



Marion County
OREGON

CONDITIONAL USE APPLICATION

RECEIVED

NOV 01 2023

**Marion County
Planning**

Do not double-side or spiral bind any documents being submitted

Fee: Please check the appropriate box:

- Conditional Use - \$1450
- Conditional Use Hardship - \$450
- Conditional Use Hardship Change of Occupant - \$120
- Non-Farm Dwelling \$1930
- UT Zone Replacement Dwelling - \$450
- Conditional Use Home Occupation - \$770
- Amend Conditions/Permit - \$600
- Aggregate Site (non Goal 5) - \$3000+\$80/acre
- Agri-Tourism Single Event - \$375
- Agri-Tourism Max 6 Events - \$640
- Agri-Tourism Max. 18 Events/Longer Duration-\$640

PROPERTY OWNER(S): JUBAL FROST	ADDRESS, CITY, STATE, AND ZIP: 8950 ROYER RD S.
PROPERTY OWNER(S) (if more than one):	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: LINDSEY KING, CFM	ADDRESS, CITY, STATE, ZIP 1720 LIBERT STREET SE, SALEM, OR 97302
DAYTIME PHONE (if staff has questions about this application): 503-509-4275	E-MAIL (if any): LINDSEY@BRANDLANDUSE.COM
ADDRESS OF SUBJECT PROPERTY: S. ROYER RD - 083W32D001000	SIZE OF SUBJECT PROPERTY: 5.02-ACRES
THE PROPERTY OWNERS OF THE SUBJECT PROPERTY REQUEST TO (summarize here; explain in detail on the "Applicant's Statement"):	
PLACE A NON-FARM DWELLING	

FOR OFFICE USE ONLY:			
Township 8S	Range 3W	Section 320	Application elements submitted:
Tax lot number(s) 1000	Zone: SA	Zone map number: 56	<input checked="" type="checkbox"/> Title transfer instrument
<input type="checkbox"/> TPA/header	Case Number: 23-041	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural	<input checked="" type="checkbox"/> Site plan
Signs given:			<input checked="" type="checkbox"/> Applicant statement
Date determined complete:			<input checked="" type="checkbox"/> Filing Fee
			<input type="checkbox"/> GeoHazard Peer Review (if applicable)
			<input type="checkbox"/> Physician's Certificate (if applicable)
			<input type="checkbox"/> Home Occupation Supplemental (if applicable)
			<input type="checkbox"/> Agri-Tourism Supplemental (if applicable)
			Application accepted by: AB
			Date: 11/1/2023

IF THIS IS FOR A CONDITIONAL USE HARDSHIP:

WILL THE TEMPORARY DWELLING BE () MANUFACTURED HOME OR () RV? Check one.

IF USING AN RV, DO YOU INTEND TO:

() CONNECT TO THE EXISTING SEPTIC SYSTEM OR () USE THE RV HOLDING TANK? Check one.

NAME OF PERSON(S) WITH MEDICAL HARDSHIP:

HE/SHE/THEY WILL RESIDE IN: () PRIMARY DWELLING OR () TEMPORARY DWELLING

NAME OF CAREGIVER:

HE/SHE WILL RESIDE IN: () PRIMARY DWELLING OR () TEMPORARY DWELLING

RELATIONSHIP OF CAREGIVER TO PERSON(S) WITH MEDICAL HARDSHIP:

WHAT TYPE OF ASSISTANCE WILL CAREGIVER PROVIDE:

IF THERE ARE OTHER ADULTS THAT RESIDE OR WILL RESIDE IN THE DWELLING WITH THE PERSON(S) NEEDING CARE, PLEASE EXPLAIN WHY HE/SHE CANNOT BE THE CAREGIVER:

THE APPLICANT(S) SHALL CERTIFY THAT:

- A. If the application is granted the applicant(s) will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- B. I/We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that all the above information and statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
- C. I/We hereby grant permission for and consent to Marion County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.
- D. The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

PRINTED NAME AND SIGNATURE of each owner of the subject property.

<u>Jubal S Frost</u> Print Name	 Signature	 Print Name	 Signature
 Print Name	 Signature	 Print Name	 Signature

DATED this 31st day of October, 2023

Non-Farm Dwelling Conditional Use Permit

Submittal Date: October 31, 2023

Submitted To: Marion County

Project Location: 083W32D001000
Salem, OR

Applicant(s): Jubal Frost
Owner

Applicant's Representative: Lindsey King of BRAND Land Use
Lindsey@brandlanduse.com



BRAND

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BRANDLANDUSE.COM

503.370.8704

Arial View of Subject Property



Section 1: Property Background and Request

The applicant, Jubal Frost, is presenting an application to place a non-farm dwelling in southwest Marion County. Based on historical aerial images the parcel has been a vacant forested lot since as far back as 1995.

The parcel is described as a 5.02-acre parcel by Warranty Deed, Reel 2640; Page 130 as its own individual parcel (Parcel 1 in attached deed). The parcel is also described as Marion County Map and Tax Lot Number 083W32D001000.

Section 2: Existing Conditions

The 5.02-acre parcel is currently zoned Special Agriculture and undeveloped with no structures and heavily treed. The underlying comprehensive plan designation is Special Agriculture. The site is accessible from Royer Rd. South via Bunker Hill Rd. South. The parcel has steep slopes but has no other natural hazards that would be of concern. The parcel is located approximately 3 miles from the nearest Urban Growth Boundary and slightly over a mile from the Willamette River. The local fire district is Salem Suburban, and the school district is Jefferson and Salem Keizer.

The Comprehensive Plan designations of surrounding properties include:

North: Special Agriculture

South: Special Agriculture

East: Special Agriculture

West: Special Agriculture

The subject property is zoned SA (Special Agriculture) Surrounding properties are zoned as follows:

North: SA (Special Agriculture)

South: SA (Special Agriculture)

East: SA (Special Agriculture)

West: SA (Special Agriculture)

Properties to the northwest are zoned AR-10 (Acreage Residential) with a minimum lot size of 10 acres.

Sections 17.110.705 – Permit expiration dates

- A. Except in the EFU, TC, SA and FT zones, and notwithstanding other provisions of this title, a discretionary decision approving a proposed development expires two years from the date of the final decision if the development action is not initiated during that period.

Applicant's Findings: *The applicant understands the expiration date is two years from the date of final decision.*

- B. The effective period of an approved application may be extended by the final decision maker or the planning director for additional one-year periods if:
1. There have been no changes in land use law or plan policy that would apply to the application if reapplication was required; and
 2. A written request for an extension is filed by the applicant or applicant's successor prior to the expiration of the approval; and
 3. The decision, if rendered after the adoption of this title, included reference to the possibility of an extension, and the extension if consistent with any limits on extensions imposed in the original decision.

Applicant's Findings: *The applicant understands that extensions may be applied for to extend permit expiration dates.*

- C. There shall be no limit on the number of extensions that may be requested and approved.

Applicant's Findings: *The applicant understands that there is no limit on the number of extensions requested.*

- D. Approval of an extension granted under this section is not a land use decision described in ORS 197.015 and is not subject to appeal as a land use decision.

Applicant's Findings: *The applicant understands that an extension granted is not a land use decision.*

Sections 17.110.730 – Similar Uses

The director may permit in any zone any use not described or listed in this title for any other zone if, in the opinion of the director, the requested use is of the same general type and is similar to the uses permitted in the zone. Such review and permission shall be made in the same manner as other interpretations of this title. The director shall use the Standard Industrial Classification Manual, 1987, as a guide in making this interpretation.

Applicant's Findings: The applicant accepts the use of the SIC Manual.

Sections 17.110.800 – Dwellings and all other buildings to be accessible to a public street

All street rights-of-way shall be not less than as set forth below:

- A. All street rights-of-way, pavement widths, shoulder widths and other design features shall meet Marion County engineering standards.

Applicant's Findings: The applicant understands there will be engineering requirements for access to public streets. This criterion is met.

- B. Special street setbacks as set forth in MCC 17.112.020 also apply.

Applicant's Findings: The applicant understands a special street setback may apply. This criterion is met.

Chapter 17.137 – SA (Special Agriculture) Zone

Section 17.137.010 – Purpose

The SA (special agriculture) zone is applied in areas characterized by small farm operations or areas with a mixture of good and poor farm soils where the existing land use pattern is a mixture of large and small farm units and some acreage homesites. The farm operations range widely in size and include grazing of livestock, orchards, grains and grasses, Christmas trees and specialty crops. The range in size of management units presents no significant conflicts and allows optimum resource production from areas with variable terrain and soils. It is not deemed practical or necessary to the continuation of the commercial agricultural enterprise that contiguous ownerships be consolidated into large parcels suitable for large-scale management. Subdivision and planned developments, however, are not consistent with the purpose of this zone and are prohibited.

This zone allows the flexibility in management needed to obtain maximum resource production from these lands. It emphasizes farm use but forest use is allowed and protected from conflicts. The SA zone is intended to be applied in areas designated special agriculture in the Marion County Comprehensive Plan.

The SA zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.

The SA zone retains Class I through IV soils in commercial farm units comparable to those in the vicinity or in small-scale or specialty commercial farms where the land is especially suited for such farming. The SA zone is intended to be a farm zone consistent with ORS 215.283.

on that portion of the lot or parcel. The restriction imposed is irrevocable unless the county planning director, or the director's designee, places a statement of release in the deed records of the county to the effect that the provisions of 2013 Oregon Laws, Chapter 462, Section 2 and either ORS 215.213 or 215.283 regarding replacement dwellings have changed to allow the lawful siting of another dwelling;

Applicant's Findings: *The property has never had a dwelling placed on it. This criterion is not applicable.*

6. A replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of construction. However, the standards may not be applied in a manner that prohibits the siting of the replacement dwelling;

Applicant's Findings: *The property has never had a dwelling placed on it. This criterion is not applicable.*

7. The replacement dwelling must be sited on the same lot or parcel consistent with the following:
 - a. Using all or part of the footprint of the replaced dwelling or near a road, ditch, river, property line, forest boundary or another natural boundary of the lot or parcel; and
 - b. If possible, for the purpose of minimizing the adverse impacts on resource use of land in the area, within a concentration or cluster of structures or within 500 yards of another structure.

Applicant's Findings: *The property has never had a dwelling placed on it. This criterion is not applicable.*

Section 17.137.050 – Conditional uses

The following uses may be permitted in an SA zone subject to obtaining a conditional use permit and satisfying the criteria in MCC 17.137.060(A), and any additional criteria, requirements, and standards specified for the use:

- A. Single-family dwelling or mobile home not in conjunction with farm uses, subject to the criteria and standards in MCC 17.137.060(B), 17.137.070, and 17.137.100.

Applicant's Findings: *The application is for a non-farm dwelling and the applicant is able to meet all applicable criteria.*

- B. Temporary residence for hardship purposes pursuant to MCC 17.120.040 with filing of the declaratory statement in MCC 17.137.100(C).

Section 17.137.060 – Conditional use review criteria

The uses identified in MCC 17.137.050 shall satisfy criteria in the applicable subsections below:

A. The following criteria apply to all conditional uses in the SA zone:

1. The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use. Land devoted to farm or forest use does not include farm or forest use on lots or parcels upon which a non-farm or non-forest dwelling has been approved and established, in exception areas approved under ORS 197.732, or in an acknowledged urban growth boundary.

Applicant's Findings: *The subject property is not currently, nor has it ever been in farm or forest practice. The access road is already in place. The parcel is approximately 3 miles or more from the nearest Urban Growth Boundary. The parcels surrounding the subject property are developed with single family dwellings and some are in forest practice. Across the road (Bunker Hill Rd. S.) is a large AR zoned residential area with homesites on lots as small as 2.0 acres. The impacts on an additional single-family home would be minimal and no more taxing than intense farm use or forest use. Due to the parcels' size, shape and topography it would be extremely difficult to farm to have any type of commercial use on site. The proposal is the least impactful while still utilizing the applicant's property.*

2. Adequate fire protection and other rural services are, or will be, available when the use is established.

Applicant's Findings: *The property is serviced by Salem Suburban Fire District. At the time of development, the applicant shall comply with all requirements made by the district to ensure that the property is as safe as possible. This criterion is met.*

3. The use will not have a significant adverse impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air and water quality.

Applicant's Findings: *The property is not located in a big game habitat area, nor does it have any mapped endangered or threatened species. The soil quality will not be affected by the placement of a single-family home as they have minimal influence on soil quality. The parcel does have 20-30% slopes and at the time of development measures will be taken to reduce the probability of slides. This criterion is met.*

4. Any noise associated with the use will not have a significant adverse impact on nearby land uses.

Applicant's Findings: *The proposed single-family dwelling will have minimal impact on nearby land uses with relation to noise. A single-family home typically has one to three vehicles, which*

do not emit more noise than typical farm use or other allowable use as permitted in previous sections. This criterion is met.

5. The use will not have a significant adverse impact on potential water impoundments identified in the Comprehensive Plan, and not create significant conflicts with operations included in the Comprehensive Plan inventory of significant mineral and aggregate sites.

Applicant's Findings: *The proposed single-family dwelling will not have any adverse impact on water impoundments as identified in the Comprehensive Plan. The applicant will be required to obtain a well from the Department of Water Resources, and the property is not located within a sensitive groundwater overlay, per Marion County GIS. This criterion is met.*

B. Non-Farm Dwellings. The following additional criteria apply to non-farm dwelling requests:

1. The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through Class VIII soils that would not, when irrigated, be classified as prime, unique, Class I or Class II soils. Soils classifications shall be those of the Soil Conservation Service in its most recent publication, unless evidence is submitted as required in MCC 17.137.120(B).

Applicant's Findings: *The property consists entirely of Class IV – Nekia silty clay loam soils, which are non-high value. The property also has a 20-30% slope which does not permit farming. Slopes at this level can pose life safety issues to farmers running equipment and do not bode well for other agricultural operations. This soil classification is the most recent available from Marion County GIS. This criterion is met.*

2. The dwelling will be sited on a lot or parcel that does not currently contain a dwelling and was created before January 1, 1993. The boundary of the lot or parcel cannot be changed after November 4, 1993, in a way that enables the lot or parcel to qualify for a non-farm dwelling.

Applicant's Findings: *The property does not and has never contained a dwelling, on or before January 1, 1993. The boundary of the lot has not been modified after November 4, 1993. This criterion is met.*

3. The dwelling will not materially alter the stability of the overall land use pattern of the area. In making this determination the cumulative impact of possible new non-farm dwellings and parcels on other lots or parcels in the area similarly situated shall be considered. To address this standard, information outlined in MCC 17.137.030(D)(11)(a)(iii) shall be provided:

(A) Identify a study area for the cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not

less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, and why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;

Applicant's Findings: Marion County soils report indicates that the subjects 5.02 acres is predominantly Class IV soils. These soils, when irrigated, would not classify as prime, unique, Class I or II soils. Therefore, the applicants' proposal complies with review criterion 17.137.130(D)(1)(a)(iii)(A).

(B) *Identify within the study area the broad types of farm uses (irrigated or nonirrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm/lot-of-record dwellings that could be approved under subsection (D) of this section and MCC 17.137.050(A), including identification of predominant soil classifications and parcels created prior to January 1, 1993. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under this provision;*

Applicant's Findings: The subject property is currently undeveloped. Based on historic surveys and deed descriptions the property boundary has not changed since prior to January 1, 1993. Additionally, based on the deed history the parcel has not changed since prior to February 10, 1988. Survey maps dated May 11, 1954, show the parcel in its current configuration. The study area, which is less than 2,000 acres due to a large area of rural residential zoning, has approximately 75 dwellings. The lot sizes range from 0.012 to 225 acres. The majority of homesites were created prior to modern zoning regulation with 31 created after 1993. Of those 31 4 four (4) were Measure 37/49 parcels; three (3) were primary Farm dwellings; five (5) were non-farm dwellings. This concludes that many parcels in the area do not fall into the post 1993 trends, as more than 50% were created prior to that date. The type of farm use in the area varies. There are Christmas trees, blueberries, grass seed, and other like field crops. Due to the

topography and poor soil the commercial farms are not as vast as the eastern portion of the county. This criterion complies with 17.137.130(D)(1)(a)(iii)(B).

- (C) *Determine whether approval of the proposed non-farm/lot-of-record dwellings together with existing non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase, lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.*

Applicant's Findings: *The study area includes a variety of parcels sizes and uses. From multiple online resources it appears that the uses and land use patterns for the area were in place well before the establishing of the SA zoning. The poor soils, existing dwellings and limitations imposed by steep slopes and terrain should also be taken into account when determining impacts on stability of the land. It is the applicant's belief that based on these factors there is little or no effect on the existing land use patterns and that it will not make it more difficult to continue farm operations. This criterion is met.*

Section 17.137.070 – Non-farm dwelling requirements

The following regulations shall apply to non-farm dwellings:

A. Special Setbacks.

1. Dwellings. A special dwelling setback of 200 feet from any abutting parcel in farm use or timber production is required.

Applicant's Findings: *The applicant understands the need for special setbacks but, due to the configuration of the parcel, is unable to meet them. The property is a very narrow long parcel with steep slopes (20-30%) that limit the placement of a single-family home. The applicant would request that the standard 20-foot dwelling setbacks be required in lieu of the special 200-foot setbacks. Requiring the special setback of 200-feet would put a great burden on the applicant and prohibit any single-family development.*

2. Accessory Buildings. A special setback of 100 feet is required for buildings accessory to a dwelling from any abutting parcel in farm use or timber production.

Applicant's Findings: *As stated in the previous criterion the property is extremely narrow and requiring special setbacks would severely limit or prohibit any development of accessory*

structures. The applicant would request that the standard 20-foot setback be required in lieu of the 100-foot accessory building.

3. Adjustments. The special setbacks in subsections (A)(1) and (2) of this section may be reduced if it is determined, concurrently with any land use application or as provided in Chapter 17.116 MCC, that a lesser setback will meet the following review criteria for alternative sites:
 - a. The site will have the least impact on nearby or adjoining forest or agricultural lands.
 - b. The site ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.
 - c. The amount of agricultural and forestlands used to site access roads, service corridors, the dwelling and structures is minimized.
 - d. The risks associated with wildfire are minimized.

Applicant's Findings: *As stated in the previous criterion the property is extremely narrow and requiring special setbacks would severely limit or prohibit any development of accessory structures. The applicant would request that the standard 20-foot setback be required in lieu of the 100-foot accessory building. By still maintaining a minimum of 20-foot setbacks all impacts on the surrounding parcels will still be minimized. Since there are no active farm or forest practices adjoining the subject property the impact of those practices will be negligible. At the time of building permit the applicant can work with the local fire district to reduce wildfire risk. With this the applicant believes the above criterion has been met.*

4. The special setback in subsection (A)(1) of this section shall not be applied in a manner that prohibits dwellings approved pursuant to ORS 195.300 through 195.336 nor should the special setback in subsection (A)(1) of this section prohibit a claimant's application for homesites under ORS 195.300 through 195.336.

Applicant's Findings: *If the special setback in subsection (A)(1) were implemented the applicant would be prohibited from constructing a single-family dwelling due to the shape of the property. The parcel itself is no more than 150-feet in width. The criterion is satisfied.*

- B. Fire Hazard Reduction. As a condition of approval for any non-farm dwelling located closer than 200 feet to timber, the owner shall be required to provide continuing fire hazard management in accordance with Chapter 3 of "Fire Safety Consideration for Development in Forested Area," 1978, and any revisions thereto.

Applicant's Findings: *The applicant can comply with this criterion at the time of building permits. This criterion is satisfied.*

- C. Prior to issuance of any residential building permit for an approved non-farm dwelling under MCC 17.137.050(A), evidence shall be provided that the county assessor has disqualified the lot or parcel for valuation at true cash value for farm or forest use; and that the additional tax or penalty has been imposed, if any is applicable, as provided by ORS 308A.113 or 308A.724 or 321.359(1)(b), 321.842(1)(A) and 321.716. A parcel that has been disqualified under this section shall not requalify for special assessment unless, when combined with another contiguous parcel, it constitutes a qualifying parcel.

Applicant's Findings: *The applicant understands and is capable of providing such evidence at the time of building permit. This criterion is satisfied.*

Chapter 17.137 – SA (Special Agriculture) Zone
Section 17.137.100 – Development requirements

The following standards apply to development in an SA zone:

- A. Maximum Height.
1. Dwellings: 35 feet.
 2. Farm-related structures on farm parcels: none.
 3. Nonresidential and non-farm structures: 35 feet unless they are in conjunction with conditional uses allowed in MCC 17.137.050, and a greater height is requested and approved as part of the conditional use permit.

Applicant's Findings: *The applicant understands and agrees with the development requirements. This criterion is met.*

- B. Minimum Setbacks. Except as required in MCC 17.137.070(A), the following setback requirements shall be implemented for all new structures other than farm-exempt buildings, signs and fences:
1. Rear Yard. A minimum of 20 feet.
 2. Side Yard. A minimum of 20 feet, except for lots or parcels of one-half acre or smaller created prior to January 1, 1994, in which case the side yard setback shall be five feet.
 3. Front Yard. A minimum of 20 feet. When by ordinance a greater setback or a front yard of greater depth is required than specified in this section, then such greater setback line or front yard depth shall apply (see Chapter 17.112 MCC).

Applicant's Findings: *The applicant is requesting these be the required setbacks instead of the required special setbacks due to the configuration of the property. This criterion is met.*

- C. Declaratory Statement. For all dwellings, and other uses deemed appropriate, the property owner shall be required to sign and allow the entering of the following declaratory statement into the chain of title of the lot(s) or parcel(s):

The property herein described is situated in or near a farm or forest zone or area in Marion County, Oregon, where the intent is to encourage, and minimize conflicts with, farm and forest use. Specifically, residents, property owners and visitors may be subjected to common, customary and accepted farm or forest management practices conducted in accordance with federal and state laws that ordinarily and necessarily produce noise, dust, smoke and other impacts. The grantors, including their heirs, assigns and lessees do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling, structure or use in this area, and acknowledge the need to avoid activities that conflict with nearby farm and forest uses and practices, grantors will not pursue a claim for relief or course of action alleging injury from farming or forest practice for which no action is allowed under ORS 30.936 or 30.937.

Applicant's Findings: The applicant understands and agrees with the criterion.

Section 17.137.120 – Permit expiration dates

- A. Notwithstanding other provisions of this title, a discretionary decision, except for a land division, approving a proposed development in the SA zone expires two years from the date of the final decision if the development action is not initiated and all required conditions are met in that period. The director may grant an extension period of up to 12 months if:
1. An applicant makes a written request for an extension of the development approval period.
 2. The request is submitted to the county prior to expiration of the approval period.
 3. The applicant states the reasons that prevented the applicant from beginning or continuing development within the approval period.
 4. The county determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible.

Applicant's Findings: The applicant understands the expiration date for the proposed use.

- B. Approval of an extension granted under this section is not a land use decision as described in ORS 197.015 and is not subject to appeal as a land use decision.

Applicant's Findings: The applicant understands this criterion.

- C. Additional one-year extensions may be authorized where applicable criteria for the decision have not changed.

Applicant's Findings: The applicant understands this criterion.

- D. If a permit is approved for a proposed residential development in the SA zone, the permit shall be valid for four years. For the purposes of this subsection, “residential development” only includes the dwellings provided for under MCC 17.137.020(D), 17.137.030(D) and (E), and 17.137.050(A).

Applicant’s Findings: *The applicant understands the four (4) year permit validity. The applicant satisfies this criterion.*

- E. The first extension of a permit consistent with subsection (D) of this section and with subsections (A)(1) through (4) of this section and where applicable criteria for the decision have not changed shall be valid for two years.

Applicant’s Findings: *The applicant understands this criterion.*

- F. Up to five additional extensions of the permit consistent with subsection (D) of this section and with subsections (A)(1) through (4) of this section and where applicable criteria for the decision have not changed shall be valid for one year each.

Applicant’s Findings: *The applicant understands this criterion.*

Section 17.137.120 – Consideration of soil classification changes for non-farm dwellings

For the purposes of approving an application for a lot-of-record dwelling under MCC 17.137.030(D) or for a dwelling not in conjunction with farm use under MCC 17.137.050(A), the soil class, soil rating, or other soil designation of a specific lot or parcel may be changed if the property owner:

- A. For Lot-of-Record Dwellings
 1. Submits, for a lot-of-record dwelling only, a statement of agreement from the Natural Resources Conservation Service (NRCS) of the United States Department of Agriculture that the soil class, soil rating or other soil designation should be adjusted based on new information; or
 2. Submits a report from a soils scientist whose credentials are acceptable to the State Department of Agriculture that the soil class, soil rating, or other soil designation should be changed; and
 3. Submits, for a lot-of-record dwelling only, a statement from the State Department of Agriculture that the Director of Agriculture or the director’s designee has reviewed the report described in subsection (A)(2) of this section and finds the analysis in the report to be soundly and scientifically based.
- B. For dwellings not in conjunction with farm use, submits a soil assessment prepared by a professional soil classifier that has been reviewed and approved by the Department of

Land Conservation and Development as meeting the requirements in OAR 660-033-0045.

Applicant's Findings: *The applicant agrees with the existing soil assessment that the Class IV soils are non-high value. No additional soil reports will be submitted. This criterion is met.*

Chapter 17.182 – Geologically Hazardous Areas Overlay Zone
Section 17.182.010 – Purpose

The purpose of this chapter is to implement the development limitations goal and policies of the rural development section of the Marion County Comprehensive Land Use Plan, and Statewide Land Use Planning Goal 7 – Areas Subject to Natural Disasters and Hazards. This chapter implements the strategy for reviewing development applications for properties within identified landslide hazard and excessive slope areas to address the risk that a proposed land use activity may adversely affect the stability and landslide susceptibility of an area. The provisions of this chapter are intended to manage the risk of a landslide within identified landslide hazard and excessive slope areas by requiring geological and/or geotechnical reports, but not act as a guarantee that the landslide hazard risk will be eliminated.

Landslide hazard and excessive slope areas constitute geologically hazardous areas of special concern to residents of the county. The intent of this chapter is to protect these hazard areas of the county by requiring professional evaluation and establishing requirements for development of sites which are identified in hazard areas, and thus promote the public health, safety, and welfare.

Applicant's Findings: *There are significant landslide hazards on site, which the applicant is aware of. The excessive slopes are a factor to why it is not a farmable parcel.*

Section 17.182.030 – Applicability

The provisions of this chapter shall apply to all phases of development altering the physical landscape of lands within the landslide hazard and excessive slope areas as shown on the official county zoning maps and as designated or identified as landslide hazard areas by the county where information provided by a licensed geologist, geological report, hazard inventory, or landslide hazard studies indicate an elevated hazard risk exists.

The presence of landslide hazard and excessive slope areas and the applicability of the provisions of this chapter are determined by the classification criteria and categories established for these hazard areas as detailed on the maps adopted as part of this chapter. The maps indicate the location of areas susceptible to landslides, areas of known landslide hazards, and excessive slope areas. These maps are based on the best available information and may be amended based upon receipt of corrected, updated or refined data, or upon the revision of studies upon which the maps were initially based.

The level of geological review and procedural requirements for regulated development activities and uses are related to geologic and physiographic conditions and the type of development activity for a property. Development activities and uses having the greatest potential for impacting public safety and property, and that are located on lands with an elevated landslide hazard, have the strictest review and development requirements.

The Graduated Response Table 17.182-1 (Parts I to VI) shall be used to determine the level of site investigation for various types of regulated activity on property, any portion of which is shown on the landslide hazard and excessive slope area maps. Using a rating system, slope and physiographic conditions at the site are evaluated in relationship to a proposed activity. If a rating meets or exceeds quantified thresholds provided in the table, a geological assessment, engineering geology report, or geotechnical report or a combination thereof shall be provided by the applicant and actions specified in the report(s) undertaken and ensured before any regulated activity may be permitted or approved. Where any portion of the property on which regulated activities are proposed is identified under two slope conditions or two or more physiographic and geologic categories, the highest condition or category will apply.

Applicant's Findings: *The applicant understands a geological assessment may be required at the time of application for building permits and is capable of complying.*

The Graduated Response Table (Part VI) provides the following landslide risk assessment, investigation, and review requirements for identified hazard areas and regulated activities:

1. For low landslide risk assessments (Category A), all regulated activities may proceed without further investigation, permitting, or approval requirements of this chapter.

Applicant's Findings: *The applicant understands that this may be a requirement for the proposal. This criterion is met.*

2. For moderate landslide risk assessments (Category B), a geological assessment shall be submitted. If the geological assessment indicates landslide hazards pose an elevated risk on the site or where mitigation measures are necessary to safely undertake a regulated activity, the high landslide risk assessment (Category C) requirements shall be met. If the geological assessment indicates that no mitigation measures are necessary to safely undertake the regulated activity, the activity may proceed without further requirements of this chapter.

Applicant's Findings: *The applicant understands that this may be a requirement for the proposal. This criterion is met.*

3. For high landslide risk assessments (Category C), an engineering geology report and/or a geotechnical report shall be submitted for all regulated activity. The

geological assessment or engineering geology report may be incorporated into or included as an appendix to the geotechnical report.

Applicant's Findings: *The applicant understands that this may be a requirement for the proposal. This criterion is met.*

Section 17.182.060 – Review procedure and peer review

Development permits for regulated activities and uses within identified landslide hazard and excessive slope areas shall be reviewed for compliance with this chapter. Applications for regulated activity permits or approvals required by the zoning code shall be deemed complete upon the submittal and approval of a geological assessment, engineering geology report or geotechnical report as required by this chapter.

In order for the county to accept a geological assessment, engineering geology report, or a geotechnical report from an applicant pursuant to this chapter, the assessment or report shall be prepared and stamped by a licensed professional with the necessary expertise to prepare a report meeting the requirements of this chapter.

The required geological assessment, engineering geology report or geotechnical report for regulated activities and uses within risk assessment categories B and C of the graduated response table shall be reviewed and accepted through the peer review process before any regulated activity will be allowed. The review will be conducted by a professional or professional firm of the county's choice that meets the qualifications listed in this chapter. The review will be at the applicant's expense.

The board will establish a fee for the review of geological and geotechnical reports for regulated activities and uses.

Applicant's Findings: *If a peer review is necessary the applicant understands the report may be required and the fees are established by the board.*

Review of report submittals shall include examination to ensure that the following criteria are met:

- A. Required elements are completed;
- B. Geologic report procedures and assumptions are accepted;
- C. All conclusions and recommendations are supported and reasonable.

Applicant's Findings: *The applicant understands the requirements, if a report is required. This criterion is met.*

Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity or use.

Section 5: Conclusion

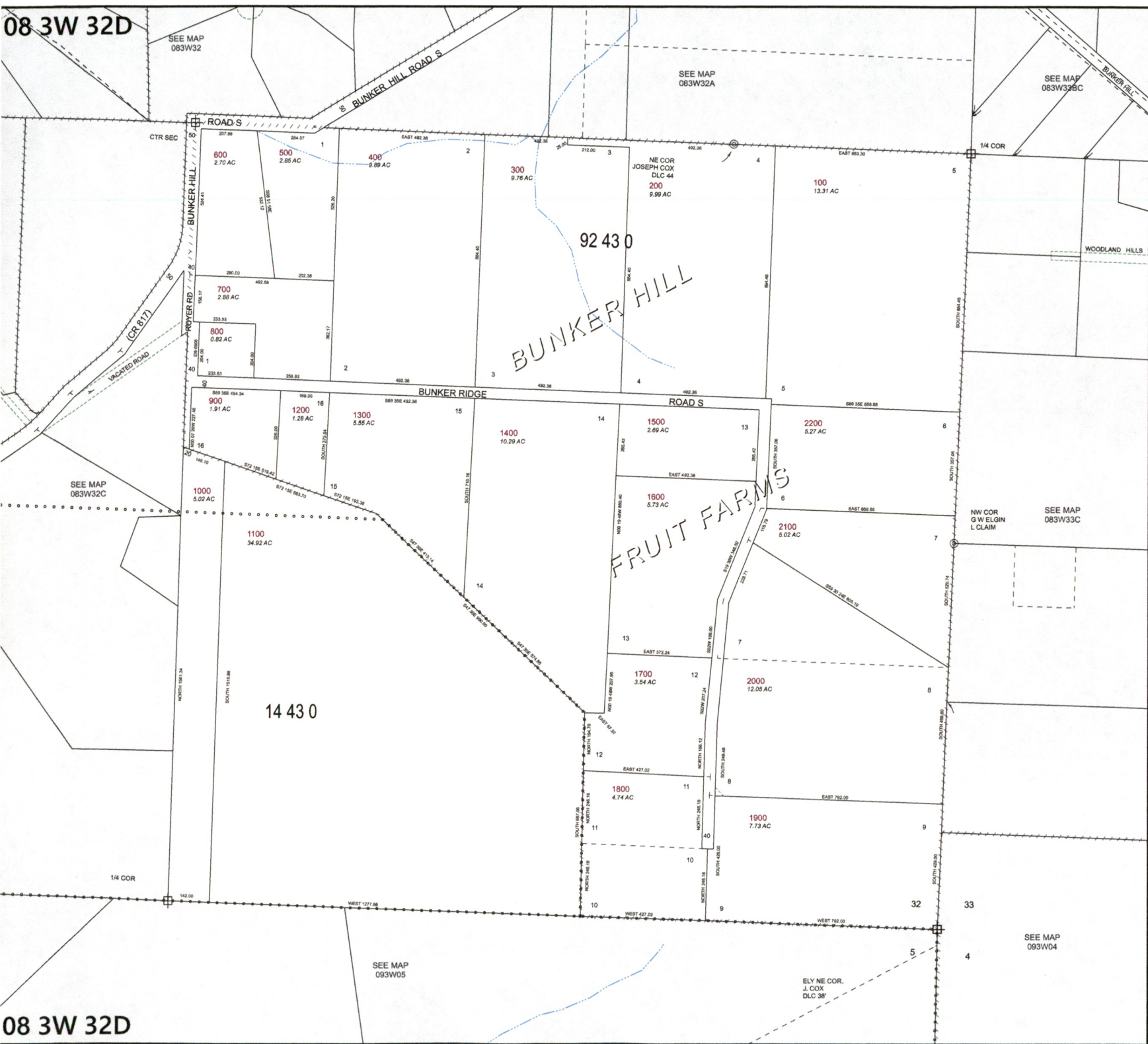
Based on the facts and findings presented by the applicant within this detailed written narrative, the applicant believes they have satisfied the burden of proof required by the Marion County Code and demonstrated how the proposed Non-farm Dwelling not only satisfies all applicable criteria but also gives an additional single-family home, which is greatly needed.

Section 6: Exhibits

Exhibit A	Marion County Tax Map
Exhibit B	Deeds
Exhibit C	Existing Conditions Map
Exhibit D	2000 Acre Study
EXHIBIT E	Geohazard Map
EXHIBIT F	Soils Map

08 3W 32D

08 3W 32D



08 3W 32D

08 3W 32D



MARION COUNTY, OREGON
 SE1/4 SEC32 T8S R3W W.M.
 SCALE 1" = 200'

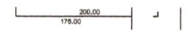
LEGEND

- LINE TYPES**
- Taxlot Boundary
 - Road Right-of-Way
 - Railroad Right-of-Way
 - Private Road ROW
 - Subdivision/Plat Bdndry
 - Waterline - Taxlot Bdndry
 - Historical Boundary
 - Easement
 - Railroad Centerline
 - Taxcode Line
 - Map Boundary
 - Waterline - Non Bdndry

- CORNER TYPES**
- + 1/16TH Section Cor.
 - ⊙ DLC Corner
 - ⊕ 1/4 Section Cor.
 - ⊕ Section Corner
 - 16, 15
 - 21, 22

NUMBERS
 Tax Code Number
00 00 0
 Acreage 0.25 AC All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

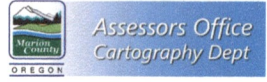
NOTES
 Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



CANCELLED NUMBERS

2101			
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DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT www.co.marion.or.us

PLOT DATE: 10/16/2020

SEE MAP 083W04

ELY NE COR. J. COX DLC 38'

SEE MAP 083W05

SEE MAP 083W32

SEE MAP 083W32A

SEE MAP 083W338C

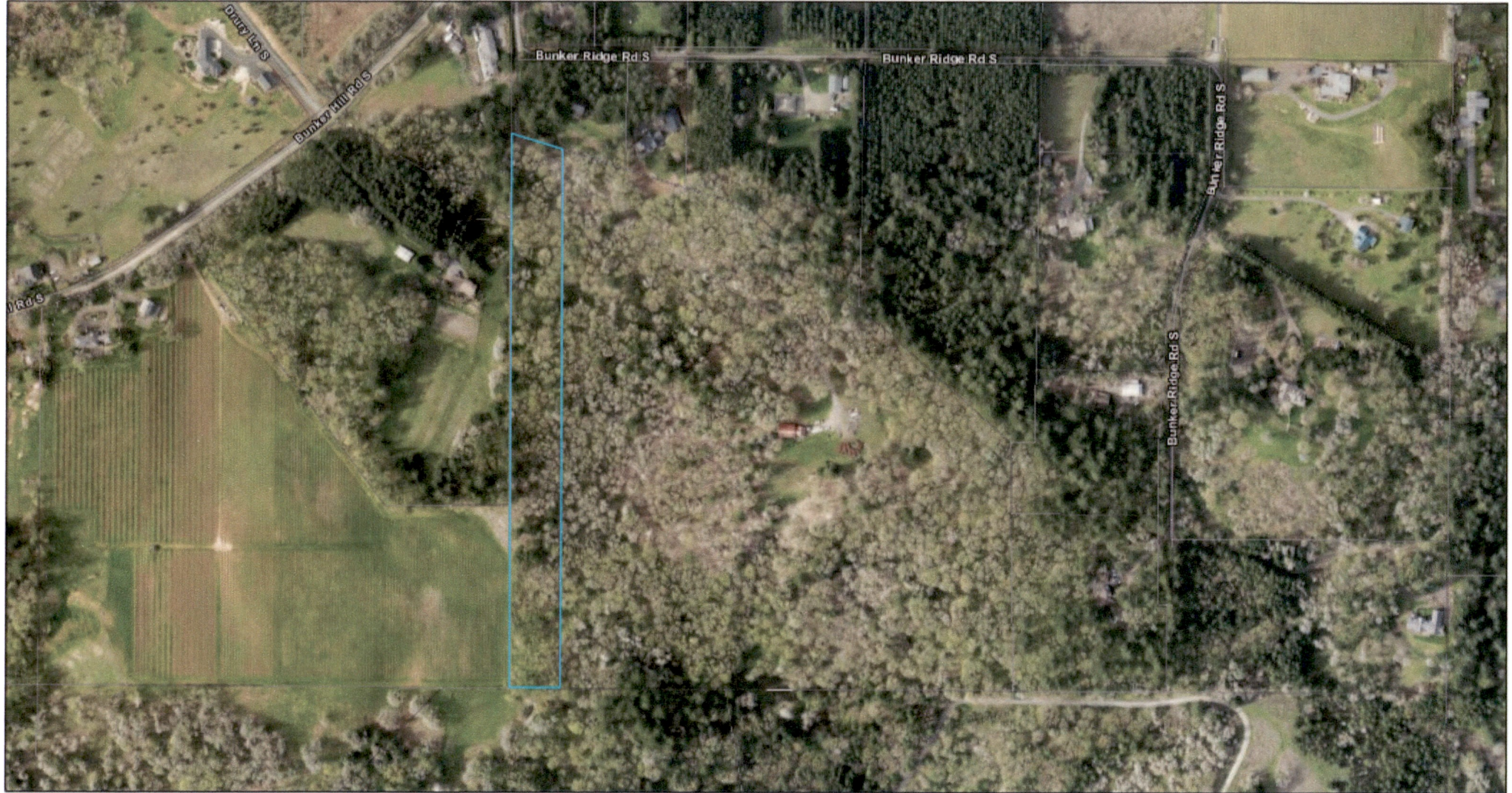
SEE MAP 083W32C

SEE MAP 083W33C

92 43 0

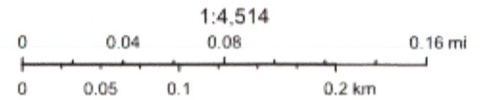
14 43 0

Royer Road S.



10/20/2023, 10:06:50 AM

- Parcels
- County Boundary
- City Boundaries

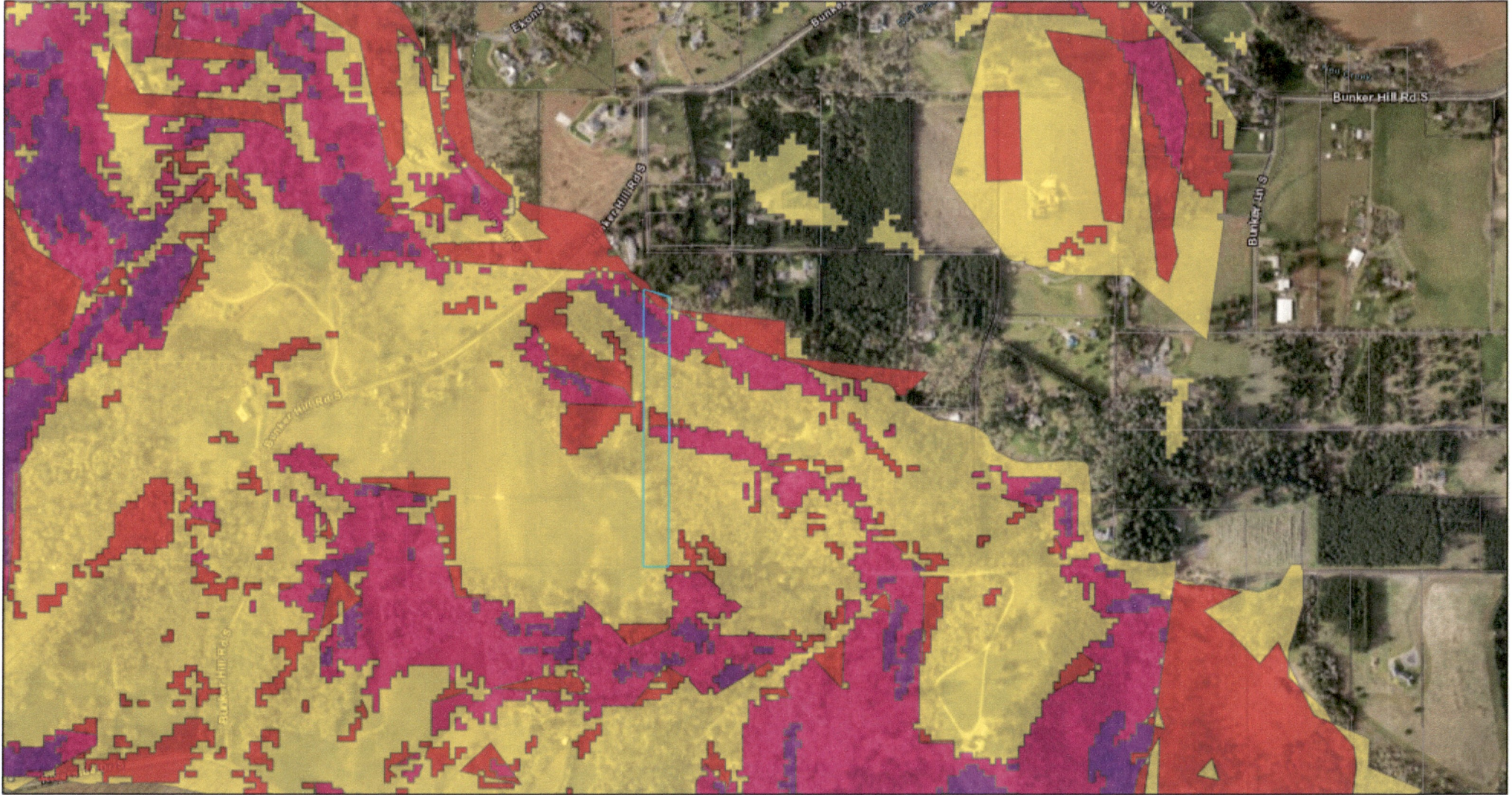


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ArcGIS Web AppBuilder

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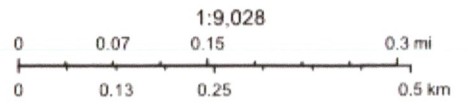
JUBAL Geohazards



9/29/2023, 3:21:08 PM

- GeoHazards 5 - 6 0
- 9 3 Parcels
- 7 - 8 1 - 2 County Boundary

City Boundaries



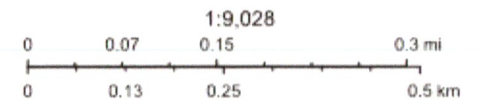
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JUBAL Soils



9/29/2023, 2:54:55 PM

- MC Soils
- Parcels
- County Boundary
- City Boundaries



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