



# ***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:** December 2, 2014  
**TIME:** 6:30 p.m.  
**PLACE:** Senator Hearing Room  
555 Court St. NE, Salem

Present: Gary Monders, Mike Long, Stanley Birch, George Grabenhorst, Dennis Person, Scott Anderson, Glenn Holum, Rick Massey and Carla Mikkelsen  
Absent: None

Chair Grabenhorst called the meeting to order.

1. Meeting Commissioner Kevin Cameron

Chair Grabenhorst thanked Mr. Cameron for coming and provided a brief overview of the various projects the PC works on each year and special projects accomplished in the past. The Planning Commission members introduced themselves to the “new” Board member. Mr. Cameron thanked everyone for their participation on the PC. General comments followed on possible ways to have the PC more involved and important issues facing the county including transportation and water quality.

2. General discussion on “backyard chickens”.

Joe Fennimore, Principal Planner, provided background on this issue of keeping and raising poultry in residential zones within urban growth boundary areas of the County, referred by the Board of Commissioners.

The Planning Commission members asked questions on where this possible ordinance would apply and Mr. Fennimore explained it would apply only in residential zones within UGBs. He added it would primarily affect the Salem area as there is little residential-zoned property in the other cities within the County. Other discussion included enforcement issues and Joe mentioned the City of Salem has had only a few complaints and the City of Keizer was similar.

Chair Grabenhorst stated he would like the property owner to sign a statement agreeing to whatever regulations are chosen. Ms. Mikkelsen added the statement should be in Spanish, as well. Other suggestions from the PC included keeping food secure to avoid issues with pests, getting rid of waste on a regular basis and only allowing storage of one 20 gallon container, keeping pens and coops away from adjacent dwellings, no egg or fertilizer sales or slaughter of the chickens. The PC continued with suggestions that it be allowed only in single family residential zones, no free-range allowed, the pens must be enclosed and there be setback for the coop of 10 feet, only allowed in rear yards and a limit on the number of chickens.

The PC discussed using the City of Hubbard sliding scale for limiting the number of chickens, based on the size of the lot. There was also discussion on including a minimum lot size, but that suggested was dropped as the group felt setbacks would eliminate very small lots. The group unanimously agreed roosters should not be allowed.

Mr. Anderson stated there are few dog and cat regulations such as those already discussed for chickens and did not see the need to have them for chickens. He indicated most issues could be controlled by limiting the number of chickens. The group discussed the possible issue of noise and smell.

Mr. Fennimore asked if the PC preferred to amend the Zone Code or create a separate ordinance for backyard chickens if the issue moves forward. He indicated the staff recommendation would be to have a separate ordinance that is not land use-based to avoid future changes to these regulations that, if land use based, would involve costly Measure 56 notice. The PC unanimously agreed that, if approved, it should be a stand-alone ordinance. He also asked if the PC agreed this would be only for chickens and the PC unanimously responded yes.

The PC then discussed the number of chickens and how to limit based on lot size and agreed, again, to consider a regulation similar to the City of Hubbard. Mr. Fennimore added as most of the property such an ordinance would affect will be near Salem. Given that fact, should a draft ordinance be similar to Salem's? Chair Grabenhorst replied yes and other members concurred. Mr. Fennimore responded he will check with the City of Salem as that ordinance is currently being amended, and will also determine the number of lots affected for each city.

Chair Grabenhorst stated he would like to review a draft ordinance before any public hearing. The PC discussed if a public hearing is held would there be any public participation and Mr. Fennimore responded there are several individuals who have expressed interest. Mr. Fennimore added staff will work with the Board's staff to get notice out as best is possible. The PC then decided, unanimously, to hold a public hearing and chose January 20, 2015.

Mr. Long suggested limiting the size of pen and the group discussed that option and decided that setbacks will address the concern of nuisance to adjacent properties. Mr. Fennimore mentioned the current 20 foot setback and the members generally agreed to use that in the draft, to start. The group discussed, again, how to limit the number of chickens and decided to have the draft worded similar to the City of Salem.

In other business, Mr. Fennimore mentioned upcoming issues that could include recreational marijuana and a FEMA lawsuit that could affect County floodplain regulations. Chair Grabenhorst asked to keep the PC informed on the FEMA and EPA news.

## 2. Adjournment.

There being no further business, the meeting was adjourned.