabenhorst asked how many roads in the county this would affect and Brandon replied it is mainly in the Brooks area. Joe added in those instances there is a problem because the front yard setback is 20 feet, for a total of 90 feet.

Ms. Mikkelson asked if a wireless facility has ever been denied? Brandon replied there have been some hearings with some opposition but none recently.

Mr. Grabenhorst asked if staff wants a recommendation on each amendment and Brandon replied after a public hearing. The group briefly discussed when to hold the hearing and Mr. Grabenhorst stated he feels, after this discussion, it is time to proceed to a hearing. Ms. Mikkelson stated the only one she has some concern about is the cell towers in Public zones. Some neighborhoods might want the opportunity to have a hearing. She would like a public hearing on the amendments to see if anyone expresses concern regarding that amendment. Brandon replied one option is to leave the code as-is that requires review and make no change. The group briefly discussed what might happen if a tower is located and a property owner objects. Brandon replied there are quite a few standards in place that these towers must meet when placing them in a rural residential or public zone.

Brandon handed out a packet submitted by a resident who is requesting the County consider allowing residential bee-keeping. He indicated the citizen will provide testimony on the request at the public hearing. The PC can then determine whether or not to consider the request along with the other amendments, make a recommendation to the Board not to

change the code or review the request separate from the other amendments.

There being no further discussion, the PC discussed holding a public hearing in October, with a date to be determined based on room availability.

Brandon provided an update to the PC on ADUs, indicating the Board chose to permit manufactured homes as ADUs but not RVs, as long as the manufactured home can meet the standards. The Board also adopted a different set of standards for the Salem/Keizer urban growth boundary to match Salem requirements, primarily setbacks. The Board also is allowing an ADU to be up to 25 feet higher than the height of the existing dwelling.

Mr. Fennimore provided a brief update on two state committees that are starting to deal with solar siting and the Marion County work group meeting to discuss solar sites in the county. All of the groups are continuing to meet.

2. Adjournment.

There being no further business, the meeting was adjourned.