

County Commissioners

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MARION COUNTY PUBLIC WORKS

PLANNING COMMISSION

MEETING MINUTES

DATE: June 3rd, 2025

TIME: 6:30pm

PLACE: Senator Hearing Room, 555 Court St. NE, First Floor, Courthouse Square Bldg., Salem

Present: George Grabenhorst, Gary Monders, Stanley Birch, Nick Harville, Britany Randall Rick Massey

Absent: Mike Long, Daisy Goebel, Dennis Person

Chair Grabenhorst called the meeting to order at 6:30 pm
Planning Department report John Speckman begins

1. Staff Report

John Speckman, Associate Planner, began by describing the Conditional Use application, applicable criteria, and relevant code. He provided an overview of the subject property and the zoning and usage of surrounding properties. Speckman stated that staff initially recommended Conditional Approval of the home occupation, with limitations, based on the applicant's statement (Brett Fobert). He noted that staff had received nine letters of opposition and summarized their concerns. He also described the findings of a site visit to the property. Following this, Speckman stated that staff rescinded their recommendation of approval until the applicant can demonstrate that the concerns raised in the opposition letters are unfounded.

2. Testimony in Favor of the Application

PLANNING COMMISSION:

George Grabenhorst – Chair
Gary Monders – Vice Chair
Mike Long
Daisy Goebel
Nick Harville

Rick Massey
Stanley Birch
Dennis Person
Britany Randall

- Chair Grabenhorst opened the floor for testimony in support of the application.
- Applicant Brett Fobert stated that he is petitioning to park five tow trucks at the south end of the property.
- Chair Grabenhorst asked if he anticipates any issues with meeting the staff's conditions. Fobert responded no.
- Brittany Randall, Planning Commission Member, reiterated that staff would like the application to demonstrate compliance with criteria in light of the additional evidence submitted by neighbors, and requested further information from the applicant.
- Fobert and Tyler Bundy addressed concerns raised by neighbors and provided responses.
- Commissioner Gary Monders asked how the tow truck business is operated without dispatch and where vehicles are taken. Fobert explained his business operations.
- Tyler Bundy addressed a concern regarding a wrecked car on the property, clarifying that it is his personal vehicle and not related to the business.
- Chair Grabenhorst concluded the testimony in favor.

3. Testimony in Opposition

- Lynne Cannivet voiced concerns regarding the number of extra vehicles and structures on the property, the lack of agricultural use (as required by zoning), and potential negative environmental impacts.
- Brittany Randall asked Cannivet whether conditions could be imposed to address concerns. Cannivet replied that cleanup was needed and that a building labeled for agricultural use was not being used accordingly. She emphasized the importance of addressing safety and environmental issues.
- Stanley Birch asked how long the tow truck business had been operating on the property. Cannivet responded that it had been several years.
- Sheryl Stauffer submitted written testimony.
- Lyle Hendrickson expressed concern about tow trucks being parked near a creek and requested a continuance of the hearing due to the staff report being released only one day prior.
- Randall asked staff for clarification; staff confirmed the report had been posted to the website one day before the hearing.
- John Butterfield, Staff Attorney for 1000 Friends of Oregon, called in to testify in opposition. He requested that the Planning Commission keep the record open and cited Marion County Code 17.136.060(C)(1)(b), arguing that the application does not meet the criteria for a home occupation.
- Janis Derickson read a written statement by Rebecca Boden, highlighting environmental concerns.
- Theodora Schrier submitted three written statements and gave verbal testimony, expressing concerns about commercial activity raising land rent and increasing traffic.
- Michael Schrier raised concerns about non-business-related vehicles on the property and stated he would submit documentation if the record remained open.
- Frank Henderson stressed the importance of code compliance.
- Code Enforcement Officer Chad Goffin described receiving a complaint regarding a towing business operating on the property without alignment with farm use. Upon visiting the site, he found a structure with multiple unpermitted features. Goffin planned a site visit with Planning staff, but on the scheduled day, the applicant denied Code Enforcement access. Goffin confirmed an active code violation exists.

- Theodora Schrier provided additional testimony, expressing concern over what she viewed as attempts to conceal non-compliance on the property.

4. Applicant's Rebuttal

- Brett Fobert stated that his business does not bring fluids onto the site and that he has made efforts to clean up the property.
- Tyler Bundy clarified that, although not biologically related to Fobert, he considers him a father figure.
- Stanley Birch noted that vehicles, regardless of condition, will leak fluids that can be toxic and harmful to nearby waterways if not parked on an impervious surface.
- Bundy responded that the trucks are not parked near the creek, which Fobert confirmed.

5. Commission Discussion and Decision

- Commissioner Brittany Randall moved to deny the application.
- Commissioner Stanley Birch seconded the motion.
- Randall stated that the applicant failed to demonstrate that existing code violations had been remedied or would be addressed in the future.
- The entire Planning Commission agreed with the motion. The application was denied.

6. Adjournment

Chair Grabenhorst adjourned the meeting at 8:10 PM.