



Oregon

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May 11, 2026

Brandon Reich, Manager and Planning Director
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Marion County
5155 Silverton Rd NE
Salem, OR 97305-3802



By Email: breich@co.marion.or.us; ABarnes@co.marion.or.us

Subject: Comments on PAPA DLCD File No. 002-26, Marion County Local File ZC/CP26-001, for a Zone Change/Comprehensive Plan Amendment on a 24.88 acres located at 5355 Gaffin Rd SE, Salem.

Dear Mr. Barnes,

Thank you for the opportunity to comment on the above referenced application. We have reviewed the materials submitted and would like to submit the following comments for the record:

We understand the application is requesting an exception to Statewide Planning Goal 3 for a Comprehensive Plan land use designation change from Special Agriculture to commercial and corresponding zone change from Exclusive Farm Use (EFU) to rural commercial zoning. We also understand that the request includes an “irrevocably committed,” and a “reasons” exception to statewide planning Goal 3. The application materials state that a commercial hay storage and compression business, permitted as a conditional use in 1992 (ref. CU92-018), is present on the subject property proposed for a comprehensive plan land use designation and zone change.

First, irrevocably committed exceptions to Goal 3 require a demonstration that farm uses, as defined in ORS 215.203, the propagation and harvesting of a forest product as specified in OAR 660-033-0120, and forest operations as specified in OAR 660-006-0025(2)(a), are made impracticable because of existing adjacent uses and development. The presence of hydric soils on part of the property, adjacent rights of way, adjacent properties smaller than 10 acres, and adjacent industrial uses does not demonstrate that the subject property is irrevocably committed to nonfarm uses. In considering uses on adjacent properties, the findings must identify the conflicts or other impacts between the industrial or residential uses and development in the surrounding area and the subject property that make farm and forest use of the subject property impracticable. The applicant does not describe how adjacent residential uses and development impact the subject property in a way that makes farm use impracticable. Additionally, applicable rule states that parcels created and uses approved pursuant to the applicable goals shall not be used to justify a committed exception (OAR 660-004-0028(6)(c)(A)). For example, a commercial agricultural operation (and associated development) under the provisions of an

exclusive farm use zone – including a permit for a commercial activity in conjunction with farm use - cannot be used to justify a committed exception for the subject parcels or land adjoining those parcels.

Specifically, in adopting an irrevocably committed exception where the proposed exception area has a history of farm use, an adequate demonstration of impracticability must identify recent or imminent changes affecting the subject property that, by themselves or in combination with other factors, render continued farm use of the property impracticable (*Jackson County Citizens League v. Jackson County*, 38 Or LUBA 357 (2000)). We did not find a discussion of recent or impending changes in the surrounding area that contribute to the impracticability of farm operations on the property.

Furthermore, OAR 660-004-0028(6)(c) requires an analysis of how the existing development pattern in the surrounding area came about and whether findings against the goals were made at the time of partitioning or subdivision. We did not find a discussion of this aspect of the history in the application.

Regarding the proposed reasons exception, we did not see findings for this Goal exception pathway in the county's staff report. Accordingly, we are not addressing it in full in our comments. However, if that were to be used as a basis for approval of this Goal exception, the existing findings on the record would be inadequate for demonstrating consistency with ORS 197.732 and OAR 660-004-0020 and 0022.

Please enter this letter into the official record of proceedings for the land use application known as Local File No.: ZC/CP26-001 and DLCD PAPA File No.: 002-26.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Melissa Ahrens', with a long horizontal flourish extending to the right.

Melissa Ahrens
Mid-Willamette Valley Regional Representative