



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: August 12, 2026

Department: Public Works

Title: Public Hearing for Noise Variance 26-002/Rue 3 LLC

Management Update/Work Session Date: N/A Audio/Visual aids ☐

Time Required: 5 min Contact: John Speckman Phone: 503-566-4173

Requested Action:

Staff recommended motion: Approve Noise Variance 26-002/Rue 3 LLC

Other motion options for consideration are:

1. Close the public hearing and deny the application.
2. Close the public hearing and approve a modified request.

Issue, Description & Background:

Application of Ben Rue, Lucas Rue, Joel Rue, and Jesse Rue, on property owned by Rue 3 LLC, for a noise variance to allow music exceeding noise ordinance between 5:00 p.m. and 10:00 p.m. on August 23, 2026, on property located at 12333 Silver Falls Highway SE, Aumsville (T8S; R2W; Section 16; Tax lot 1000).

The applicant is hosting an employee appreciation event. A live band will play music outdoors at volumes that may exceed the noise ordinance. Under Marion County Code 8.45 Noise, the Marion County Board of Commissioners must hold a public hearing on the matter and issue a decision.

Financial Impacts:

None

Impacts to Department & External Agencies:

None

List of attachments:

Staff Report, Application, Site Plan

Presenter:

John Speckman

Department Head Signature:

for Brandon Arch

County Commissioners

Colm Willis, Chair

Kevin Cameron

Danielle Bethell



Chief Administrative Officer

Jan Fritz

Director

Brian Nicholas, PE

MARION COUNTY PUBLIC WORKS

MARION COUNTY PLANNING DIRECTOR'S NOISE VARIANCE REPORT

Application of Rue 3 LLC

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Noise Variance 26-002

APPLICATION

Application of Ben Rue, Lucas Rue, Joel Rue, and Jesse Rue, on property owned by Rue 3 LLC, for a noise variance to allow music exceeding the noise ordinance between 5:00 p.m. and 10:00 p.m. on August 23, 2026, on Exclusive Farm Use (EFU) zoned property located at 12333 Silver Falls Highway SE, Aumsville (T8S; R1W; Section 16, Tax lot 1000).

BACKGROUND

The Marion County Planning Division has reviewed the above-referenced application and offers the following comments:

1. The property is an approximately 95-acre farm parcel located on the north side of Silver Falls Highway (HWY 214), approximately 5-miles east of where Silver Falls Highway meets Highway 22. The property is the headquarters of Victor Point Farms.
2. Surrounding properties are almost all zoned EFU and in commercial farm use. The predominant crop grown in the area is grass seed. A few hundred feet east is the only non-EFU parcel in the area, an Industrial (I) zoned property which is a meat processing and pet food production facility.
3. The application is for a noise variance to allow noise exceeding 65 decibels (dBA) between the hours of 5:00 p.m. and 10:00 p.m. for one day only on August 23, 2026. The application was submitted on July 17, 2026, more than 35 days before the event as required by MCC 8.45.090(B). All property owners within 1,500-feet of the subject property were mailed notice of the hearing. Many of the farm properties in the area contain farm dwellings. The closest neighboring dwelling to the proposed temporary stage location is approximately 1,500-feet to the east.

MARION COUNTY CODE (MCC) CHAPTER 8.45 FINDINGS

4. Under MCC 8.45, noise from any musical instrument is limited to 65 dBA during those hours between 7 a.m. and 10 p.m. unless a variance is granted. The criteria for a variance are listed in MCC 8.45.090(E) and include:
 1. *The variance will provide a substantial benefit to the public generally;*
 2. *Denial would significantly delay, increase the cost, or impact the utility of the project or event;*
 - and
 3. *Effective measures will be implemented to mitigate, to the extent feasible, significant noise impacts.*

5. The applicant is the company that owns the property, Rue 3 LLC, which is hosting a private employee appreciation event. This event will feature live music being played in the front yard of the dwelling on the southern end of the property between 5:00 p.m. and 10:00 p.m. The proposed event will not generate significant noise outside of the permitted hours of 5:00 a.m. to 10:00 p.m., however the applicants expect the volume to exceed 65 decibels and therefore seek this noise variance to permit sound at higher levels be produced during the hours between 5:00 p.m. and 10:00 p.m. Approval of this variance will permit the celebration of a company who employs many people in the local area. Denial would impact the utility of the event by requiring a more somber tone. The site plan shows that the band will be playing music in front of the dwelling on this property. The closest dwellings to this location are approximately 1,500-feet to the east, and 1,800-feet to the west. Due to the distance from the source of the music, and the fact the applicant will end music at 10 p.m. consistent with the standard hours in Chapter 8.45, it appears that the proposed noise variance will not create any significant noise impacts on neighboring properties.
6. Based on the information provided, the Planning Director recommends approval of this application.



Marion County
OREGON

NOISE ORDINANCE VARIANCE APPLICATION

Application must be submitted at least 35 days prior to event date

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

Fee: ☒ \$500

☐ \$0 if submitted in conjunction with a Mass Gathering Application

RECEIVED

JUL 17 2026

Marion County
Planning

NAME OF EVENT OR USE: OMS CELEBRATION	DATE(s) AND TIMES FOR VARIANCE: 8/23/26 5 PM - 10 PM
ADDRESS OF LOCATION: 12333 SILVER FALLS HWY SE AUMSVILLE, OR 97325	NAME OF ORGANIZATION (if applicable): VICTOR POINT FARMS
NAME OF PERSON REQUESTING VARIANCE: BRENN VICK & BEN RUE	ADDRESS, CITY, STATE, ZIP 1451 NW MILWAUKEE AVE BEND, OR 97701
DAYTIME PHONE NO.: 541 786 5758	E-MAIL: BRENN.VICK@THE-PROGRAM.COM
EVENT EMERGENCY CONTACT NAME: BEN RUE	24-HOUR PHONE NO.: 503 871 0254
PROPERTY OWNER(S) NAME: BEN, JESSE, JOEL, & LUCAS RUE	MAILING ADDRESS, CITY, STATE, ZIP 12333 SILVER FALLS HWY SE

REQUIRED INFORMATION

NATURE OF THE EVENT: Indicate what will happen at your event and the provision in the Noise Code for which the variance is requested (attach an additional sheet if necessary).

~~BACKYARD~~ BACKYARD CELEBRATION W/ A BAND FOR 200 PPL

3rd Contact: Kate Warwick 859-814-9166

FOR OFFICE USE ONLY:

Township 8S Range 1W Section 16
Tax lot number(s) 1000
Zone EFU /zone map number 46/47
Case Number NV-26-002
TPA/header ✓

Application elements submitted:

☒ Title transfer instrument
☒ Site plan
☒ Filing fee P.E. 68 7/17/2026
☒ Applicant statement

Application accepted by ACS

Date 7/16/2026

HOW AND WHERE WILL SOUND AMPLIFICATION BE USED DURING THE EVENT? Include nature of the noise and location on the property.

LIVE BAND IN FRONT YARD

AT WHAT TIME WILL THE NOISE BE CREATED AND FOR HOW LONG? (Time period for which the variance is to apply)

5 PM - 10 PM

DESCRIBE THE EXTENT AND SCOPE OF MEASURES THAT WILL BE OR HAVE BEEN TAKEN TO REDUCE OR DIMINISH THE DISTURBANCE (attach an additional sheet if necessary):

CHOOSE LOCATION FARTHEST AWAY FROM NEIGHBORS ACROSS STREET FROM EMPTY FIELD AND FIELDS ON BOTH SIDES.

THE APPLICANT(S) AND PROPERTY OWNERS SHALL CERTIFY THAT:

- A. If the permit 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 site 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, law enforcement, public health and fire control officers to come upon the above-described property to gather information and inspect the property whenever reasonably necessary for the purpose of processing this application and/or monitoring the terms and conditions of the permit issued and any other applicable laws or ordinances.
- D. The applicants have read the entire contents of the application, including the procedures and criteria, and understand the requirements for approving or denying the application.

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

Ben Rue
Print Name

[Signature]
Signature

Joel Rue
Print Name

[Signature]
Signature

Lucas Rue
Print Name

[Signature]
Signature

Jesse Rue
Print Name

[Signature]
Signature

PRINTED NAME AND SIGNATURE OF THE APPLICANT/ORGANIZER (if different from property owner)

BRENN VICK [Signature]

DATED this 16 day of JULY, 2026

Applicant Statement (required)

It is up to the applicant to fully explain your proposal and how it conforms to Marion County land use regulations. This is your opportunity to provide detailed information on the "who, what, where, when and why" that is specific to your proposal.

There are specific criteria and regulations for each zone; these are available from the Planning Division. We strongly encourage you to obtain a copy of this information, review it, and then prepare your "applicant's statement".

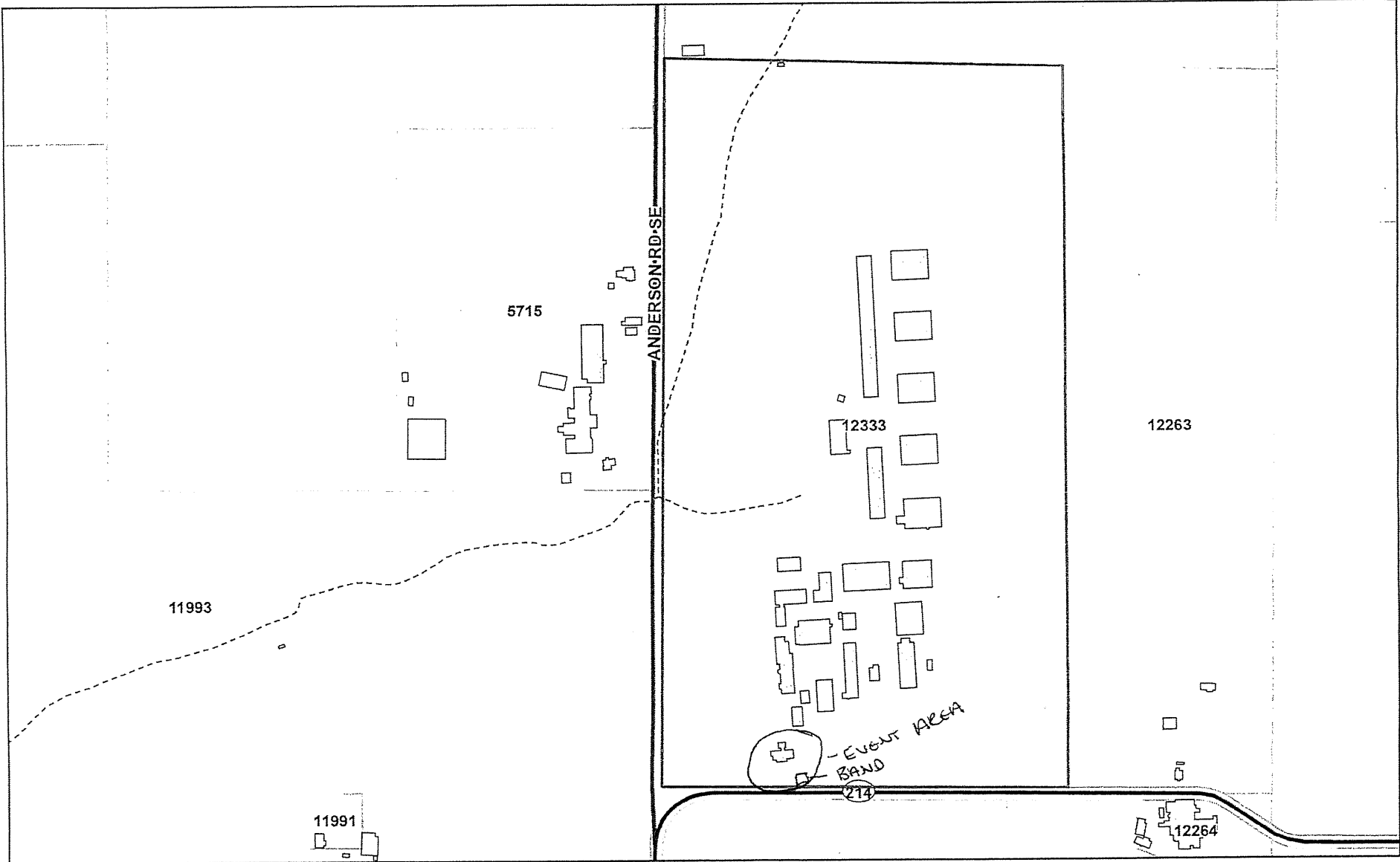
These are a few items you should consider including (where applicable):

- Describe the property as it exists now and after implementation of the proposal: topography, existing structures and their use, new or alteration of structures, etc.
- Describe surrounding properties: type of land use, scale of development, etc. and any impact your proposed use might have on these properties such as dust, noise, fumes or odors, traffic, etc. And, if so, what measures will you take to mitigate these impacts?

OMS SOIL COMPANY'S VICTOR POINT FARMS ARE HAVING A
CUSTOMER/EMPLOYEE APPRECIATION PARTY AUGUST 23, 2026
FOR 200 PEOPLE FROM 5 PM - 10 PM. WE WILL HAVE A
LIVE BAND PERFORMANCE WITH AMPLIFICATION.
CASUAL BUFFET STYLE DINNER WITH LIVE MUSIC FOR EVERYONE
TO HANG OUT AND MINGLE.

(use additional paper if needed)

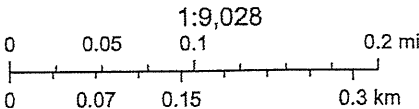
Land Use Planning Web Map



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7/16/2026, 4:05:30 PM

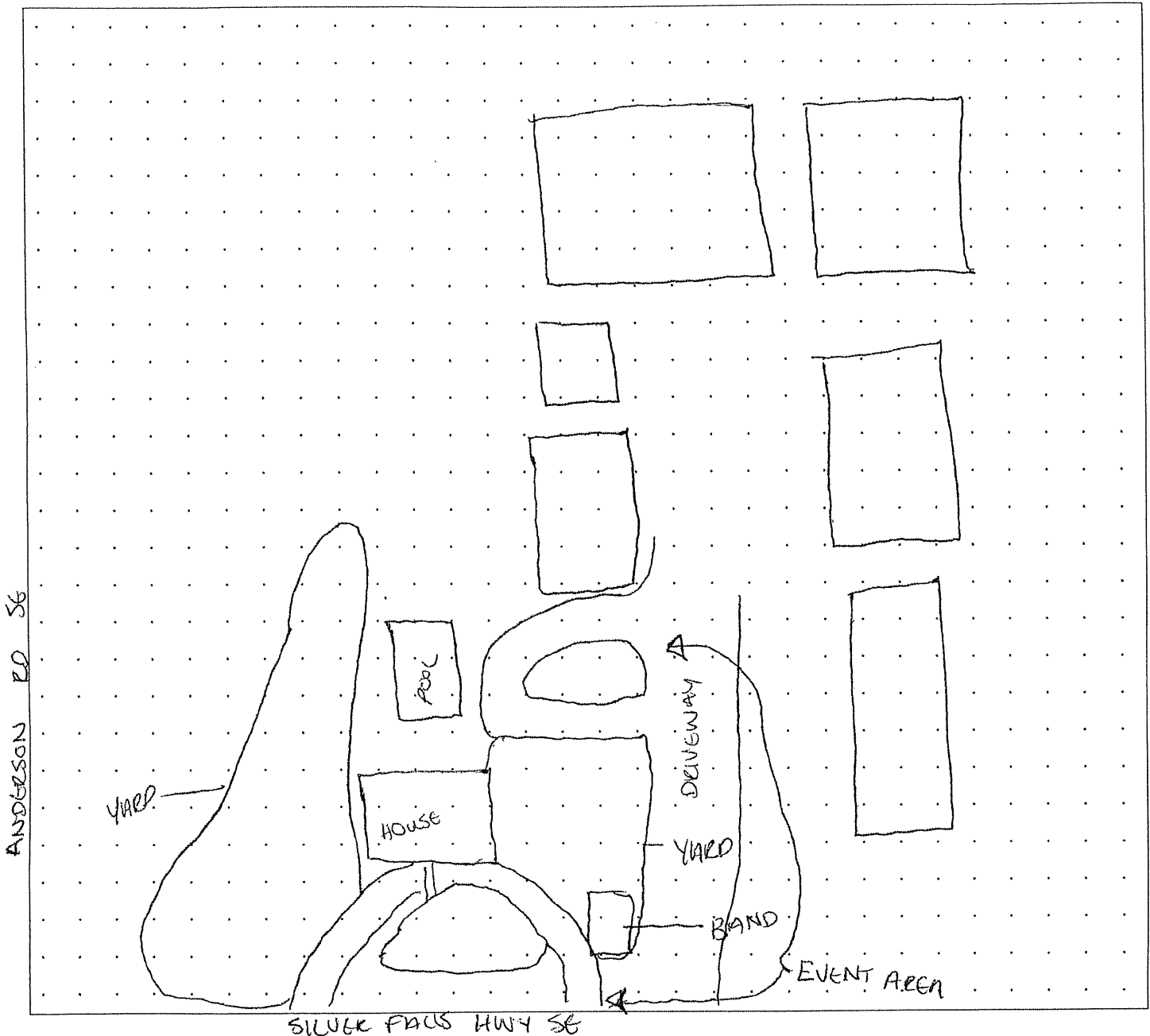
- | | | |
|--------------------------------------|-------------------------------|-----------------|
| MC Building Outlines - 2016 Roadways | Non County Roads | Private Roads |
| Streams | State Roads | Parcels |
| Intermittent | County Roads | County Boundary |
| | NCR, Limited Maintenance | City Boundaries |
| | County Owned, City Maintained | |
| | City Roads | |
| | Federal Roads | |



MC IT-GIS, MC PW, MC-ASR, MC-IT GIS, MC IT-GIS, MC Planning

SITE PLAN MUST SHOW ALL PROPERTY LINES AND DIMENSIONS

- ☐ Drawn to Scale: 1 square = _____
☐ Feet Not Drawn to Scale: Total Acres _____



I certify that the above information is accurate to the best of my knowledge. I AM THE [] Owner ☒ Authorized Agent

NAME (please print): BRENN VICK
 My telephone number is: 541 786 5758
 Applicant's Signature: [Signature] Date: 7/16/26
 Applicant's Mailing Address: 1451 NW MILWAUKEE City: BEND Zip: 97701

FOR OFFICE USE ONLY

PLANNING: _____ Date: _____
 PUBLIC WORKS: _____ Date: _____
 BUILDING INSPECTION: (Acceptable for Planning requirements only) _____ Date: _____