

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. 24-018**

**APPLICATION:** Application of the City of Hubbard on behalf of the Dorothea Kathryn Dearmond LLC for an administrative review to apply biosolids on a 49.05-acre tax lot of a 216.86-acre parcel in the EFU (Exclusive Farm Use) zone located in the 10000 block of Broadacres Rd NE, Hubbard (T4S; R1W; Section 32; Tax Lot 500).

**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 **August 27, 2026 (two years)** 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 contact the Building Inspection Division, (503) 588-5147.

**This decision does not include approval of a building permit.**

**CONDITIONS:**

1. The applicant shall follow all application procedures provided by the Department of Environmental Quality (DEQ).
2. The applicant shall obtain a Land Use Compatibility Statement from Marion County Planning.
3. The applicant shall submit evidence of the approval from DEQ to apply biosolids on the subject property.

**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 restrictions or conditions thereon.

**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 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 5:00 p.m. on **August 27, 2024**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **August 28, 2024** 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).
2. The subject tax lot is located on the southern side of Broadacres Rd NE, between I-5 and the City of Hubbard. The property is in commercial agricultural use and contains no structures. The subject tax lot is the southern section of a 216.86-acre property along with tax lot 200 of section 29, bisected by Broadacres Rd NE. The subject parcel's current configuration was created by Minor Partitioning Case No. 87-044 in 1987 and has existed in this configuration ever since. Therefore, this 216.86-acre parcel it is considered a legal lot for land use purposes.
3. Surrounding uses are farm uses in all directions, except south, between I-5 and the City of Hubbard. South adjacent to the subject parcel are a few smaller parcels in rural residential use with dwellings close to Boones Ferry Rd NE, and either field or stands of timber buffering them from the subject parcel. The agricultural uses in the surrounding area are primarily grass seed, row crops, and nursery crops.
4. The applicants are proposing to apply Class B biosolids from the Hubbard Municipal Wastewater Treatment Plant on farmland.
5. Various agencies were contacted about the proposal and given an opportunity to comment. All contacted agencies either failed to comment or stated no objection to the proposal.
6. The application of biosolids in the EFU zone is found under Uses Permitted Subject to Standards, MCC 17.136.04(N). It states:

*N. Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251, the land application of reclaimed water, agricultural process or industrial process water or biosolids, or the on-site treatment of septage prior to the land application for biosolids, for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under this chapter. For the purposes of this section, on-site treatment of septage prior to the land application of biosolids is limited to treatment using treatment facilities that are portable, temporary and transportable by truck trailer, as defined in ORS 801.580, during a period of time within which land application of biosolids is authorized under the license, permit or other approval.*

The need for this application arose from the applicant attempting to obtain a DEQ permit, and subsequently sending a LUCS (Land Use Compatibility Statement) for Marion County to sign. Upon review of our code, it came to our attention that an administrative review would be needed. The applicant has now applied for this administrative review and requires approval in order for DEQ to release their permit. This application of biosolids is for farm use in an exclusive farm use zone. The criterion is met.

7. Based on the above findings, it has been determined that the request satisfies all applicable criteria and is, therefore, **APPROVED**.

Brandon Reich  
Planning Director/Zoning Administrator

Date: August 6, 2024

If you have any questions regarding this decision contact John Speckman 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.