



# Marion County

## OREGON

### PLANNING COMMISSION MINUTES

#### PLANNING COMMISSION

George Grabenhorst – Chair  
Carla Mikkelsen – Vice Chair  
Scott Anderson  
Stanley Birch  
Glenn Holum  
Mike Long  
Rick Massey  
Gary Monders  
Dennis Person

**DATE:** April 21, 2015  
**TIME:** 6:30 p.m.  
**PLACE:** Senator Hearing Room  
555 Court St. NE, Salem

Present: George Grabenhorst, Scott Anderson, Glenn Holum, Mike Long, Rick Massey, Gary Monders and Carla Mikkelsen  
Absent: Stanley Birch and Dennis Person

Chair Grabenhorst called the meeting to order and reviewed the rules of the public hearing.

1. Public hearing:

Subdivision/Variance 15-001. Request for conceptual and detailed approval to subdivide 9.66 acres into four lots, and a variance to allow more than four lots to be served by a private access easement. The property is zoned AR (Acreage Residential) and located at 6020 Fruitland Road NE, Salem

Joe Fennimore, Principal Planner, reviewed the staff report with the Planning Commission. There were no questions of staff.

Karl Goertzen, 4853 Fir Dell, testified as the applicant's representative, and indicated the staff report generally covered the regulations and issues. He stated the applicant agreed with the proposed conditions of approval. Mr. Goertzen explained the new map handed out at the start of the meeting has yellow highlighted sections showing a new access plan as the applicant found out he does not have access as originally planned. He indicated the new, red colored plan will create a flaglot to connect the development to Tanner Way for access to Fruitland Road. This changed Lot 4, which increased slightly, and all lots are not a minimum of 2 acres. The PC members discussed the proposed change and easement access briefly and how it is laid out on the new plan.

Mike Riddle, 2088 Lansing Ave., testified he is building in the development next door and is concerned with access on Tanner Way creating an island of his property. He is also concerned with the proposed development not having CCR's, allowing access only for three lots, mobile homes being put on these new lots and new owners having a variety of animals, etc. He asked the applicant to consider putting in CCRs that match their development. He also asked if the plan includes to widen Tanner Way and, if so, how wide and how? PC members and staff explained how the new drawing shows the alignment of the access easement.

John Pinney, 10315 72<sup>nd</sup> Ave. NE, testified he is also building a new home in the development next door and is concerned with the lack of CCR's, possible use of his 20 feet of Tanner Way, and wondered who will maintain this road if it is not in CCR's? Mr. Pinney testified he wants a turnout as the road is only one lane. Staff clarified the road is 16 feet wide all the way back, will

be widened, is a shared road and will go to 20 feet. Mr. Fennimore explained the widening will be with the existing 30 foot easement or must be done on both sides of the road. The PC discussed the possibility of paving over the pipeline, which staff indicated has been allowed in other cases.

Shawn Pinney, 7526 Zinfandel, testified he wants to see a copy of the new drawing. He stated there should be CCRs that require nice houses. He stated the easement ends at 20 feet. The group discussed the existing house which is staying and the size of lots in the new design. Mr. Pinney asked how the existing bioswale will be impacted and staff replied the development will have to comply with all county stormwater regulations. Mr. Rasmussen explained the road may have to be widened and, if so, that may change the location of the bioswale.

Mike Riddle, adding to his previous testimony, expressed concern about a possible expansion on the west side of the road, which he owns. He wouldn't be opposed to the development if they had similar CCR's. The PC members discussed previous requests on a new road and members clarified there is no new road being proposed and how the existing easement would be used.

Nate (last name not audible), 722 Tanner Way, testified he is completing his home there and wants the new homes to be similar. Mr. Monders asked if he knew homes would be built in this area when he bought his lot? Nate indicated he did and the group discussed life in rural areas and the expectation that there will be development.

Shawn Pinney, adding to his previous testimony, stated his parents were told Tanner Way was private and then the developer put in amendments to allow development off that road. He wants certain standards in the entire area as it develops.

John Rasmussen, Public Works, stated the easement agreement does indicate the new development can use Tanner Way to put in three additional lots.

John Pinney, adding to his previous testimony, asked who will maintain the road if it is used by the new property owners? Mr. Rasmussen replied the county will either check CCRs if they are used or will require a road maintenance agreement that covers adequate maintenance of the road to county standards.

Karl Goertzen, rebuttal, testified the road will be widened to 20 feet on the west side and within the existing easement. It will be within the 30 foot easement. He has contacted the pipeline owners who will also review any plans and concur. He apologized if Mr. Pinney felt threatened during his phone call but he offered to meet and was refused. Mr. Monders asked if the applicant will put CCRs in place? Mr. Goertzen replied the owner will consider that but has no specific plans.

Tom Shamberger, of the Shamberger Trust, Wasatch Mountain Lane, Bend, testified the property is zoned for agriculture and he could use it for that purpose with no restrictions. He added these will be high-priced lots and that should result in nice homes and not mobile homes but he is not inclined to put in CCRs. With regard to the access agreement, he explained his parents sold the other development additional property needed in exchange for the ability to use Tanner Way if needed.

There being no further testimony, a motion was made to close the public hearing. The motion was seconded and passed unanimously, 7-0.

Chair Grabenhorst asked about the island on the top of the road and what to do? Mr. Fennimore replied that was the result of the previous development and not part of this request. Mr. Rasmussen added the area is a low spot but not designed as a bioswale but is a natural water collection area.

Scott Anderson asked if the county has a certain degree of expectation that the proposed conditions of approval can be met as currently outlined? Mr. Fennimore replied yes for the access but the bioswale area may need to be moved.

Ms. Mikkelson asked if the road maintenance is in the conditions of approval and other members pointed that out and Mr. Fennimore explained they are part of engineering requirements. He added the previous development had a road maintenance agreement or were in the CCRs and Mr. Riddel confirmed.

Tom Shamberger, adding to his previous testimony, explained his comment on farming was that he could go ahead and farm the area and not put in houses and the farming would not have restrictions. He will consider putting in CCRs, though.

Mike Long asked if road maintenance will be the same on both sides of the road? Mr. Rasmussen replied that was correct and the cost will probably be equal share of the road. He added it will be paved and should last a long time and be ok.

Mr. Anderson made a motion to approve conceptual and detail approval as presented, subject to the 8 conditions of approval listed in the staff report. Ms. Mikkelson stated she has family in this area and there are nice homes in the area and she hopes, as he is taking farmland out of production, that he at least will ensure there are nice homes in this development. The motion then passed unanimously, 7-0.

Chair Grabenhorst asked the applicant to review the existing CCRs for the neighboring development and consider implementing similar ones for this development.

2. Adjournment.

Mr. Fennimore asked PC members interested to attend the Board work session on May 19<sup>th</sup>, when the Board will be presented the recommendations from the PC on backyard chickens. He also added there will be another subdivision hearing before the PC on May 19<sup>th</sup>.

There being no further business, the meeting was adjourned.