

THE MARION COUNTY HEARINGS OFFICER

In the Matter of the)	Case No. CU20-044
)	
APPLICATION OF:)	Clerk's File No.
)	
JEFF AND HEIDI JONES, on Property)	Conditional Use
owned by AGRITAINMENT, INC.)	

ORDER

I. Nature of the Application

This matter comes before the Marion County Hearings Officer on the application of Seasons at Read Oak Farm LLC (Jeff & Heidi Jones) for a conditional use to establish a farm experience program as a commercial activity in conjunction with farm use on a 74.5-acre parcel in an EFU (EXCLUSIVE FARM USE) zone at 21465 Arbor Grove Road, NE, St. Paul (T4S, R2W, Section 14, Tax Lots 100, 200, and 300).

II. Relevant Criteria

Standards and criteria relevant to this application are found in the Marion County Comprehensive Plan (MCCP) and Marion County Code (MCC), title 17, especially chapters 17.119 and 17.136.

III. Public Hearing

A public hearing was held on this matter on April 29, 2021. The Planning Division file was made part of the record. The following persons appeared and provided testimony on the application:

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|----|-----------------|---|
| 1. | Lindsey King | Planning Division |
| 2. | Heidi Jones | Applicant |
| 3. | Michael Gelardi | Attorney for Applicant |
| 4. | Tom Harbolt | For Applicant (Via Telephonic Appearance) |
| 5. | Nicole Sharpe | For Applicant |
| 6. | Steve Catts | For Applicant |

No objections were raised to notice, jurisdiction, conflicts of interest, or to evidence or testimony presented at hearing. No additional documents were entered into the record as exhibits.

IV. Executive Summary

The Applicants request a Conditional Use Permit for commercial activity to establish a farm experience program in conjunction with farm use on a 74.5-acre parcel in an EFU (EXCLUSIVE FARM USE) zone at 21465 Arbor Grove Road, NE, St. Paul (T4S, R2W, Section 14, Tax Lots 100, 200, and 300). The Applicants have not satisfied all relevant approval criteria, specifically that the use complies with MCC 17.136.060(D), which requires that commercial activities in conjunction with farm use be primarily a customer or supplier of farm uses. As the proposed commercial activity is primarily (both in its focus and revenue generation) an educational program for families and children, rather than for the customer or suppliers of local farm uses, all criteria are not met, and the hearings officer recommends **DENIAL** of the application.

V. Findings of Fact

The hearings officer, after careful consideration of the testimony and evidence in the record, issues the following findings of fact:

1. The subject property is designated Primary Agriculture in the Marion County Comprehensive Plan. The major purpose of this designation and the correspondent Exclusive Farm Use (EFU) zone is to promote the continuation of commercial agricultural operations.
2. The property is located on the south side of McKay Road NE, at the intersection with Arbor Grove Rd. NE, located at 21465 Arbor Grove Road, NE, St. Paul (T4S, R2W, Section 14, Tax Lots 100, 200, and 300). The parcel was subject of a Partition (P81-36) and is considered a legal lot for land use purposes. The property contains a single-family home and farm related buildings
3. Surrounding properties in all directions are zoned EFU and are in farm use.
4. According to the *Soil Survey for Marion County Area Oregon*, the subject property is made up of 99% high-value farm soils.
5. Applicants ask to establish an educational farm experience program for youth and families as a commercial activity in conjunction with farm use in the existing structures with a proposal for a new structure. The applicants are proposing that this 'experience' be aimed at families and children, with collaborations with local, social, and agricultural organizations, businesses, including schools, Future Farmers of America, 4-H, and Fusion Marketing. The proposal will include educational and recreational activities that highlight farm uses including U-pick activities, harvest and holiday themed activities, retail sales of local farm products, plant identification, and wildlife viewing.
6. Applicants state that the primary source of income will be admission fees. Applicant proposes that there will be no standard operating hours and that visitors will be in large groups (i.e., school buses), which applicant states will minimize traffic associated with the program.
7. The Planning Director issued a decision of denial on February 1, 2021 and the Applicants requested reconsideration on February 16, 2021. The applicant submitted additional documents for said reconsideration. After review, staff could not conclude that the Applicants met the criteria for a commercial use in conjunction with farm use, and the reconsideration was denied on March 16, 2021. This appeal followed.
8. The Marion County Planning Division requested comments on the application from various governmental agencies.

Public Works Land Development and Engineering Permits requested that the following be included in the land use decision:

ENGINEERING REQUIREMENTS

- A. Complete access work under the issued Access Permit for the separate commercial access to serve program.
- B. Transportation System Development Charges (SDCs) may be assessed for the proposed change-in-use on the prior constructed agricultural storage building for which use will reportedly be incorporated into the proposed farm experience program.

Marion County Building Inspection commented that a building permit, change of use or occupancy may be required.

St Paul Fire District commented that proposed development shall meet access and water supply as outlined within the 2019 Oregon Fire Code.

All other contacted agencies either did not respond or stated no objection to the proposal.

VI. Additional Findings of Fact and Conclusions of Law

1. Applicants have the burden of proving by a preponderance of the evidence that all applicable standards and criteria are met. As explained in *Riley Hill General Contractor, Inc. v. Tandy Corporation*, 303 Or 390 at 394-95 (1987):

“Preponderance of the evidence” means the greater weight of evidence. It is such evidence that, when weighed with that opposed to it, has more convincing force and is more probably true and accurate. If, upon any question in the case, the evidence appears to be equally balanced, or if you cannot say upon which side it weighs heavier, you must resolve that question against the party upon whom the burden of proof rests. (Citation omitted.)

Applicants must prove, by substantial evidence in the record, it is more likely than not that each criterion is met. If the evidence for any criterion is equal or less, applicants have not met their burden and the application must be denied. If the evidence for every criterion is a hair or breath in applicants’ favor, the burden of proof is met and the application approved.

MCC Chapter 17.119

2. Under MCC 17.119.100, the Planning Director has the power to decide applications for conditional uses. The Planning Director decided this matter, upon reconsideration, on March 16, 2021. Under MCC 17.119.140, after the Planning Director’s final action on the application, interested persons may appeal the decision no later than 15 days after the decision is mailed. The Planning Director’s decision was mailed March 16, 2021. Applicants are interested persons and appealed the Planning Director’s decision on March 29, 2021. The appeal was timely filed. Under MCC 17.119.150, on appeal of the Planning Director’s decision, the hearings officer shall conduct a *de novo* public hearing on the decision. The hearings officer may hear and decide this matter.
3. Under MCC 17.119.020, a conditional use application may only be filed by certain people, including the owner of the property subject to the application. The statutory warranty deed recorded in county records at reel 4198, page 461 shows Agritainment, Inc., an Oregon corporation, owns the subject property. The Oregon Secretary of State website indicates that Jeffery Jones is the president of Agritainment, Inc. The Appeal of the Planning Division Decision was submitted by “Seasons at Red Oak Farm (Jeff and Heidi Jones). The application was filed by appropriate persons. MCC 17.119.020 is satisfied.
4. Under MCC 17.119.025 a conditional use application shall include signatures of certain people, including all owners of the subject property. Jeff Jones, President of Agritainment, Inc., which owns the subject property, signed the application. MCC 17.119.025 is satisfied. Although “Red Oak Farm” is also referenced as the applicant in supporting documents, for purposes of MCC 17.119.025, Jeff Jones, as President of Agritainment, is considered the Applicant.
5. Under MCC 17.119.070, before granting a conditional use, the hearings officer shall determine:
 - (A) That the hearings officer has the power to grant the conditional use;

- (B) That the conditional use, as described by the applicant, will be in harmony with the purpose and intent of the zone;
- (C) That any condition imposed is necessary for the public health, safety or welfare, or to protect the health or safety of persons working or residing in the area, or for the protection of property or improvements in the neighborhood.

6. Under MCC 17.119.030, the hearings officer may hear and decide only those applications for conditional uses listed in MCC title 17. In the statement of appeal for conditional use, Applicants state:

“Applicant Seasons at Read Oak Farm LLC (“Applicant”) seeks a conditional use permit for commercial activity in conjunction with farm use pursuant to ORS 215.283(2)(a) and MCC 17.136.050(D)(2). Applicant proposes a farm experience program for children and families to learn about and enjoy local agriculture and wildlife.”

ORS 215.283 provides uses permitted in exclusive farm use zones in non-marginal land counties. ORS 215.283(2)(a) provides that commercial activities that are in conjunction with farm use, including the processing of farm crops into biofuel not permitted under ORS 215.203 (2)(b)(K) or 215.255, is a nonfarm use that may be established, subject to the approval of the governing body or its designee in any area zoned for exclusive farm use. MCC 17.136.050(D)(2) provides uses permitted in exclusive farm use zones subject to obtaining a conditional use permit for commercial activities in conjunction with farm use, and subject to MCC 17.136.060(D), discussed below.

7. MCC 17.136.010 contains the EFU zone purpose statement:

The purpose of the EFU (exclusive farm use) zone is to provide areas for continued practice of commercial agriculture. It is intended to be applied in those areas composed of tracts that are predominantly high-value farm soils as defined in OAR 660-033-0020(8). These areas are generally well suited for large-scale farming. It is also applied to small inclusions of tracts composed predominantly of non-high-value farm soils to avoid potential conflicts between commercial farming activities and the wider range of non-farm uses otherwise allowed on non-high-value farmland. Moreover, to provide the needed protection within cohesive areas it is sometimes necessary to include incidental land unsuitable for farming and some pre-existing residential acreage.

To encourage large-scale farm operations the EFU zone consolidates contiguous lands in the same ownership when required by a land use decision. It is not the intent in the EFU zone to create, through land divisions, small-scale farms. There are sufficient small parcels in the zone to accommodate those small-scale farm operations that require high-value farm soils. Subdivisions and planned developments are not consistent with the purpose of this zone and are prohibited.

To minimize impacts from potentially conflicting uses it is necessary to apply to non-farm uses the criteria and standards in OAR 660-033-0130 and in some cases more restrictive criteria are applied to ensure that adverse impacts are not created.

The EFU zone is also intended to allow other uses that are compatible with agricultural activities, to protect forests, scenic resources and fish and wildlife habitat, and to maintain and improve the quality of air, water and land resources of the county.

Non-farm dwellings generally create conflicts with accepted agricultural practices. Therefore, the EFU

zone does not include the lot of record non-farm dwelling provisions in OAR 660-033-0130(3). The provisions limiting non-farm dwellings to existing parcels composed on Class IV – VIII soils [OAR 660-033-0130(4)] are included because the criteria adequately limit applications to a very few parcels and allow case-by-case review to determine whether the proposed dwelling will have adverse impacts. The EFU zone is intended to be a farm zone consistent with OAR 660, Division 033 and ORS 215.283.

MCC 17.136 provisions are intended to carry out the purpose and intent of the EFU zone. If applicable MCC 17.136 and related criteria are met, the proposed use will be in harmony with the purpose and intent of the zone. The criteria are discussed below.

8. In granting conditional use, the hearings officer shall determine any condition necessary for the public health, safety or welfare, or to protect safety of persons working or residing in the area, or for the protection of property or improvements in the neighborhood. As conditioned, MCC 17.119.070(C) would be met.

MCC 17.136.060(A)

9. Under MCC 17.136.060(A), the following criteria apply to all conditional uses in the EFU zone:
 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 non-farm or non-forest dwelling has been approved and established, in exception areas approved under ORS 197.732, or in an acknowledged urban growth boundary.
 2. Adequate fire protection and other rural services are or will be available when the use is established.
 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.
 4. Any noise associated with the use will not have a significant adverse impact on nearby land uses.
 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.
10. The Planning Director issued a decision of denial on February 01, 2021, and the Applicant requested reconsideration on February 16, 2021. The applicant submitted additional documents for said reconsideration. After thorough review, staff did not conclude that the application met the criteria for a commercial use in conjunction with farm use and denied the reconsideration. Staff then affirmed its denial of the Application on March 16, 2021, after Applicant supplemented its request with a package of evidence responding to the issues raised in staff's decision. Applicant requested an appeal for consideration by a Marion County hearings officer after a public hearing. Applicant submitted a written request for consideration by a hearings officer, which was received by the Marion County Planning Division.

In their Statement of Appeal, Applicants raise multiple issues for appeal. First, Applicants raise issue with staff's decision as being contrary to the facts on the record. Applicants dispute staff's conclusion that the proposed commercial activity is not "primarily a customer or supplier of farm uses" as required by MCC 17.136.060(D)(1). Applicants also raise issue with staff's findings as inadequate because the findings fail to explain how staff's conclusions relate to the facts in the record. Applicants also raise issue with staff as exceeding their authority and making a decision not based on standards and criteria applicable to Applicant's proposed use.

11. *Farm practices.* Under *Schellenberg v. Polk County*, 21 Or LUBA 425, 440 (1991), a three-part analysis is required to determine whether a use will force a significant change in or significantly increase the cost of farm or forest practices on surrounding lands devoted to farm use. First, the county must identify the accepted farm and forest practices occurring on surrounding farmland and forestland. The second and third parts of the analysis require that the county consider whether the proposed use will force a significant change in the identified accepted farm and forest practices, or significantly increase the cost of those practices.

Applicants have presented information about the restoration of farm uses on the property, the current farm uses on the property, and the future farm uses on the property. Applicants presented evidence at the hearing of support for the proposal in the neighboring area, as well as the educational benefits of such a program. Applicants emphasize the nexus between educational experience on a farm with the intergenerational upholding the practices of agriculture. Applicants indicated their intention to coordinate with surrounding lands, farm, and forest owners to ensure the activities do not interfere with periodic agricultural traffic needs. The testimony of adjacent neighbors also indicate that the farm experience program would not force a significant change in their accepted farm practices on surrounding lands. MCC 136.060(A)(1) will be satisfied.

12. *Adequate services.* Utility lines are available on the subject property. The subject property is not within a Sensitive Groundwater Overlay (SGO) zone. Applicants state that no development will occur in wetland areas or within the creek, which will maintain natural fish and wildlife habit.

The subject property is located on the south side of McKay Road NE at the intersection with Arbor Grove Rd. NE. Applicants have not submitted a traffic impact analysis (TIA) or other documentation regarding traffic generated by the proposed use or its various parts, but applicants noted that visitors will arrive in large groups, often on school buses. As limited and conditioned, transportation facilities will be adequate. With the noted conditions, adequate services will be provided. As conditioned, MCC 17.136.060(A)(2) will be satisfied.

13. *Significant adverse impact.* The property is not in an SGO zone or state groundwater limited area. The site is not in a geologic hazard or floodplain overlay zone. No MCCP-identified major or peripheral big game habitat or watershed areas are on or near the subject property. An approved on-site wastewater disposal system will protect water quality and soil and slope stability. With a condition requiring septic system approval, MCC 136.060(A)(3) will be satisfied.

14. *Noise.* Applicants state that they will follow all state and local noise standards. MCC 136.060(A)(4) will be satisfied.

15. *Water impounds/mineral and aggregate sites.* No MCCP identified mineral and aggregate sites or potential water impounds are on or near the subject property. MCC 17.136.060(A)(5) is satisfied.

MCC 17.136.060(D)

16. Under MCC 17.136.060(D), commercial activities in conjunction with farm use are subject to the following criteria:

1. The commercial activity must be primarily a customer or supplier of farm uses.
2. The commercial activity must enhance the farming enterprises of the local agricultural community to which the land hosting that commercial activity relates.
3. The agricultural and commercial activities must occur together in the local community.
4. The products and services provided must be essential to the practice of agriculture.

17. *Primarily a customer or supplier of farm uses.* Applicants propose a learning experience for youths and families per the applicant statement. The Applicants present “three separate lines of evidence to demonstrate” compliance with the county’s customer/supplier standard. The three presented positions are (1) The proposed Program will use crops grown on the property and other nearby farms; (2) Specific crops grown on the property will be used in each element of the proposed Program. The Applicants also indicate that he has a nursery business, Fusion Marketing. (3) the proposed Program is a supplier of farm uses because the Program is to help secure the long term supply of agricultural workers.

Applicants explain how Applicants intend to grow fruit, vegetables, and ornamental plants in greenhouses and in a large garden area in the central portion of the property. Applicants describe a U-pick activity with such farm crops, involving a “know how they grow” program involving demonstrations of farming tasks, harvesting activities, holiday activities, and purchasing local farm crops for retail sale. It is proposed that Applicants are primarily a customer or supplier of farm uses by purchasing or otherwise utilizing farm crops in Program activities. However, as proposed, a U-pick farm appears to be an activity for fee-paying visitors as opposed to a significant source of revenue from sales.

While admirable and valuable, the mission of providing educational opportunities for students so as to continue the tradition of agricultural practice is too attenuated to this requirement to be approved as a conditional use in an EFU. *City of Sandy v. Clackamas County* involves a conditional use permit for a subject property located in an area of mixed agricultural and rural residential use. *City of Sandy v. Clackamas County*, LUBA No. 94-104. LUBA notes that “*Craven and Earle* stand for the relatively straightforward proposition that a commercial activity in conjunction with farm use must be either exclusively or primarily a customer or supplier of farm uses.” *Id.* at 9. As described in *City of Sandy*, the Land Conservation and Development Commission’s decision in *Balin v. Klamath County* highlighted an additional consideration: “Clearly the statute is not intended to allow the establishment of grocery stores and gas stations on agricultural lands solely because they are situated in a primarily agricultural area and serve primarily agricultural needs. However, it can and should be read to express a legislative judgment that commercial activities limited to providing products and services essential to the practice of agriculture directly to the surrounding agricultural businesses are sufficiently important to justify the resulting loss of agricultural land. . . .” *Balin v. Klamath County*, 3 LCDC 8, 19 (1979).

LUBA described this additional consideration in *Balin* as “mak[ing] the point that even if a commercial activity primarily sells to farm uses, that may not be sufficient to allow the commercial activity to qualify as a commercial activity in conjunction with farm use. . . . *The products and services provided must be ‘essential to the practice of agriculture.’ While farmers must eat and farm equipment frequently operates on gasoline, that is not sufficient to make grocery stores or gas stations commercial activities in conjunction with farm use. The connection must be closer to the ‘essential practice of agriculture.’* *City of Sandy v. Clackamas County*, LUBA No. 94-104 (emphasis added).

Although not binding on the hearings officer, in Marion County Conditional Use Case No. 18-007, involving an application to establish a gypsum processing facility as a commercial activity in an EFU, the Planning Director noted that “[t]he requirement that the commercial activity must be ‘primarily a customer or supplier of farm uses’ is interpreted by Marion County as a minimum of 75% of sales must be made to commercial farm operators. . . .”

The requirement that the commercial activity must be ‘primarily a customer or supplier of farm uses’ has been interpreted by Marion County as a minimum of 75% of sales must be made to commercial farm operators. The approval of a commercial use in conjunction with farm use allows other kinds of agri-tourism-type events as long as income generated from these events is incidental. Although Applicants are not held in this case to the analysis of a minimum of 75% of sales must be made to commercial farm operators, Applicants, by their own admission, indicate that the primary source of income will be admission fees to the farm experience program.

Applicants posit that the Program is a supplier of farm uses because the purpose of the Program is to help secure the long term supply of local agricultural workers. Although it is the hope and belief that the Program will spark an interest in an

agricultural career in children visiting from outside the area, there is insufficient basis to determine that the Program will, in fact, secure the long term supply of agricultural workers.

In a case where petitioner appealed a county hearings officer's decision denying an application for conditional use approval for "an agricultural/horticultural school, ... and commercial activities in conjunction with farm use on 155 acres of land in an EFU [] zone," (which emphasized "vocational and educational training in horticulture, and related value-enhanced agricultural product processing, to strengthen the rural economic base") LUBA denied applicants' assignment of error, noting that "the Oregon Court of Appeals has stated in several cases that although a county may not regulate nonfarm uses in its EFU zones less stringently than required by ORS Chapter 215, it may regulate such nonfarm uses more stringently." *Brentmar v. Jackson County*, 27 OR LUBA 453 (1994) (internal citations omitted).

Applicants cite the Marion County Board of Commissioners' 2016 approval of a winery as a commercial activity in conjunction with farm use (Croft Decision, Case No. 15-022, BOC Order 16-32). In the Croft decision, the Board found that the primary purpose of Applicant's proposed winery and tasting room is to produce and sell wine from Applicant's and other locally grown grapes. As the primary purpose for the Applicants in Croft was the production and sales of wine, the Applicant was primarily a customer of farm uses as the Applicant would receive, process, and market farm crops. The Croft case is distinguishable from this case in that the proposed commercial activity is primarily an educational experience in an agricultural setting, and not the production, receipt, process, and marketing of farm crops.

The commercial activity being proposed may include sales of U-pick crops and nursery stock from the property. However, the proposed commercial activity is primarily (both in its focus and revenue generation) an educational program for families and children, rather than for the customer or suppliers of local farm uses, despite Applicant's efforts to utilize crops grown on the property and other nearby farms. This criterion is **not** met.

18. *Enhance farming enterprises in local agricultural community.* The proposed learning experience program will enhance the local agricultural community in that it will not detract from surrounding uses. The proposed learning experience may enhance farming enterprises by developing a market for other local farm crops and the labor to manage local farms. This criterion is met.
19. *Occur together in the local community.* The surrounding properties are zoned EFU and are currently in agricultural use of various sizes. The primary practices in the immediate area are grass seed, hazelnuts, peaches, and a larger raspberry farm. The proposed learning experience could occur in the local community without disruption to surrounding farm operations. This criterion is met.
20. *Products and services essential to the practice of agriculture.* The Applicants assert that Oregon courts and the state legislature have long recognized that building consumer interest and market demand for local farm crops is essential to Oregon agriculture. Applicant argues that the county's "essential to the practice of agriculture" standard because the Program is designed to market local farm crops and to promote local agriculture. Applicant does not clearly identify how the commercial activity provided is essential to the practice of agriculture through marketing local farm crops and promote local agriculture. Commercial use in conjunction with farm use is not associated with children and family extracurricular activities. Previous decisions reflect the notion that a practice is "essential" to the practice of agriculture when the products or services are integral to farming practices in the area. Whereas in the *Croft* decision cited in Applicants' appeal, applicants were primarily a customer of farm uses in the sense that Applicants would be receiving local farm crops and then processing and marketing the crops, here, Applicants are primarily focusing on the education of non-local, non-farm-related customers. Whereas wine tasting is a customary practice in conjunction with the purchase of wine on a vineyard, for example, educational activities for non-local children are not a customary practice in conjunction with agricultural practices.

Applicant also argues that a motivated and qualified agricultural workforce is essential to the practice of agriculture, and argues that the proposed use will inspire and train young people to pursue careers in Oregon agriculture. Witness Tom Harbolt indicated that his livelihood is in agriculture, and he cannot find enough qualified workers who are interested in agriculture as a career. Mr. Harbolt posits that as there is less funding in education, exposure to agriculture as an educational experience will expose people at a young age to the possibility of a career in agriculture. Mr. Harbolt testified that there is a nexus between the educational experience and upholding the practice of agriculture. Mr. Harbolt also stated that he was not raised on a farm, supporting the idea that agricultural careers are not solely for those individuals raised on a farm.

Witness Nicole Sharpe testified in support of the Application. Ms. Sharpe lives adjacent to the subject property, and testified that she would have benefitted by an agri-educational experience in her farming activities and agrees that the agricultural experience for children is important for appreciation and interest in agriculture as a career.

Witness Steve Catts testified in support of the Application. Mr. Catts testified that Jeff Jones was instrumental in getting him into agriculture. Mr. Catts believes that the agricultural education experience would contribute to interest in agriculture as a career. There are limited opportunities for horticulture and mechanic programs in schools, a need for managers in the agriculture industry, and he believes that the educational program proposed by Applicant is desperately needed to bring interest in agriculture as a career.

While the nexus is tenuous, the Hearings Officer finds that under the Applicant's proposed program, it is essential to the practice of agriculture in that it promotes agriculture as a valued Oregon enterprise. To the extent that the proposed program builds consumer interest in Oregon agriculture and contributes to the inspiration of youth to pursue a career in agriculture, this criterion is met.

VII. Order

It is hereby found that applicants have not met the burden of proving applicable standards and criteria for approval of a conditional use application for a learning experience. The conditional use application is **DENIED**.

VIII. Appeal Rights

An appeal of this decision may be taken by anyone aggrieved or affected by this order. An appeal must be filed with the Marion County Clerk (555 Court Street NE, Salem) by 5:00 p.m. on the 25th day of June, 2021. The appeal must be in writing, must be filed in duplicate, must be accompanied by a payment of \$500, and must state wherein this order fails to conform to the provisions of the applicable ordinance. If the Board denies the appeal, \$300 of the appeal fee will be refunded.

DATED at Salem, Oregon, this 10th day of June, 2021.



Jill F. Foster
Marion County Hearings Officer

CERTIFICATE OF MAILING

I hereby certify that I served the foregoing order on the following persons:

Jeff and Heidi Jones
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Agencies Notified:

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By mailing to them copies thereof. I further certify that said copies were placed in sealed envelopes addressed as noted above, that said copies were deposited in the United States Post Office at Salem, Oregon, on the 10th day of June, 2021 and that the postage thereon was prepaid.



Susan Hogg
Administrative Assistant to the
Hearings Officer