

**NOTICE OF DECISION  
ADMINISTRATIVE REVIEW CASE NO. 19-020**

**APPLICATION:** Application of Robin and Katherine Winston, on property owned by the Aurora Congregation of Jehovah's Witnesses, Inc. for an administrative review to permit rural fire services on a 1.64 acre parcel in an EFU (Exclusive Farm Use) zone located at 13533 Ehlen Rd. NE, Aurora. (T4S; R1W; Section 11C; tax lot 600).

**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 **October 30, 2021**, unless an extension is granted. The effective period may be extended for an additional year subject to approval of an extension (form available from the Planning Division). Request for an extension must be submitted to the Planning Division prior to expiration of the approval.

**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.
2. Prior to issuance of any building permit for a new dwelling, the applicants shall sign and submit a Declaratory/Farm-Forest Statement to the Planning Division. This Statement shall be recorded by the applicant with the Marion County Clerk after it has been reviewed and signed by the Planning Director.

**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. The applicant is advised of the following:

3. The applicant should contact the 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.
4. 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 with 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 the 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 5:00 p.m. on **October 30, 2019**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **October 31, 2019** 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 north side of Ehlen Road NE in the 13,500 block. The property is developed with a church. The property is described by deed (Reel 11, Page 406) as far back as March 24, 1975. At that time there were no requirements for these kinds of land divisions; therefore, the property was legally created.
3. Surrounding properties are zoned EFU (Exclusive Farm Use) and in farm use and rural home sites.
4. The applicant is proposing to operate a facility providing rural fire protection services.
5. Soil Survey of Marion County Oregon indicates 71% of the subject property is high-value farm soils.
6. Marion County Building Inspection commented that a building permit, change of use or occupancy map be required.

Marion County Onsite Wastewater Specialist commented that septic authorization likely required.

Public Works Land Development and Engineering Permits (LDEP) requested the following be included in the land use decision: “A ground-mounted brick sign structure appears to possibly be situated partially within the 45-foot public Right-of-Way (R/W) half-width and/or within the 50-foot Special Setback half-width for Ehlen Road, both generally measured from roadway centerline. If the sign is replaced, which requires a Sign Permit from the Building Department, it may need to be relocated if inside the R/W. Alternatively, if the sign does not present a traffic hazard as determined by PW Traffic Engineering, at their discretion the Applicant may be offered the option of recording a Removal Agreement that acknowledges potential for future relocation, if warranted. If the sign is simply removed, then no action would be required in this regard.”

7. Chapter 17.136.040(K) of the Marion County Code (MCC) permits a facility providing rural fire protection services. The applicants propose to operate a facility to train and dispatch firefighters to fight wildfires in the northwest. The request meets the criteria for providing rural fire protection services.
8. If approved, the EFU zone requires that the applicants sign and record a Farm/Forest Declaratory Statement prior to placing a dwelling on the property as a condition of approval. This acknowledges the impacts of farm and forest management practices conducted in the area.
9. Based on the above findings, it has been determined that the dwelling was legally established and may be replaced, subject to conditions.

Joe Fennimore  
Director-Planning Division

Date: October 15, 2019

If you have any questions regarding this decision contact Brandon Reich 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.