

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. 18-065**

**APPLICATION:** Application of Trice Northwest LLC for a conditional use to sell and service GPS equipment on a 2 acre parcel in an ID (Interchange District) zone located at 21505 Bents Court, Aurora (T4S; R1W; Section 9DC; Tax lot 1800).

**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 **January 7, 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 drainfield 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.

**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:

2. The applicant shall enclose all outdoor storage areas with an ornamental, sight-obscuring fence or wall placed at a height of six feet or a compact evergreen hedge planted at three feet and capable of attaining a minimum of six feet; provided that, in no case, shall any fence or hedge be placed in vision clearance area (see MCC 17.110.770). Any fence, wall or hedge shall be located on the property at the required setback line in the same manner as if said fence or wall were a building.
3. The applicant should contact Aurora 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.

**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 **January 7, 2019**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **January 8, 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 on the west side of Bents Court SE approximately 1000 feet south of Ehlen Road. The property is developed with an existing building and was approved for a furniture and cabinet component manufacturing business as a result of Conditional Use Case #03-37.
3. Adjacent properties in all directions are zoned ID and developed with commercial and industrial uses.
4. The applicant proposes to establish a GPS and precision guided products business on the property. The company intends to sell, service, install, demo/test, maintain, train and calibrate laser, GPS and precision guided products for use on Agriculture and Construction machinery and equipment.
5. Marion County Building Inspection commented that building permits would be required.

All other contacted agencies either failed to respond or stated no objection to the proposal.

6. The Marion County Code (MCC) 17.150.095 specifies the permitted uses in a rural service center:
  - A. *Uses legally established and existing on July 19, 2000. Such uses are permitted pursuant to this section only on the lot(s) or parcel(s) where they existed on July 19, 2000;*
  - B. *Expansion of a use existing on November 15, 1994;*
  - C. *Wireless communication facilities attached, subject to MCC 17.150.030(I);*
  - D. *Wireless communication facilities subject to MCC 17.125.120;*
  - E. *Utility facilities necessary for public service; and*
  - F. *The following uses, when such uses have been approved by and under the procedures set forth in MCC 17.119.010 through 17.119.080 (conditional uses), subject to the criteria in MCC 17.150.160:*
    - i. *Manufacturing, processing, trucking, wholesale distribution, and storage uses (SIC 20 through 39 and 42) not otherwise listed in this section and not exceeding 40,000 square feet of floor space or 60,000 square feet of floor space in an urban unincorporated community;*
    - ii. *Caretaker dwelling.*

The subject property is located in a rural service center. The applicant proposes to establish a 15,000 square foot warehouse facility. While these types of uses are not permitted outright in the ID zone, MCC 17.150.095(F)(1) allows manufacturing, processing, trucking, wholesale distribution, and storage uses (SIC 20 through 39 and 42), not otherwise listed in this section and not exceeding 40,000 square feet of floor space. Selling and servicing GPS products for use on Agriculture and Construction Machinery and equipment, including related office space, is listed as SIC 3812 in the Standard Industrial Classification. SIC 38 is permitted as a conditional use in a rural service center.

7. 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.*

8. The subject property is surrounded by land zoned ID. There is no farming located near the property and the proposed use, as described by the applicant, won't impact farm traffic. There is no impact to farming expected from development of this property with the use. The business will use existing buildings already on the property. The City of Donald, through the Fargo Sewer District, provides sewer service to the property. The property is served by a well for water. The applicant states that adequate services are available to the property and, because the use takes place primarily indoors, it is not expected to have an impact on adjacent land considering such factors as noise, dust or odors. The applicant states that the nature of the business is unique amongst the farming community and contractors and needs close access to Interstate 5. As described, the proposal meets the criteria above.
9. Based on the above findings and conclusions the proposal meets the conditional use criteria to establish a GPS equipment business in an ID zone and is, therefore, **APPROVED**, subject to conditions.

Director-Planning Division

Date: December 21, 2018

If you have any questions please 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.