

Attention Property Owner: A land use proposal has been submitted for property near where you live or near property you own elsewhere. State law requires that 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 the 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
ADMINISTRATIVE REVIEW CASE NO. 21-030**

APPLICATION: Application of Debra Gierloff and David Quillin for an administrative review to operate a dog training facility on a 5.02 acre parcel in an EFU (Exclusive Farm Use) zone located at 7937 Lakeside Dr. NE, Salem. (T6S, R2W, Section 21, Tax Lot 1300).

DECISION: The Planning Director for Marion County has **APPROVED** the above-described Administrative Review, subject to certain conditions.

EXPIRATION DATE: This decision is valid only when exercised by **December 11, 2023** unless an extension is granted. The effective period may be extended for one year subject to approval of an extension. Request for an extension must be submitted to the Planning Division prior to expiration of the approval (form available from the Planning Division).

WARNING: A decision approving the proposal is for land use purposes only. Due to septic, well and drainfield replacement areas, this parcel may not be able to support the proposal. To be sure the subject property can accommodate the proposed use the applicant should check with 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 applicants shall obtain all permits, including subsurface sewage disposal, required by the Marion County Building Inspection Division.

ADDITIONAL CONDITIONS: Once the approved use is established the following conditions must be continually satisfied:

2. The dog training business shall be operated in full compliance with the criteria in MCC 17.136.040(O) that are listed in #7 of the Findings and Conclusions section of this decision. Only dog training activities are approved.
3. All activities associated shall be conducted outdoors or inside of a permitted agricultural building.
4. Failure to continuously comply with the conditions of approval may result in this approval being revoked. Any revocation can be appealed to a county hearings officer for a public hearing.

OTHER PERMITS, FEES AND RESTRICTIONS: This approval does not remove or affect any 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 #6 below be contacted to identify restrictions or necessary permits.

5. The applicants should contact Marion County Land Development and Engineering (503-584-7714) for additional Engineering Requirements and Advisories, listed in Finding #6 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 to adopted land use policies and regulations the Director must deny the application. Anyone who disagrees with the Director's decision may appeal the decision to a Marion County hearings officer. The applicant may also request reconsideration (one time only and a \$200.00 fee) 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. Appeals must be in writing (form available from the Planning Division) and received in the Marion County Planning Division, 5155 Silverton Rd. NE, Salem by 4:00 p.m. on **December 11, 2021**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **December 13, 2021** unless appealed.

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

1. The subject property is designated Primary Agriculture in the Marion County Comprehensive Plan and zoned EFU (Exclusive Farm Use). The intent of both designation and zone is to promote and protect commercial agricultural operations.
2. The subject property is located on the west side of Lakeside Dr NE, approximately 0.44 miles from its intersection with Brooklake Rd NE. The property is developed with a dwelling and a large farm building/arena. The property has a permitted dwelling from 1972 and is considered a legal parcel for land use purposes.
3. Surrounding properties in all directions are zoned EFU and consist of properties in farm use and some developed with home sites.
4. The applicants are proposing to operate a dog training business on the subject property.
5. Soil Survey of Marion County Oregon indicates 100% of the subject property is high-value farm soils.
6. Public Works Land Development and Engineering Permits commented:

ENGINEERING REQUIREMENTS

- A. *An Access Permit is required to pave the private easement driveway approach connection with Hot Mix Asphalt at Lakeside prior to establishment of the proposed use. Paving is required to mitigate the anticipated increase in traffic at the shared access due to the proposed commercial use.*
- B. *Transportation & Parks System Development Charges (SDCs) differential may be assessed per the change in use depending on how many horse stalls were accounted for at the time of riding arena construction as compared to the anticipated level of traffic for the proposed use.*

Marion County Septic Inspection commented that "The proposed use may require review by Marion County Onsite Wastewater Staff. Portable toilets may be allowed under OAR 340-071-0330. Customers using any new or existing restroom facilities would require an authorization notice approval for a change of use/increase in flow to the septic system."

Marion County Building Inspection commented: "Permits will be required for any utility work or construction."

Marion County Dog Services commented: "I have reviewed our records and only found one complaint from 2020. We show the property owners with a licensed dog. In reading the information it sounds like Barbara Standiford will be using the property and arena for dog events like agility. I have been out to this property, and understand what this property would be used for. I see no reason not to grant this use for this property. I think it will be a great dog venue for our community."

All other contacted agencies either failed to respond, or stated no objection to the proposal, at the time this report was written.

7. Section 17.136.040(O) of the Marion County Code (MCC) allows dog training classes subject to meeting specific standards and criteria. These include:

Dog training classes or testing trials conducted outdoors or in agricultural buildings existing on June 4, 2012 subject to the following:

1. *The number of dogs in each training class shall not exceed 10.*
 2. *There shall be no more than six training classes per day.*
 3. *The number of dogs participating in the testing trials shall not exceed 60.*
 4. *There shall be no more than four testing trials per calendar year.*
8. The criteria identified in Finding #7 will be made conditions of any approval.
9. Based on the above findings, the proposal to operate a dog training business on the property meets all applicable criteria. This request is, therefore, **APPROVED**, subject to conditions.

Brandon Reich
Director-Planning Division

Date: November 26, 2021

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