



# ***Marion County***

## **OREGON**

### **PLANNING COMMISSION MINUTES**

#### **PLANNING COMMISSION**

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

**DATE:** October 13, 2015  
**TIME:** 6:30 p.m.  
**PLACE:** Senator Hearing Room  
555 Court St. NE, Salem

Present: Stanley Birch, George Grabenhorst, Dennis Person, Scott Anderson, and Gary Monders

Absent: Carla Mikkelsen, Mike Long, and Rick Massey

Chair Grabenhorst called the meeting to order:

1. Subdivision 15-003. Application for conceptual and detail approval to subdivide a 4.95 acre parcel into 24 lots in an RS (Single Family Residential) zone located in the former railroad right-of-way extending from west of Elma Avenue NE to east of 44<sup>th</sup> Place NE, and from Draper Street NE to east of Kenwood Street NE, Salem.

Chair Grabenhorst explained this meeting is for deliberations only and no testimony from the audience will be taken. He then asked staff for updates.

Joe Fennimore, Principal Planner, provided the PC with its options including 1) granting conceptual and detail approval of the Subdivision request as proposed; 2) grant only conceptual approval and be very specific on what is required for the applicant to provide to receive detailed approval at a later date; 3) deny the request; and 4) continue deliberations to another date.

Mr. Fennimore continued that during the open record period seven items were received and he briefly described the items as letters from Marion County Fire District #1, letter from Douglas Proffit, email from Randy Maxfield and Colleen Walker, two letters from the applicant's representative, Project Delivery Group, and memorandums from Public Works Land Development and Engineering (LDEP). Mr. Fennimore stated that the Fire Marshall conducted a site visit and provided additional information on turning radius, water supply requirements, no parking signs, road surface, and turnout standards.

Mr. Person asked if the referenced 20 foot driveable surface would be gravel or asphalt? Mr. Fennimore responded it would be asphalt. Mr. Monders asked about the letter from Douglas Proffit who had attempted to obtain a permit for a shop and was denied? Mr. Fennimore responded he did not know why a Planning staff person would have said that

and that he did not see a problem with a shop, provided it met setbacks. Mr. Birch asked about the same letter and comments regarding contamination? Mr. Fennimore replied he did not have information about any contamination. Mr. Birch then asked about the referenced PGE easement and Mr. Fennimore responded that would be up to PGE to enforce any easement they may have. Chair Grabenhorst added he assumes the PGE easement was for lines along the railroad and that is now defunct. Mr. Fennimore replied he did not know.

Mr. Anderson asked about the condition of the existing streets which have not been kept up and what are the plans for these streets? Will Public Works ensure the construction does not further deteriorate the roads? John Rasmussen, LDEP, replied the county will often video tape roads as to condition and could require the developer video tape these non-county maintained roads prior to constructing improvements necessary to receive the plat. He referenced his suggested requirements for the development which requires the developer to maintain the existing condition of the roads. Mr. Anderson replied he would be ok with it if the roads were in decent shape but these roads are deteriorated and it doesn't seem practical to have someone replicate the existing conditions. Also, with the fire district requirements, how do these play into any plans? Chair Grabenhorst interjected and asked if Public Works has any plans to bring these roads up to county standards? Mr. Rasmussen replied, no based on ORS limitations on how the county may expend resources on non-county maintained roads. Prior to approving the plat so the developer could obtain final approval, staff will conduct an inspection, and there is also a warranty period after that inspection. He added deterioration often happens after the developer has prepared the property, during construction of a house, for example. Mr. Rasmussen concluded it is not a good situation with the status of the roads but they see the benefit of the requirements being spread out over all of the development and not just a few streets. He added the fire district will often use a bit of latitude for private easements and allow less than 20 feet. He also referenced many cities with on-street parking and fire districts work within these situations. Mr. Person commented he measured some of the streets and there is quite a bit of parking and would the county post "no parking" signs and how would the county meet the fire district requirement – even at 16 or 18 feet? Mr. Fennimore responded the no parking requirement is only for the new sections of the streets and the fire district does not have the authority to impose that requirement on the existing sections of the streets. Mr. Rasmussen added even if the fire district asked for no parking the county would not have that authority.

Mr. Birch asked about the lack of setbacks from the private access easements and does the fire district know that? Mr. Fennimore replied the requirement was changed a few years ago to match the City of Salem and he does not know if the fire district is aware but assumes so. Mr. Rasmussen added, regarding private easements, most people build their homes away from the easement and often add a small yard or flower garden or shed, etc. He later added this is speculation on his part as to who will build the houses if the request is approved.

Mr. Person asked if most of the technical parts of the development have been worked out but not yet the cost of road maintenance? Mr. Fennimore replied that is probably correct but the issue with the fire district's additional requirements has not yet been addressed but will have to be and would be when the developer lays out the actual subdivision, doing the drainage easements, etc. He explained the process, if it is approved, is that there are conditions that must be met before the plat can be recorded, reviewed by the fire district and others. Sometimes actual paving is not required at that point, but after the

home is built – just for the private drives.

Mr. Person asked about turning off Kenwood and Mr. Fennimore responded the applicant's representatives have indicated they can meet the turn requirements but have not yet demonstrated that they can.

Mr. Monders asked about previous attempts to get a subdivision here and Mr. Fennimore replied there was a partition applied for that lapsed and a zone change for an apartment complex that was withdrawn due to conditions.

Chair Grabenhorst asked for motions as there were no further questions for staff. Mr. Anderson made a motion to grant conceptual approval for the subdivision with detailed approval being subject to the applicant meeting the requirements of the fire district as outlined in the September 22, 2015 letter. There was not a second and the motion failed to pass.

Mr. Person asked for additional discussion and indicated the existing road maintenance agreements for the current roads are unclear to him. Mr. Rasmussen answered the developer is willing to execute a road maintenance agreement on behalf of the existing home owners but that would require a collective agreement with the residents and involve financial capability and does not seem to happen. He added he does not believe there is a written document that the homeowners have to maintain the roads but it is implied through the ORS. Mr. Fennimore asked for a clarification and Mr. Rasmussen clarified there would be road maintenance agreements for the new road extensions and then separate agreements for the existing sections of the roads. These agreements are supposed to be conditions of approval but were not included, by omission. He asked the PC to consider adding this condition but Chair Grabenhorst replied it cannot be added at this time. Mr. Birch replied it could not be enforced. Mr. Person added it seems irresponsible to him to dump more houses in the area when the roads are not being maintained and no avenue to take care of the issue. Mr. Fennimore added it could not be done directly but the residents could do it themselves through a deed restriction. Mr. Birch commented he feels the PC is only seeing a small part of the changes that need to happen. Can the PC ask for an updated plan with information on the roads, turns for the roads, etc.? Chair Grabenhorst replied that would be difficult as it would involve re-opening the hearing, etc.

Mr. Monders made a motion to grant conceptual and detailed approval for Lots 1-7 only, until something is figured out for the rest of the area as Elma is one of the better maintained roads and see how that goes, but something needs to be addressed for the rest of the roads, especially Kenwood. Chair Grabenhorst asked for a more detailed motion. Mr. Monders added the developer could come back with the rest of the lots when something is figured out on the roads, whether it is done by the county or property owners. Chair Grabenhorst asked if that would be when the roads are brought up to county standards and Mr. Monders replied it wouldn't have to be to that level but better than they are now. Mr. Rasmussen commented it will never happen. Mr. Monders suggested using fire district standards. Mr. Fennimore responded if the intent is to allow the lots off Elma because of the adequate access and deny the rest of them based on lack of adequate access that could be ok but the PC couldn't grant a staged approval. Mr. Rasmussen asked for clarification that the discussion is lots that are served by the three county-maintained roads? Several members replied it is just Elma. Mr. Rasmussen replied there is also 44<sup>th</sup> Ave. and 44<sup>th</sup> Pl. that are county-maintained roads. Mr. Monders

asked if those are, in fact, county-maintained? Chair Grabenhorst replied they are paved and Mr. Rasmussen replied that is correct. Mr. Monders added then those lots could be added, 13, 14 and 15 and 16, 17 and 18? Mr. Fennimore responded lot 19 is also off 44<sup>th</sup> Place.

Mr. Monders amended his motion to grant conceptual and detailed approval for the lots that are served off the county-maintained roads of Elma Ave., 44<sup>th</sup> Ave. and 44<sup>th</sup> Pl. and they need to change the turnaround between lots 2 and 3 and it needs to be moved to between lots 3 and 4, as per the Marion County Fire District #1 requirements. Mr. Fennimore asked for a clarification that this would be to add a condition that the developer must meet the fire district recommendations? Chair Grabenhorst interjected this is already a condition and Mr. Monders withdrew that portion of this motion.

Chair Grabenhorst stated there is a motion on the table to grant conceptual and detailed approval of those lots serviced by Elma Ave., 44<sup>th</sup> Ave. and 44<sup>th</sup> Pl., the county-maintained roads, subject to conditions. The motion was seconded and passed unanimously, 5-0.

## 2. Adjournment.

There being no further business, the meeting was adjourned.