



# ***Marion County***

## **OREGON**

### **PLANNING COMMISSION MINUTES**

#### **PLANNING COMMISSION**

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

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

Present: Stanley Birch, Carla Mikkelsen, Mike Long, Rick Massey, Gary Monders and Dennis Person

Absent: George Grabenhorst

Vice-Chair Mikkelsen called the meeting to order:

1. Public Hearings:

- OS16-001. Application of the Confederated Tribes of the Grand Ronde Community for Special Assessment of Open Space Land (as provided by ORS 308A.300 to 308A.330) on 429.96 acres in and EFU (Exclusive Farm Use) zone located at 12291 Dieckman Lane SE, Stayton.

Joe Fennimore, Principal Planner, read a summary of the staff report. He explained this request came to the County and, based on state law, must be processed using the same procedures as a zone change/comprehensive plan. Based on that requirement, the Board of Commissioners forwarded the case to the Planning Commission for an initial public hearing.

Mr. Person asked if this type of special assessment will have the same requirement as farm deferral requiring the property owner to pay a certain amount of back taxes if taken out of the special assessment? Rob Witters, Marion County Assessor's Office, explained if the property is removed from open space assessment there would be some type of requirement to pay interest and penalties for the difference saved under the open space assessment.

Mr. Fennimore reiterated this is not a land use case and has no impact on the current or future zoning. The EFU zoning stays on the property.

Michael Karnosh, 9615 Grand Ronde Rd., Grand Ronde, as representative of the Confederated Tribes of the Grand Ronde Community, testified the tribe purchased most of the property in 2013 through the Willamette Wildlife Mitigation Program funded by Bonneville Power (BPA) and administered by the State of Oregon Fish and Wildlife. As part of this program, the Tribe applied to purchase this property from the previous owner. It has been farmed for a long time but the family was no

longer interested in farming and had intended to use it as a gravel quarry. The property has a long history with the Confederated Tribes. Mr. Karnosh continued that about two-thirds of the property is still in agricultural fields that will be phased out starting next year. Roughly seven years from now agricultural use will be done and the property will then be in restoration and control of invasive species.

Mr. Long asked about the future for the property and Mr. Karnosh replied the intent is floodplain/riparian forest, which was the historic condition of the property. There is a lot of old cedar and gigantic cottonwoods.

Ms. Mikkelson asked about the tax advantages and Mr. Karnosh replied BPA has a conservation easement over the entire property and the understanding is that the ag use will be phased out and then managed for wildlife habitat in perpetuity. If the Tribe ever decides to sell the property, there is a provision in the easement that it has to be offered to BPA, then to the State of Oregon, and then to two other Tribes.

There being no further testimony, a motion was made and seconded to close the public hearing. The motion passed, 6-0.

Mr. Person commented it seems to be a very straightforward application. There was no further discussion. He then made a motion to recommend to the Board of Commissioners to approve the request in Open Space #16-001. The motion was seconded and passed, 6-0.

- OS16-002. Application of the Confederated Tribes of the Grand Ronde Community for Special Assessment of Open Space Land (as provided by ORS 308A.300 to 308A.330) on 410 acres in and EFU (Exclusive Farm Use) zone located at 17294 North Santiam Highway SE, Stayton. (T9S; R1E; (Section 17; tax lots 400 and 500) and (Section 21; tax lot 100)).

Joe Fennimore, Principal Planner, read a summary of the staff report. There were no questions.

Michael Karnosh, 9615 Grand Ronde Rd., Grand Ronde, as representative of the Confederated Tribes of the Grand Ronde Community testified this property is upstream of Stayton and in a very important salmon habitat. It is different from the other property as a much bigger percentage of it is forest – three-quarters. It has no ag fields and may have been used for grazing of cattle. The intent is to establish a riparian forest and the Tribe will plant oak trees, cedar trees, etc. It was purchased through the same program as the other request and has the same conservation easement regarding use and sale. The first priority for the Tribe will be to control invasive species – it has a lot of scotch broom that will take a year or two to remove. After that, the Tribe will have a control program in place.

There being no questions or further testimony, Mr. Long made a motion to close the public hearing. The motion was seconded and passed, 6-0.

There was no discussion. Mr. Person made a motion to recommend to the Board of Commissioners to approve the request in Open Space #16-002. The motion was seconded and passed, 6-0.

Mr. Fennimore explained, for the benefit of a citizen that came to the first hearing after it had closed, that the Marion County Board of Commissioners will hold a public hearing on both

applications where he can testify. Mr. Fennimore added the Planning Commission recommendations will be included for the record.

2. Adjournment.

There being no further business, the meeting was adjourned.