

Marion County Planning Commission/Board of Zoning Appeals

Public Hearing on Proposed Zoning Changes

Record of Proceedings

July 6, 2006 – Marion Senior Center

Chairman Eileen Sieger called the Public Hearing to order at 7:35 p.m. Members present included Sieger, Bob Maxwell, Marquette Eilerts, Ervin Ediger, Willis Ensz, Mary Avery and David Mueller. Glen Unrau was absent. Sieger noted a quorum is present. Marion County's new zoning administrator, Bobbi Strait, was present.

Sieger explained this public hearing is for proposed zoning changes. Three pages of information were available for everyone attending the public hearing. Sieger said this public hearing is only for the purpose of hearing comments on the proposed changes, only. Sieger said this public hearing was published in the *Marion County Record* on June 14, 2006. Sieger introduced Strait. Sieger noted that attorney Jim Kaup is present. Kaup gave a history and review of the proposed changes. For the last year or so, there have been discussions about the agricultural zoning regulations being too restrictive, Kaup said. Some folk's desire selling off some sites for homes, Kaup said. Kaup said he worked with former zoning administrator David Brazil on the proposed changes. Kaup said the three pages of handouts are what the county commission is comfortable with. Kaup explained there were a number of ideas discussed for changes and a number of objections the county commission wanted to see. Kaup said first objective was to try and work within the existing regulations by making a text amendment to the existing regulations. Kaup said the second objective was for fairness and equal treatment, where the same rules apply in whatever part of the county you are in. The idea is to have a unified set of rules, Kaup said. Kaup said the third objective was the desire to address the issue to allow more development without compromising the rural character of Marion County. Kaup said the three pages of proposed changes are the result of these objectives. Kaup reviewed and explained the handout page on Article 2, 2-102. Kaup explained that #5 on this page is the fifth in a list of permitted uses. He explained the existing regulations include #5. The language is consistent with what is in the comprehensive plan, Kaup said. Kaup reviewed the new language. People can disagree about what the numbers should be, he said. This will liberate the rules some what, but not lose the character of the rural land, Kaup said. An evaluation site assessment is a way of avoiding environmental impact, Kaup said. Marion County adopted the LESA (Land Evaluation Site Assessment) in 2003, he said. It's a way to try to identify bona fide ag land in the county and try to protect the best ag land with a rational approach, Kaup said. Kaup reviewed and explained the handout page on Article 2, 2-101. He said they cleaned up the language and tried to match up the changes. It's significant language, but only if the changes

occur, he explained. Kaup reviewed and explained the last page of handouts, which referred to page 59 of the comprehensive plan. Kaup explained this is kind of a policy statement that is trying to pertain and protect the rural character of the county. It is intended to open up more land for non-agricultural development without destroying the character of the county, Kaup said. Charles Kannady, Marion, asked how ag land and soil types are identified. On the books right now there is a reference to the LESA, so this doesn't change any factors in county zoning, it just makes reference to it, Kaup said. This is not a mandate or requirement, Kaup added. Kannady asked if the plan is to leave it where LESA is determined by one person and Kaup explained the zoning administrator does the LESA. The hope is a reasonable property owner would see the benefit, Kaup said. Chuck Seifert, Marion, asked about the ag use classification, and what if an entire section is involved? Carol Duerksen, Goessel, asked about a reference to SAS, and Kaup said that is existing language. Everything I'm talking about is increasing a property owner's ability to develop ag land, Kaup said. Sieger explained there are a couple major proposed changes, from five acres to three acres, and the net density. It was explained there are changes needed to the comprehensive plan for the net density, and there can be 12 per section only without a rezone. Kannady asked about 16 per section. Kaup explained if more land is taken out you have eliminated the rural character of the land. You can come with an application to rezone, Kaup added. Kannady asked about 40 acres. This proposal is a way of allowing for more of a cluster, so folks can align the properties along roads, Kaup said. Duerksen asked if folks develop along the road, what happens to other part of the section? It's a trade off, Kaup said. This is to allow it to occur where residents want it to occur and you're not taking a lot of land out of production, Kaup said. Seifert asked if city limits are included and Kaup said we did anticipate this. Gordon Groening, Marion, asked about 12 houses. Sieger explained if 12 is the maximum, if there were 13 they would have to get rezoned. Sieger asked if there were any other questions. Sieger opened the meeting to public comment. Duerksen said she developed a home site on three acres and she prefers the language stay with five acres. 40 acres was too much and five acres seems like a good fit for rural development, she said. Having lived on three acres, it's very hard to keep the sewer on three acres and this is something we have faced, so I would like the regulations to stay at five acres, she said. As for the density issue, it starts to feel like it's non-agricultural when you get a lot of residences in a small area, Duerksen said. She also questioned the official newspaper and publications, as she does not get the *Marion County Record*. Sieger questioned if the notices are not still published as well in the *Peabody Gazette Bulletin and Hillsboro Star Journal*. Sieger also explained the official newspaper changes each year, as the previous year it was the *Hillsboro Free Press*. Sieger said the planning commission also, in addition to the public notice, sent letters to 170 some officials around the county, informing them of this public hearing. Kannady said Duerksen has a good point about the five acres to three acres, but, most of the majority of people doesn't need the extra acres, Kannady said. If you go to three acres, you take care of one or two acres, but if you mow five acres it's a big job, Kannady said. And lagoons are

pushed in Marion County, he said. If you want a place in the country, you don't want to be right next to someone, he said. People have to work together in the country and if there's too much acreage they don't keep it up, Kannady said. Kannady asked about gravel roads. If they want a road then they can pay to have it done, the county doesn't have to pay for it, Kannady said. Maybe once it's there they would have to keep it up, he added. Clifford Hett, Marion, said he likes three acres. Then if you want a little more you keep bidding and buy more, Hett said. Three acres is a good deal for selling off old houses, Hett said. Seifert asked what the magic number is if it's an existing farmstead? Why not an acre and a half and not take any more ag out of production?, Seifert asked. I don't see the purpose of the numbers, he said. Why not take it on an individual case by case basis?, Seifert asked. They don't need three acres to build on, at least for existing farmsteads, he said. Clifford had to sell five acres and could have just sold one and a half acres, Seifert said. The 60 acres should just be struck, he said. That's another thing you should have to look at on a case by case basis, he said. My concern is the buffer zone, if I have neighbors, Groening said. I agree with the size of the lots and the upkeep, but in my opinion you need a buffer zone, Groening said. Randy Dallke, Peabody, said he is not speaking as a county commissioner but he is speaking of an experienced builder of homes in the county. Dallke said he built homes in 2000 and 1990. In 1990 he said he built on one and a half acres on an existing site and it hung him up on the sewer. My real problem is when we put rules in such as the LESA that is unfair to guys on small acreages and does nothing to the guys on large acres, Dallke said. I have a problem with LESA, he added. Ed Slocombe, Peabody, said he grew up on a farm east of Peabody and his brother still lives on that farm. Slocombe talked about some law cases in Oregon and said more study is needed on what works best for non-agricultural residents living in rural areas. He said he has known people to complain about spraying, dust getting in swimming pools, and more. He said he knows of a family who built a nice house in a valley and then the trees across the river were cut down and they had nothing left but tree stumps to look at, but the family who cut down the trees had a 30 year investment in those trees and they had just been waiting to harvest them. He said hogs across the road are another concern. I hear three acres and five acres and it sounds like people want to sell a few acres, but they haven't thought about who might move in and what might happen, Slocombe said. There can be junk piles, four wheelers, 4-H pig projects, and more, he said. It might need to be tightened up, even so tight so you know what to expect, he said. Sieger explained the planning commission will need to determine if they want to proceed leaving the record open for one week for written comments following this public hearing. If that is the desire of the planning commission, Sieger said. Maxwell made a motion to continue with an open record for additional comments for one week (at 5 p.m.) and address this again at the July 27, 2006, regular meeting. Ensz seconded the motion. In favor: 7; Opposed: 0; Motion carried.

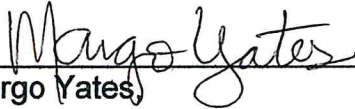
Written comments will be accepted for one week from tonight, until 5 p.m. on July 13, 2006. Sieger said letters may be sent to the planning and zoning office, in care of Strait. Sieger said at the regular meeting in July members will open this

up for discussion and determination. At this point the meeting took a short break, so Strait could consult with Kaup. After the break, Sieger reminded everyone that members will leave it open for a week for written comment. Sieger asked if anyone needed any clarification. Avery said Dallke had brought up LESA, and she asked if it does not apply to all the land, and she was told LESA is designed only for new home sites. The issue is how much does it control the final outcome, Kaup said. I have never felt the application of LESA prohibits, Kaup said. It's kind of a murky thing, he said. It's intended to apply to all new land, Kaup said. The size of the property does make a difference in how the analysis is done, he said. Dallke asked and Sieger explained that in the comprehensive plan LESA is intended to be used on new home sites. Dallke questioned not needing to use LESA if 40 acres, or more, is involved. It's a tool used that is discriminatory, Dallke said. Sieger closed the public hearing and once again reminded everyone that the written comment period is still open and members will discuss this on July 27, 2006. Sieger thanked everyone for coming and commenting. This public hearing adjourned at 9:05 p.m.

MARION COUNTY PLANNING COMMISSION/BOARD OF ZONING APPEALS



Eileen Sieger,
Chairman



Margo Yates,
Secretary