



Marion County
OREGON

ADMINISTRATIVE REVIEW
APPLICATION RECEIVED

OCT 15 2021

Marion County
Planning

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

Fee: Please check the appropriate box:

- Administrative Review - \$640
- Primary Farm Dwelling - \$940
- Replacement Dwelling - \$375
- Lot of Record - \$1250 (staff); \$1880 (hearing)
- Secondary Farm - \$1250

- Forest Dwelling - \$1250
- Wireless Comm. Facility, Attached - \$1880
- Wireless Comm. Facility - \$2500
- Wildlife Habitat - \$310

PROPERTY OWNER(S): GIERLOFF, DEBRA L	ADDRESS, CITY, STATE, AND ZIP: 7937 Lakeside Dr. NE Salem OR 97305
PROPERTY OWNER(S) (if more than one): QUILLIN, DAVID M	ADDRESS, CITY, STATE, AND ZIP: 7937 Lakeside Dr NE Salem OR 97305
APPLICANT REPRESENTATIVE: BARBARA STANDIFORD	ADDRESS, CITY, STATE, ZIP: 1631 NE BROADWAY #503 PORTLAND OR 97215
DAYTIME PHONE (if staff has questions about this application): 503 508 8375	E-MAIL (if any): debi@everwoodfarm.com
ADDRESS OF SUBJECT PROPERTY: 7937 Lake side Dr NE Sall em OR 97205	SIZE OF SUBJECT PROPERTY: 5.02
THE PROPERTY OWNERS OF THE SUBJECT PROPERTY REQUEST TO (summarize here; provide detailed information on the attached "Applicant Statement" page): apply for permit for the 7937 Lake side Dr. NE Salem OR (tax lot 062W2100A300) for the purpose of using the current buildings and setup for dog training as allowed by ORS 215.213. There would be no changes needed to the property or buildings.	
WILL A RAILROAD HIGHWAY CROSSING PROVIDE THE ONLY ACCESS TO THE SUBJECT PROPERTY? <input type="checkbox"/> YES <input type="checkbox"/> NO IF YES, WHICH RAILROAD:	

FOR OFFICE USE ONLY:			
Township 6	Range 2W	Section 21	Application elements submitted:
Tax lot number(s) 1300			<input checked="" type="checkbox"/> Title transfer instrument
Zone: EFU			<input checked="" type="checkbox"/> Site plan
Zone map number: 29			<input checked="" type="checkbox"/> Applicant statement
<input type="checkbox"/> TPA/header Gierloff			<input type="checkbox"/> GeoHazard Peer Review (if applicable)
Case Number: AR21-030			<input checked="" type="checkbox"/> Filing fee
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural			Application accepted by: MS
Date determined complete:			Date: 10/15/21

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.

Debra L Gierloff

Print Name



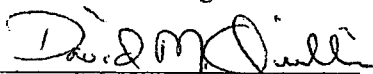
Signature

Print Name

Signature

David M Quillin

Print Name



Signature

Print Name

Signature

DATED this 13 day of October, 2021

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?

Our property at 7937 Lakeside Dr NE, Salem, OR 97305 is currently for sale (MLS#: 776255). One potential buyer has expressed interest in using the property for dog training as allowed by ORS 215.213 and has asked us, as current owners to submit application for a Conditional Use Permit.

The following narrative and has been prepared by Barbara Standiford, a successful Oregon/Washington dog agility trainer and handler. Currently, as the owner of EK9 Agility, she teaches all levels of dog agility in Hillsboro and Woodburn, OR. She competes in United States Dog Agility Association (USDAA), American Kennel Club (AKC), United Kennel International (UKI) and Canine Performance Events (CPE) sanctioned trials locally and nationally. Additionally, she is a UKI and USDAA Master's level dog agility judge.

In 2012 the Oregon legislature unanimously passed HB-4170 (ORS 215.213), which allows dog training to occur on EFU land in structures that existed before 2012. Additionally, an amendment to 2021 HB 3318, passed in 2021, added dog training facilities to agriculture buildings that would also be exempt from the Oregon State Structural Specialty Code.

Specifically, the rules for dog training stated in ORS 215.213 are:

Dog training classes or testing trials, which may be conducted outdoors or in farm buildings in existence on January 1, 2019, when:

(A) The number of dogs participating in training does not exceed 10 dogs per training class and the number of training classes to be held on-site does not exceed six per day; and

(B) The number of dogs participating in a testing trial does not exceed 60 and the number of testing trials to be conducted on-site is limited to four or fewer trials per calendar year.

Continued on additional page

(use additional paper if needed)

The property is adjacent to and located near other EFU zone parcels, including both smaller plots of land as well as larger parcels. The property is currently being used as an Equine Facility with a 60 x 160 ft building that includes a 60 x 120 ft indoor arena. There are two existing pastures north of the arena; the property does not grow hay. The property also contains a single-family residence that would house the owners of the business.

Dog agility (and other dog training classes) benefit both the family and the community in which they live. Students who attend dog agility classes are interested in training their own dogs to a high level of skills.

The facility plan would include two designated fenced dog potty areas. In each area, "poop bags" will be available as will disposal containers. Collected dog feces would either be taken away with the household garbage or will be taken off site by a local company that specializes in dog poop patrol. The designated potty area will minimize, if not eliminate dog feces in other places on the property. There should be no smell. In addition, rules will specify dogs must be on leash outside the actual training room/arena or in a fenced potty area. We will install a system of double doors/gates that would assure dogs could not get out and run loose while they are training.

- 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 nonfarm or non-forest dwelling has been approved and established, in exception areas approved under ORS 197.732, or in an acknowledged urban growth boundary.**

Currently, the property is used as an equine facility, with a 60 x 160-foot arena with stalls and a 60 x 120 ft indoor riding arena, as well as additional pastures. The arena was built in 2004 (permit number 04-03729). The proposed use would not alter any of the current buildings or pastureland. The 60 x 120 ft covered arena is well suited to conduct dog agility classes. Most dog agility trials utilize 100 x 100 ft space, and the current size of the arena is more than adequate to teach classes. The use of the covered arena will mitigate noise from the dogs as well as provide shelter from the elements. The stalls would be utilized for dogs waiting their turns and would be out of sight of the dog currently in the arena. Because there would be no changes needed to the building or property, there would be no significant increase to the value of this property. Importantly, the property could easily revert to Equine use without any changes after this use ends.

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

The property is currently served by Station-5 Brooklake fire station of the Marion County Fire Department (approximately 2 miles away); law enforcement is provided by Marion County; septic and a well are already available on the property. The current parking area, which is graveled, has sufficient clearance to allow for a modified hammerhead turn around on the property by fire trucks (OFC 503.2.5).

The proposed use will not adversely impact these current services.

- 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.**

- The property is in the Pudding River WC and currently has a rainwater reclamation system that takes the runoff from both the arena and house to a French drain which disperses the water into the ground.
- The property is not identified as a potential water impoundment as identified in the Marion County Comprehensive Plan, and the existing driveway and parking lot does not need to be expanded.
- The land is level, so erosion is not an issue and the land is not located within the 100 year floodplain.
- The proposed use would not impact either air or water quality.
- One or more porta potties will be utilized by students/clients so as not to impact the septic system.
- There are no identified wetlands, streams, wildlife habitat area, or ecological hazards on the property.
- The property does not contain any identified groundwater, fish and wildlife habitat, air or water quality resources.

- The parking lot currently on the property is more than adequate for the number of cars expected at any given time (fewer than 10).

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

Using a Decibel meter with a measuring range of 40 – 130 dBA (+/-3.5 dB), a noise test was conducted at the Hillsboro indoor facility where Ms. Standiford teaches agility. During an average class, the measurable noise level was recorded at an average of 55 dB and peaked at 77 dB inside the arena. Using the same equipment, a recording of a dog agility competition was replayed at South wall of the arena on the property. The peak sound was over 90 dB at the source; and the maximum sound level at the closest property's edge was 55 dB. That result falls below the measurement allowed according to the Marion County Noise Ordinance (Chapter 8.45)

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.

The property is not a potential water impoundment as identified in the Marion County Comprehensive Plan, and the existing parking lot does not need to be expanded.

This Conditional Use Permit does not include mining of mineral or aggregate sites within the proposal.