

Attention Property Owner: A land use proposal has been submitted for property near where you live or property you own elsewhere. State law requires the county notify property owners within a certain distance from this property. The proposal and address of the property is described in the "Application" section below. The decision in this case does not directly affect zoning or use of your property. If you object to the decision, refer to the "Appeal" section. If you have questions, contact the staff person listed at the end of this report.

**NOTICE OF DECISION
CONDITIONAL USE CASE NO. 19-006**

APPLICATION: Application of Tardie Investments LLC for a conditional use to expand an existing RV park on a 4.03 acre parcel in an ID (Interchange District) zone located at 11223 Hochspeier Rd SE, Jefferson. (T9S: R3W Section 15A; tax lot 700).

DECISION: The Planning Director for Marion County has **APPROVED** the above-described Conditional Use application subject to certain conditions.

EXPIRATION DATE: This Conditional Use Permit is valid only when exercised by **March 15, 2021**. The effective period may be extended for an additional year subject to approval of an extension (form available from the Planning Division). **Additional extensions may not be granted if the regulations under which this decision was granted have changed since the original approval.**

WARNING: A decision approving the proposed use is for land use purposes only. Due to septic, well, and drain field replacement areas, this parcel may not be able to support the proposed use. To ensure the subject property can accommodate the proposed use the applicant should contact the Building Inspection Division, (503) 588-5147.

This decision does not include approval of a building permit.

CONDITIONS: The following conditions must be met before a building permit can be obtained or the approved use established:

1. The applicant shall obtain approval for all required permits from the Marion County Building Inspection Division.
2. Public Works Land Development Engineering and Permits Division (LDEP) will not approve the use until the following condition has been satisfied:

***Condition A** – Prior to building permit issuance, provide proof of ODOT review and approval of an updated stormwater detention plan to address the proposed expanded RV park area. Prior to issuance of Certificate of Occupancy, acquire final inspection approval of the stormwater improvements.*

3. The applicant shall provide a site plan demonstrating how the use will comply with the development standards in the ID zone including, but not limited to, landscaping requirements.

OTHER PERMITS, FEES, AND RESTRICTIONS: This approval does not remove or affect covenants or restrictions imposed on the subject property by deed or other instrument. The proposed use may require permits and/or fees from other local, State or Federal agencies. This decision does not take the place of, or relieve the responsibility for, obtaining other permits or satisfying any restrictions or conditions thereon. It is recommended that the agencies mentioned in Finding #5 be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

4. The applicants should contact the Jefferson Fire District to obtain a copy of the District's Recommended Building Access and Premise Identification regulations and the Marion County Fire Code Applications Guide. Fire District access standards may be more restrictive than County standards. The Jefferson Fire District contact person is Scott Shepherd at (541) 327-2822 for more information.
5. The applicants should contact Marion County Land Development and Engineering (503-584-7714) for additional Engineering Requirements and Advisories, listed in Finding #5 below, that may be required.

APPEAL PROCEDURE: The Marion County Zone Code provides that certain applications be considered first by the County Planning Director. If there is any doubt that the application conforms with adopted land use policies and regulations the Director must condition or deny the application. Anyone who disagrees with the Director's decision may request that the application be considered by a Marion County hearings officer after a public hearing. The applicant may also request reconsideration (one time only and a fee of \$200) on the basis of new information subject to signing an extension of the 150 day time limit for review of zoning applications.

A public hearing is held on appeals subject to the appellant paying a \$250.00 fee. Requests for reconsideration, or consideration by a hearings officer, must be in writing (form available from the Planning Division) and received in the Marion County Planning Division, 5155 Silverton Rd. NE, Salem, by 5:00 p.m. on **March 15, 2019**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **March 16, 2019** unless further consideration is requested.

FINDINGS AND CONCLUSIONS: Findings and conclusions on which the decision was based are noted below.

1. The property is designated Commercial in the Marion County Comprehensive Plan. The purpose of this designation and the corresponding ID (Interchange District) zone is to provide for the location of needed highway service facilities at the interchanges between the controlled access highways and the intersecting arterial roads.
2. The property is located in the southeast quadrant of the North Jefferson Interchange, between Hochspeier Road SE and Interstate 5. The property is currently developed as a recreational vehicle park with a club house and was approved under Conditional Use Case 01-75 (CU01-75). A caretaker residence was approved under CU12-041. The parcel is considered a legal lot.
3. Property to the north is zoned SA (SPECIAL AGRICULTURE) and in small-scale farm use. Property to the east and south is zoned EFU (EXCLUSIVE FARM USE) and contains a large farming operation. Property to the west, across Interstate 5, is zoned ID.
4. The applicant proposes to expand the existing RV park from 51 spaces to a total of 61 spaces along its northern border.
5. Public Works Land Development and Engineering Permits (LDEP) requested that the following condition be included in the land use case:

“Condition A – Prior to building permit issuance, provide proof of ODOT review and approval of an updated stormwater detention plan to address the proposed expanded RV park area. Prior to issuance of Certificate of Occupancy, acquire final inspection approval of the stormwater improvements”.

LDEP also requested that the following requirements be included:

- B. In accordance with Marion County Code 11.10, if this land use action is approved, the Applicant will be required to apply for a driveway “Access Review” and make changes, if necessary, to establish a safe and compliant access. If changes to the access are deemed necessary by the County Inspector, an “Access Permit” will be required. Driveways must meet sight distance, design, spacing, and safety standards.
- C. The County requires any development having 0.5-acre or more of impervious (hard) surface to provide storm water detention.
- D. The subject property is within the unincorporated area of Marion County and will be assessed Transportation System Development Charges (SDCs) upon application for building permits, per Marion County Ordinance #00-10R.”

Marion County Building Inspection commented that permits would be required.

Marion County On-Site Sewage commented that septic authorization will be required through Oregon Department of Environmental Quality.

Jefferson Fire District commented on access requirements for the expansion.

6. The proposal must also meet the standards in MCC 17.150.160 which states that any new use permitted in MCC 17.150.040 or 17.150.095 shall be allowed only upon demonstration of satisfaction of the following criteria:
 - A. *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;*
 - B. *The proposed use will not, by itself or in combination with existing uses in the community, result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations;*
 - C. *The proposed use will not, by itself or in combination with existing uses in the community, exceed the carrying capacity of the soil or of existing water supply resources and sewer services;*
 - D. *The traffic generated by the proposed use is consistent with the identified function, capacity, and level of service of transportation facilities serving the community; and*
 - E. *The proposed use will not create significant adverse effects on existing uses or permitted uses on adjacent land, considering such factors as noise, dust and odors.*
 - F. *The proposed use is intended to directly serve the traveling public or trucking industry, or both.*
7. The proposal involves the expansion of a total of 10 RV spaces to the northern border of the existing RV Park. No impact to farming is expected from the proposed expansion of the RV Park. The proposed use would be consistent with other uses in the area serving the recreational vehicle park and would not, itself, create a public health hazard or adverse environmental impacts that violate water quality regulations. The applicants will be required to provide evidence of stormwater management as a part of the development of the property. Traffic studies were done during the initial park development and included provisions for the park expansion and the transportation improvements were previously addressed with the approval of CU 01-75. The recreational vehicle park is a use that directly serves the traveling public. The amount of noise, dust and odors generated by the expansion of the use would be minimal and consistent with other surrounding uses in the area and traffic on nearby Interstate Highway 5. The proposal meets, or can be conditioned to meet, the criteria in 8 above.
8. Based on the above findings and conclusions the proposal meets the conditional use criteria to expand the existing recreational vehicle park in an ID zone, and is, therefore, **APPROVED**, subject to conditions.

Joe Fennimore
Planning Director

Date: March 1, 2019

If you have any questions regarding this decision contact Patty Dorr at (503) 588-5038

Notice to Mortgagee, Lienholder, Vendor or Seller: ORS Chapter 215 requires that if you receive this Notice, it must promptly be forwarded to the purchaser.