



Marion County
OREGON

**ZONE CHANGE/COMPREHENSIVE
PLAN CHANGE APPLICATION**

RECEIVED

JUL 26 2024

Marion County
Planning

Do not double-side or spiral bind any documents being submitted

Fee: Please check the appropriate box:

- Zone Change - \$2500+\$40/acre
- Comprehensive Plan Change - \$3755+\$70/acre
- Zone Change/Comprehensive Plan Change - \$4510+\$70/acre
- Zone Change/Comprehensive Plan Change - with goal exception \$6010+\$70/acre
- Mineral Aggregate Site - \$6360 base fee + \$30/acre – 0-100 acres
- \$90/acre – 101-200 acres
- \$120/acre – 201-399 acres
- \$180/acre – 400+ acres

PROPERTY OWNER(S): Woodry Properties, LLC	ADDRESS, CITY, STATE, AND ZIP: 14501 River Road NE, Gervais, OR 97026
PROPERTY OWNER(S) (if more than one):	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: Steve Kay, Cascadia Planning + Development Srvc.	ADDRESS, CITY, STATE, ZIP PO Box 1920, Silverton, OR 97381
DAYTIME PHONE (if staff has questions about this application): 503-804-1089	E-MAIL: steve@cascadiapd.com
ADDRESS OF SUBJECT PROPERTY: 9035 Bar Road NE, Keizer, OR 97303	SIZE OF SUBJECT PROPERTY: 0.39 acres
The property owners request to change the zone from (current) <u>AR</u> to (proposed) <u>IUC</u> and/or change the Comprehensive Plan designation from <u>Rural Residential</u> to <u>Industrial</u> . Provide detailed information on the attached "Applicant Statement" page.	
Will a railroad highway crossing provide the only access to the subject property? () Yes (X) No If yes, which railroad:	

FOR OFFICE USE ONLY:			
Township <u>T6S</u>	Range <u>2W</u>	Section <u>18B</u>	Application elements submitted:
Tax lot number(s) <u>900</u>	Zone: <u>AR</u> Comp Plan: <u>Rural Residential</u>		<input checked="" type="checkbox"/> Title transfer instrument
Zone map number: <u>27</u>	<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural		<input checked="" type="checkbox"/> 2 Site plans showing existing/proposed zoning
<input type="checkbox"/> TPA/header	Case Number: <u>20/CP 24-004</u>		<input checked="" type="checkbox"/> Applicant statement
Signs given (min. agg. only):	Date determined complete:		<input checked="" type="checkbox"/> GeoHazard Peer Review (if applicable)
	Application accepted by:		<input checked="" type="checkbox"/> Filing fee
	Set up by: <u>GS</u>		Date: <u>7/26/2024</u>

THE APPLICANT(S) SHALL CERTIFY THAT:

- A. If the application is granted the applicant(s) will exercise the rights granted in accordance with the terms and subject to all the conditions and limitations of the approval.
- B. I/We hereby declare under penalties of false swearing (ORS 162.075 and 162.085) that all the above information and statements and the statements in the plot plan, attachments and exhibits transmitted herewith are true; and the applicants so acknowledge that any permit issued on the basis of this application may be revoked if it is found that any such statements are false.
- C. I/We hereby grant permission for and consent to Marion County, its officers, agents, and employees coming upon the above-described property to gather information and inspect the property whenever it is reasonably necessary for the purpose of processing this application.
- D. The applicants have read the entire contents of the application, including the policies and criteria, and understand the requirements for approving or denying the application.

PRINTED NAME AND SIGNATURE of each owner of the subject property.

Glenn E Woodry [Signature]
Print Name Signature

Print Name Signature

Print Name Signature

Print Name Signature

DATED this 17th day of July, 2024



PO Box 1920, Silverton, OR 97381
www.cascadiapd.com / 503-804-1089

MARION COUNTY APPLICATION FOR LAND USE REVIEW

RIVER ROAD NE MAP AMENDMENTS

Location: 9035 River Road NE
Keizer, OR 97303
T.M. 062W18BC, T.L. 900
Marion County, Oregon

Prepared by: Steve Kay, AICP
Mason McGonagall, Ph.D. Arch

Prepared for: Woodry Properties, LLC
14501 River Road NE
Gervais, OR 97026

July 18, 2024

APPLICANT'S STATEMENT

PROJECT NAME: River Road NE Map Amendments

REQUEST: Approval of Comprehensive Plan Map Amendment from Rural Residential to Industrial and Zone Change Application from AR (Acreage Residential) to IUC (Unincorporated Community Industrial)

ASSESSOR'S DESCRIPTION: Tax Lot 900 of Tax Map 062W18BC
Marion County, Oregon

APPLICANT'S REPRESENTATIVE: Steve Kay, AICP
Cascadia Planning + Development Services
P.O. Box 1920
Silverton, OR 97381
503-804-1089
steve@cascadiapd.com

APPLICANT & PROPERTY OWNER: Woodry Properties, LLC
14501 River Road NE
Gervais, OR 97026

TOTAL SITE AREA: 0.39 Acres

LOCATION: 9035 River Road NE
Keizer, OR 97303

I. APPLICABLE REGULATIONS

- A. MARION COUNTY RURAL ZONING CODE: TITLE 17**
 - 17.123: Zone Change Procedure**
 - 17.128: AR (Acreage Residential) Zone**
 - 17.164: IUC (Unincorporated Community Industrial) Zone**

- B. MARION COUNTY COMPREHENSIVE PLAN GOALS AND POLICIES**
 - Rural Development**
 - Rural Industrial**
 - Rural Services**
 - Development Limitations**
 - Transportation System Management**
 - Development and Access**
 - Brooks-Hopmere Community Plan**

- C. OREGON STATEWIDE PLANNING GOALS**
 - Goal 1: Citizen Involvement**
 - Goal 2: Land Use Planning**
 - Goal 3: Agricultural Lands**
 - Goal 4: Forest Lands**
 - Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources**
 - Goal 6: Air, Water and Land Resource Quality**
 - Goal 7: Natural Hazards**
 - Goal 8: Recreational Needs**
 - Goal 9: Economic Development**
 - Goal 10: Housing**
 - Goal 11: Public Facilities and Services**
 - Goal 12: Transportation**
 - Goal 13: Energy Conservation**
 - Goal 14: Urbanization**

II. BACKGROUND:

The applicant and property owner, Woodry Properties LLC, is requesting approval of a concurrent Comprehensive Plan Map Amendment and Zone Change applications for a parcel addressed 9035 River Road NE, Keizer, OR 97303. The subject site is identified by the Marion County Tax Assessor as Tax Lot 900 of Tax Map 062W18BC. Per County records, the parcel contains 0.39 acres, is designated Rural Residential on the Comprehensive Plan Map, and is zoned AR (Acreage Residential). Approval of the map amendments will change the property's Comprehensive Plan Map designation to Industrial and the Zoning Map designation to IUC (Unincorporated Community Industrial). In addition to the Marion County Rural Zoning Code, permitted uses and development of the site are subject to the requirements of the Brooks-Hopmere Community Plan.

The attached Existing Conditions Plan indicates that the subject site is currently vacant, contains a chain link fence around the perimeter of the property, and has been improved with a gravel surface (see Exhibit 3). The property previously contained a dwelling, however the structure was removed in 2020. The property is located on the west side of River Road NE, north of the intersection with Brooklake Road NE. As demonstrated by the submitted Existing Comprehensive Plan Map and Zoning Map Plan, the intersection is characterized by a mix of commercial and industrial uses. The adjacent property to the northeast is split zoned AR and IUC, however the former dwelling was removed and the majority of the parcel is under industrial use by Pacific Diesel Repair. To the northwest is a large IUC zoned parcel that is also utilized by Pacific Diesel Repair. West of the subject parcel are several IUC zoned parcels, one that is developed as a storage yard and warehouse, and another used by APCCO Commercial Refrigeration. To the south of the site is a CC (Community Commercial) zoned parcel that is developed with a structure containing Good Day Fishing Supply and the Center Market Hopmere convenience store. On the east of River Road NE and the Southern Pacific Railroad rights-of-way is a IUC zoned parcel that is developed as Contractor Sales and Service, which supplies and repairs contractor tools.

The applicant is proposing Comprehensive Plan Map and Zoning Map amendments to permit commercial and industrial uses that are compatible with existing businesses in the area. The existing uses surrounding the site currently generate noise that are typical of commercial and industrial businesses. As demonstrated by the attached Existing Conditions Plan, the parcel is located directly adjacent to IUC and CC zoned parcels and the site can easily be used in conjunction with existing commercial and industrial businesses in the area (see Exhibit 3). While a new dwelling is permitted to be developed on the site, the residential use would be negatively impacted by these existing uses. The subject property is also completely covered with gravel and too small to support a septic system, therefore it would be difficult to re-establish a residential use on the site. For all these reasons, the site is better suited for the proposed IUC zoning.

This Applicant's Statement addresses applicable provisions of the Marion County Rural Zoning Code, Marion County Comprehensive Plan, and Statewide Planning Goals. Copies of the signed Application Form, Property Deed, and Preliminary Plans have been attached to this narrative. The exhibits and narrative demonstrate that the submitted land use applications meet the criteria for approval.

III. FINDINGS

A. MARION COUNTY RURAL ZONING CODE

TITLE 17 – COMMUNITY DEVELOPMENT STANDARDS

Chapter 17.123: Zone Change Procedure

Section 17.123.020: Initiation of a Zone Change.

- C. **A quasi-judicial zone change may be initiated by a property owner(s) consistent with the application requirements of MCC 17.119.020 and 17.119.025.**

COMMENT:

The applicant and property owner, Woodry Properties, LLC is proposing a quasi-judicial zone change in compliance with the above standards. As required, Section 17.119.020 and Section 17.119.025 standards are addressed above.

Section 17.123.060: Criteria.

- A. **The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the goals and policies of the Comprehensive Plan and the description and policies for the applicable land use classification in the Comprehensive Plan; and**

COMMENT:

The applicant is requesting a zone change from AR to IUC. A concurrent Comprehensive Plan Map Amendment from Rural Residential to Industrial is also requested so that the proposed IUC zoning and Comprehensive Plan Map designation are consistent. The applicant has addressed applicable goals and policies of the Comprehensive Plan in the narrative provided below.

- B. **The proposed change is appropriate considering the surrounding land uses and the density and pattern of development in the area; and**

COMMENT:

The subject site is located on the west side of River Road NE, north of the intersection with Brooklake Road NE. The property is zoned AR and previously contained a dwelling, however the structure was removed in 2020. As demonstrated by the submitted Existing Comprehensive Plan Map and Zoning Map Plan, the development pattern in the area is characterized by a mix of commercial and industrial uses. The adjacent property to the northeast is split zoned AR and IUC, however the former dwelling was removed and the majority of the parcel is under industrial use by Pacific Diesel Repair. To the northwest is a large IUC zoned parcel that is also utilized by Pacific Diesel Repair. West of the subject parcel are several IUC zoned parcels, one that is developed as a storage yard and warehouse, and another used by APCCO Commercial Refrigeration. To the south of the site is a CC (Community Commercial) zoned parcel that is developed with a structure containing Good Day Fishing Supply and the Center Market Hopmere convenience store. On the east of River Road NE and the Southern Pacific Railroad rights-of-way is a IUC zoned parcel that is developed as Contractor Sales and Service, which supplies and repairs contractor tools.

The proposed map amendments will change the subject property's Comprehensive Plan Map designation to Industrial and the Zoning Map designation to IUC. The proposed map amendments will permit commercial and industrial uses to be developed on the site, which are compatible with existing uses in the area. The existing uses surrounding the site currently generate noise impacts that are typical of commercial and industrial businesses. While a new dwelling is permitted to be developed on the site, the residential use would be in close proximity to activities on adjacent properties and resident livability would be significantly impacted.

- C. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property; and**

COMMENT:

As discussed above, the subject parcel is currently vacant and contains a fenced gravel yard. Although the applicant is not proposing a specific use for the site, the site is well suited for industrial use purposes, such as a leased storage facility or other small industrial building or service.

The owner of the subject property also owns IUC property to the west (3511 Brooklake Road NE) and the CC zoned parcel to the south (9005-9007 River Road NE) under the business name Video Acquisitions Inc. Public water and sewer services are not available to the site since it is not economically feasible to extend public water and sewer services from the Brooklake Road/Huff Avenue intersection. Therefore, private water service will be provided to the site by granting an easement to the existing well on the property addressed as 3511 Brooklake Road NE. The attached Existing Conditions Plan indicates that a septic system is currently located in a lawn area on the property addressed as 3511 Brooklake Road NE, however there is not room to expand the capacity of that facility to serve the subject site. Per OAR 340-071-0340, if a septic site evaluation determines that the subject property cannot accommodate a subsurface septic system, a WPCF permit may be issued to install a holding tank on the site.

The Existing Conditions Plan demonstrates that the site has a gravel driveway connection to River Road NE. The existing public transportation facilities currently meet the demands of other IUC zoned parcels in the area and can accommodate development of the site under the proposed zoning. Based on all of the above factors, there are adequate public facilities, services, and transportation networks in place, or are planned to be provided at the time of development.

- D. The other lands in the county already designated for the proposed use are either unavailable or not as well suited for the anticipated uses due to location, size or other factors; and**

COMMENT:

The submitted Preliminary Plans demonstrate that the proposed IUC zoning is well suited for the subject site when considering the parcel's location, size, and other factors. As demonstrated by the attached Existing Conditions Plan, the parcel is located directly adjacent to IUC and CC zoned parcels and the site can easily be used in conjunction with existing commercial and industrial businesses in the area. Since the site is already improved with a gravel surface and only contains 0.39 acres, it is not large enough or physically suited for the development of a dwelling, well, and septic system under the current AR zoning.

Consistent with the Brooks-Hopmere Community Plan, the subject property could be developed with a "dry" industrial use on the property that has lower water and sewer needs than a food processing industrial use, or a full-time residential use. Under the proposed IUC zoning, the property can be provided private water service from the existing well at 3511 Brooklake Road NE. Even if a small manufacturing building or similar use were developed on the property, it would have reduced sanitary sewer system needs as compared to a dwelling, and a holding tank could be installed with the issuance of a WPCF permit. The property is also well suited for an industrial use since it is currently served by a transportation network that has been designed to accommodate other industrial and commercial uses in the area.

- E. If the proposed zone allows uses more intensive than uses in other zones appropriate for the land use designation, the new zone will not allow uses that would significantly adversely affect allowed uses on adjacent properties zoned for less intensive uses.**

COMMENT:

The proposed IUC zone and intended storage use of the site will not exceed the intensity of existing commercial and industrial uses that are directly adjacent to the property. The adjacent property to the northeast is split zoned AR and IUC, however the former dwelling was removed and the majority of the parcel is under industrial use by Pacific Diesel Repair. To the northwest is a large IUC zoned parcel that is also utilized by Pacific Diesel Repair. West of the subject parcel are several IUC zoned parcels, one that is developed as a storage yard and warehouse, and another used by APCCO Commercial Refrigeration. To the south of the site is a CC (Community Commercial) zoned parcel that is developed with a structure containing Good Day Fishing Supply and the Center Market Hopmore convenience store. On the east of River Road NE and the Southern Pacific Railroad rights-of-way is a IUC zoned parcel that is developed as Contractor Sales and Service, which supplies and repairs contractor tools. There are no EFU zoned parcels adjacent to the subject property, therefore other IUC zoned parcels to the north and west of the site would have more direct impact on farm uses than the site.

Chapter 17.128: AR (Acreage Residential) Zone

Section 17.128.010: Purpose.

The purpose and intent of the acreage residential zone is to provide appropriate regulations governing the division and development of lands designated rural residential in the Marion County Comprehensive Plan. Acreage residential zones are areas that are suitable for development of acreage homesites. Such areas are necessary to meet the housing needs of a segment of the population desiring the advantages of a rural homesite. It is the intent that residential sites be provided with adequate water supply and wastewater disposal without exceeding the environmental and public service capability of the area or compromising the rural character of the area.

COMMENT:

Approval of the proposed map amendments will change the Comprehensive Plan Map designation from Rural Residential to Industrial, and the Zoning Map designation from AR to IUC. The attached Existing Conditions Plan indicates that the proposed map amendment area is currently improved with a gravel yard that is enclosed by a chain link fence (see Exhibit 3).

The site has water and sewer challenges that make it less suited for residential development and better suited for industrial use. As discussed above, due to the small site area and gravel surface, it is unlikely that a septic system can be accommodated on the property for a dwelling. However, even if a new dwelling could be developed on the site, the residential use would be incompatible with adjacent commercial and industrial use. However, as demonstrated by the attached Existing Conditions Plan, the parcel could easily be used in conjunction with other IUC and CC zoned parcels in the area.

Chapter 17.164: IUC (Unincorporated Community Industrial) Zone

Section 17.164.010: Purpose.

The purpose of the IUC (unincorporated community industrial) zone is to implement the rural development policies of the Comprehensive Plan. This zone is applied to land committed to or intended for industrial uses within urban unincorporated communities and rural communities, as those terms are defined in the Comprehensive Plan and Oregon Administrative Rules. The uses within the IUC zone are functionally classified by description of the particular activity or by reference to a category in the "Standard Industrial Classification Manual, 1987" (SIC). The SIC index number is referenced as an aid to interpretation of uses. Where the term used to describe a use is defined in Chapter 17.110 MCC, the definition takes precedence over any SIC classification.

COMMENT:

Per the attached Preliminary Plans, the applicant is proposing a Zoning Map amendment to change the site's designation from AR to IUC (see Exhibit 3). As stated above, the subject property is located directly adjacent to IUC and CC zoned properties. While the applicant intends to develop a storage use on the site, the proposed zoning will permit a variety of uses that are compatible with existing commercial and industrial business in the area. As required, the applicant has submitted a concurrent request to change the Comprehensive Plan Map designation from Rural Residential to Industrial so that the designation is consistent with the Zoning Map. As discussed below, the proposed zone complies with policies in the Brooks-Hopmere Community Plan, which is a supporting document to the Marion County Comprehensive Plan.

Section 17.164.020: Permitted Uses.

Within any IUC unincorporated community industrial zone, no building, structure, or premises shall be used, enlarged, or designed to be used, erected, structurally altered or enlarged except as permitted by this chapter. Only the following uses may be permitted in the specified unincorporated community, as those communities are defined in the Comprehensive Plan:

A. Brooks-Hopmere.

1. The following uses are permitted in an existing building or a new or expanded building up to 60,000 square feet:
 - a. Construction contractor offices and related outdoor storage (SIC 15, 16 and 17);
 - b. Agricultural services (SIC 07);

- c. Manufacture and processing of:**
 - i. Apparel and other finished products made from fabrics (SIC 23);**
 - ii. Millwork, veneer, plywood, and structural wood members (SIC 243);**
 - iii. Wood containers (SIC 244);**
 - iv. Wood products not elsewhere classified (SIC 2499);**
 - v. Furniture and fixtures (SIC 25);**
 - vi. Stone, clay, glass products (SIC 32) except cement (SIC 324), ready-mix concrete (SIC 3273), and minerals and earth ground or otherwise treated (SIC 3295);**
 - vii. Fabricated metal products (SIC 34);**
 - viii. Household appliances (SIC 363);**
 - ix. Electric lighting and wiring equipment (SIC 364);**
 - x. Communications equipment (SIC 366);**
 - xi. Electronic components and accessories (SIC 367);**
 - xii. Motor vehicle parts and accessories (SIC 3714);**
 - xiii. Laboratory apparatus and analytical, optical, measuring, and controlling instruments (SIC 382);**
- d. Public warehousing and storage (SIC 4220);**
- e. Freight trucking terminal, with or without maintenance facility (SIC 4231);**
- f. Wholesale trade (SIC 50);**
- g. Automotive repair (SIC 753).**

COMMENT:

The subject site is located within the Brooks-Hopmere Community Plan area. A specific development plan has not been determined for the site, however the applicant is considering establishing a storage use, which is a permitted use in the IUC zone. County staff will verify that the future land use complies with all applicable standards prior to the issuance of building permits.

Section 17.164.050: Conditions imposed where zone change to IUC zone abuts a residential zone.

In any zone change or reclassification of property to an IUC zone where the territory proposed to be changed abuts upon a residential zone, or abuts upon a street or alley which would be the boundary line between the proposed IUC zone and the residential zone, conditions to preserve neighborhood qualities may be imposed by the governing body relating to:

- A. Size and location of signs;**
- B. Setbacks.**
- C. Landscaped areas;**
- D. Screening;**
- E. Building setbacks;**
- F. Ingress and egress for industrial uses;**

COMMENT:

The attached Preliminary Plans indicate that there is an AR and IUC split zoned property to the northeast of the subject site. However, the dwelling on that parcel was removed some time ago and the majority of the property is currently under industrial use by Pacific Diesel Repair. Since there are no dwellings or residential neighborhoods in the vicinity of the site, it is not anticipated that the above conditions of approval will be required for the proposed zone change.

Section 17.164.060: Property development standards.

- A. Height. The maximum height of any structure shall be 35 feet.**
- B. Size, type and location of outdoor lighting;**
 - 1. Front Yard. No structure other than a fence, wall, or sign shall be located closer than 20 feet from a public right-of-way. When by ordinance a greater setback or a front yard of greater depth is required than specified in this section, then such greater setback**

line or front yard depth shall apply.

2. **Side and Rear Yard.** No side or rear yard setback is required where abutting property is zoned for commercial or industrial use. Where not abutting a commercial or industrial zone, structures other than fences, walls, and signs shall be set back a minimum of 10 feet.
3. **Parking.** Parking spaces may abut public rights-of-way and side and rear property lines adjacent to commercial, industrial, or public zones, subject to the landscaping requirements in MCC 17.164.070. Parking spaces shall be set back a minimum of 10 feet from residential, agricultural, and forest zones.

C. Lot Area.

1. **Rural Communities.** The building site shall be of sufficient size to accommodate on-site sewage disposal and water systems unless these services are provided by a public or community source or can be accessed by easement, required parking, landscaping, and yard areas.

D. Parcel Coverage.

1. **Rural Communities.** No more than 60 percent of a lot or parcel shall be covered by all buildings located thereon.

E. Parking. The off-street parking and loading requirements of Chapter 17.118 MCC apply.

F. Access to State Highways. Any new or expanded use with frontage on a state highway shall demonstrate that the property has access approved by the Oregon Department of Transportation or approved access to an alternative public right-of-way.

G. Traffic. Any new or expanded use shall demonstrate that the new development will be consistent with the identified function, capacity, and level of service of transportation facilities serving the site. A transportation impact analysis approved by the Marion County department of public works may be required prior to building permit approval.

H. Sewage Disposal. Any new or expanded use shall

demonstrate that the new development will not exceed the existing carrying capacity of the community sewage disposal system or has an on-site sewage disposal site approved by Marion County or the Department of Environmental Quality.

- I. In addition to the provisions in Chapter 17.118 MCC, for a new use in a stormwater management area of an urban unincorporated community, except for a single-family dwelling on a lot, all driveways, parking and loading areas shall be developed and maintained as follows: all parking and loading areas and driveways thereto shall be paved to provide an all-weather surface with asphalt concrete, portland cement concrete, clay bricks or concrete blocks. The type of surfacing shall be approved by the Marion County department of public works. Parking and loading areas shall be adequately designed, graded, and drained. Drainage connections to a public storm drain system shall be approved by the Marion County department of public works. A stormwater detention system conforming to the Marion County department of public works' standards may be required. Alternate paving materials and methods may be allowed if approved by the public works director.

COMMENT:

The applicant is not currently proposing a specific development plan for the site. As required, City staff will verify that the above development standards are met when building permits are reviewed for a future project.

Section 17.164.070: Landscaping.

- A. Front yards shall be provided with a landscaped area at least three feet wide adjacent to the right-of-way line, exclusive of through direct driveways, on every lot upon which a new structure is erected, or where a graveled or unimproved lot is paved, or a lot is newly developed for the outdoor sale or display of merchandise, goods or services.
- B. Side and rear yards abutting a residential zone shall be landscaped from the property line adjacent to parking and loading zones.
- C. The landscaping required in subsections (A) and (B) of this section shall include a single type of shrub or tree, or a variety of shrubs, trees, and ground cover.

COMMENT:

Prior to development of the site, the applicant will submit plans for County review, and will demonstrate compliance with the above landscape standards.

B. MARION COUNTY COMPREHENSIVE PLAN GOALS AND POLICIES

RURAL DEVELOPMENT

Rural Residential Policies

5. Marion County considers rural residential living a distinct type of residential experience. The rural lifestyle involves a sacrifice of many of the conveniences associated with urban residences and the acceptance of lower levels of governmental services, narrow roads and the noises, smells and hazards associated with rural living and accepted farm and forest management practices. Marion County finds that it is financially difficult, not cost effective and inconsistent with maintaining a rural lifestyle for government to reduce or eliminate the inconveniences caused by lower levels of public services or farming and forest management practices. When residences are allowed in or near farm or forest lands, the owners shall be required to agree to filing of a declaratory statement in the chain of title that explains the County's policy giving preference to farm and forest uses in designated resource lands.

COMMENT:

The subject site is currently zoned AR and the applicant is proposing to designate the property IUC on the Zoning Map. As discussed previously, dwellings on the site and on the adjacent AR zoned parcel to the north were removed several years ago. The attached Preliminary Plan demonstrates that the area is currently developed with a variety of commercial and industrial uses. The small 0.39 acre site is not well suited for a rural residential use and would be difficult to develop with dwelling, well, and septic system. Since a residential use on the property would also be negatively impacted by adjacent industrial and commercial uses, the applicant is proposing to change the land use designation to support an industrial use.

7. Lands available for rural residential use shall be those areas developed or committed to residential use or significant areas unsuitable for resource use located in reasonable proximity to a major employment center.

COMMENT:

The subject site contains 0.39 acres and has been improved with a gravel surface. The attached Preliminary Plans demonstrate that the north, west and south boundaries of the property are adjacent to existing commercial and industrial uses. Since the property is generally unsuitable for a residential use, the applicant is proposing to rezone the property from AR to IUC to permit the development of a compatible industrial use.

8. Since there is a limited amount of area designated Rural Residential, efficient use of these areas shall be encouraged. The minimum lot size in Rural

Residential areas existing on October 4, 2000, shall not be less than two acres allowing for a range of parcel sizes from two to 10 acres in size unless environmental limitations require a larger parcel. Areas rezoned to an Acreage Residential zone after October 4, 2000, shall have a 10-acre minimum lot size unless an exception to Goal 14 (Urbanization) is granted.

COMMENT:

As discussed above, the subject parcel only contains 0.39 acres, which is significantly smaller than the minimum 2 acre lot size in the AR district. Due to environmental limitations associated with a residential use, the applicant is proposing to rezone the property to IUC designation.

10. All residential uses in rural areas shall have water supply and distribution systems and sewage disposal systems which meet prescribed standards for health and sanitation.

COMMENT:

Due to the site's small area and gravel surface, it would be very difficult to develop a new dwelling, well, and septic system which meets current County and DEQ standards for health and sanitation. The proposed IUC zoning will allow the development of a "dry" industrial use, which has lower water and sewer system demands.

Rural Industrial Policies

1. Industrial uses in conjunction with farm or forest uses shall be evaluated to determine if they need to be located on resource lands or whether an equally suitable location is available in an urban area or on non-resource lands in a rural area.

COMMENT:

The applicant is not proposing an industrial use in conjunction with farm or forest uses, therefore the above policy does not apply.

2. Rural industries should be compatible with existing development and farm or forest uses in the vicinity, should not involve a large number of employees, should not require heavy truck traffic through residential areas or on unimproved roads, and should not have the potential to exceed the environmental capacity of the site or require urban services.

COMMENT:

The proposed IUC zone allows for limited industrial uses on the site, consistent with other IUC developed parcels at the intersection of Brooklake Road NE and River Road NE. The existing public transportation facilities currently meet the demands of other IUC zoned parcels in the area and can accommodate development of the site under the proposed zoning. Public water and sewer services are not available to the site since it is not economically feasible to extend main lines from the Brooklake Road/Huff Avenue intersection. Private water service will be provided to the site by granting an easement to the existing well on the property addressed as 3511 Brooklake Road NE. The attached Existing Conditions Plan indicates that a septic system is currently located in a lawn area on the property addressed as 3511 Brooklake Road NE, however there is not room to expand the capacity of that facility to serve the subject site. Per OAR 340-071-0340, if a septic site evaluation determines that the subject property cannot accommodate a subsurface septic system, a WPCF permit may be issued to install a holding tank on the site.

3. **A non-resource-related industrial use should not be permitted on resource lands unless an evaluation of the relevant County and State goals and the feasibility of locating the proposed use in an urban growth boundary or rural non-resource lands show that the proposed site on resource lands is the most suitable.**

COMMENT:

The applicant is not proposing an industrial use on resource lands. Therefore, the above policy is met.

Rural Transportation System Plan Policies

Transportation System Management Policies

The purpose of Transportation System Management (TSM) strategies is to maximize the capacity, safety, and efficiency of the existing transportation system through the application of traffic control improvements, access management, and land use controls. The most notable of these policies relates to access management and are included below.

7. **Land use changes that could result in increased development levels and thus higher traffic levels will be assessed for their impact to current and future traffic volume and flow, and these impacts must be appropriately mitigated (as determined by the Public Works Director in accordance with applicable standards and practices) in order for the development to be allowed.**

COMMENT:

The proposed IUC zoning will have potential higher traffic levels than the existing AR zoning, however due to the small site and limited development potential of the property, the increase is not anticipated to significantly impact transportation facilities in the area. As discussed above, the subject property is located in an area that has been developed with a variety of commercial and industrial uses and the transportation system has the capacity to accommodate the proposed zone change.

Development and Access Policies

Development and access policies provide guidelines for linking transportation and land use in an attempt to provide suitable transportation facilities while protecting and preserving the agricultural and rural nature of the County. The policies also outline right-of-way and roadway improvement requirements for new developments in the County.

These policies are particularly important because private developers, often through the subdivision process, are constructing most new local roads, and many of the projects that widen or enhance arterials and collectors.

- 4. Development proposals and changes in land use designations shall conform to any subarea management plans created or adopted by Marion County.**

COMMENT:

The attached Existing Conditions Plan demonstrates that existing transportation facilities along River Road NE adequately serve existing commercial and industrial uses adjacent to the site. Prior to the development of the site under the proposed IUC zoning, County staff will evaluate building plans to ensure that the new development conforms to the Brooks-Hopmire Community Plan.

Economic Development Goals

Marion County and the cities in the County have developed and adopted an Overall Economic Development Program (OEDP) to set the direction for development action. The OEDP document contains data and analyses of current and long-term trends of growth and change in the population and economy of Marion County.

In compliance with the guidelines adopted by the Economic Development Administration (EDA), public works and business development projects in the County must be consistent with the program in order to be eligible for EDA funding.

The economic goals and policies of the Marion County Comprehensive Plan are consistent with those of the OEDP.

Marion County's major economic goals are:

- a. **Provision of increased employment opportunities for all residents of the County;**
- b. **Maintenance of a strong agricultural economy;**
- c. **Preservation of appropriate areas for timber production;**
- d. **Diversification of the economic base of communities, and expansion of seasonal employment opportunities to year-round status wherever possible;**
- e. **Provision of sufficient areas for future industrial land use;**
- f. **Development of a transportation system for the safe and efficient movement of persons and goods for present needs;**
- g. **Coordination of planning and development of public facilities;**
- h. **Development of a strong tourist economy in appropriate areas;**
- i. **Achievement of a natural resource use pattern which provides for tomorrow's needs, today's needs and the protection of the environment.**

COMMENT:

The subject site is in the Brooks-Hopmere Community, which includes IUC and CC developed parcels at the intersection of River Road NE and Brooklake Road NE. Since the site is currently improved with a gravel surface and a chain link fence is installed around its perimeter, the property is ideally suited for an industrial use. Potential industrial uses could include a small manufacturing warehouse, a storage use, or the property could be used in conjunction with adjacent IUC and CC zoned parcels. The proposed IUC zoning will promote economic development and increase employment opportunities, consistent with the above goals.

As demonstrated by the attached Existing Conditions Plan, the subject property has the advantage of being currently improved with a gravel yard and fence which can provide immediate economic benefit to an industrial business. The property is also adjacent to a local transportation system that is currently developed to accommodate other industrial uses in the area. The Existing Conditions Plan notes that private water service can be provided through a connection to the existing well at 3511 Brooklake Road NE, and a holding tank could be installed to provide sanitary sewer service for an industrial use.

**BROOKS-HOPMERE COMMUNITY PLAN
COMPREHENSIVE PLAN POLIES**

A. Land Use and Transportation

- 1. **County plans and land use regulations shall ensure that new uses authorized within the Brooks-Hopmere Community do not**

adversely affect agricultural uses in the surrounding EFU areas.

COMMENT:

The subject site is located within the Brooks-Hopmere Community Plan and applicable area plan policies are addressed below. The applicant is not currently proposing a specific use for the site, however a "dry" industry will be developed, and a storage use is currently being considered. Public water and sewer services are not available to the site since it is not economically feasible to extend public water and sewer services from the Brooklake Road/Huff Avenue intersection. Private water service will be provided by granting an easement to the existing well on the property addressed as 3511 Brooklake Road NE. Per OAR 340-071-0340, if a septic site evaluation determines that the subject property cannot accommodate a subsurface septic system, a WPCF permit may be issued to install a holding tank on the site. Since the subject property is not located adjacent to EFU zoned property, the proposed zone change is not expected to negatively impact farm uses in the area.

- 2. New development shall be reviewed to ensure that it will not result in the capacity of the transportation system within the community being exceeded.**

COMMENT:

As discussed above, the subject property is located in an area that has been developed with a variety of uses and the transportation system currently has the capacity to accommodate commercial and industrial uses. The proposed IUC zoning will have potential higher traffic levels than the existing AR zoning, however due to the small size and limited development potential of the property, the increase is not anticipated to significantly impact transportation facilities in the area.

- 3. New development shall be limited to prevent excess demand on the Brooks Community Sewer System.**

COMMENT:

As stated above, the Applicant intends to install a private holding tank when providing sanitary sewer service to the site. Since it is not financially feasible to extend Brooks Community Sewer System to the property, development of the site will not generate additional demand for the public system.

- 4. No parcels will be rezoned to multifamily in the Brooks-Hopmere Community unless the applicant can demonstrate there will be no unacceptable adverse impact to the transportation system.**

COMMENT:

The applicant is not proposing to rezone the site for a multifamily use. Therefore, the above policy is met.

- 5. Marion County will adopt performance-based criteria and procedures to create a trip allocation bank to provide flexibility in the development of the Norpac site, while still ensuring adequate performance of the transportation system.**

COMMENT:

The subject property does not include the Norpac site, therefore the above policy does not apply to the proposed zone change.

- 6. Parcels subject to a Limited Use overlay zone designation that was based on a reasons exception to statewide Goal 3 prior to adoption of the Brooks-Hopmere Community Plan shall continue to be subject to the limitations of the overlay zone.**

COMMENT:

County maps do not identify a Limited Use Overlay for the subject site. Therefore, this policy does not apply.

B. Utilities.

- 1. New uses or expansion of existing uses requiring land use approval in Brooks-Hopmere shall be approved only upon confirmation from the Brooks Community Sewer District that it can provide sewer services to the property, unless an on-site system has been approved by Marion County or the Oregon Department of Environmental Quality.**

COMMENT:

The applicant is not proposing to establish a specific industrial use at this time. However, a “dry” industrial use will be developed, which has lower water and sewer needs than a residential use. Since it is likely that a septic system will not be approved for the site, sanitary sewer service will be provided through the installation of a holding tank.

- 2. Industrial uses that require water as part of their industrial or manufacturing processes shall be required to demonstrate a capability for on-site sewage disposal.**

COMMENT:

As mentioned above, a “dry” industrial use with lower water and sewer needs is being considered for the site. Under the proposed IUC zoning, the property can be provided private water service from the existing well at 3511 Brooklake Road NE.

- 3. Marion County will encourage and support the development of a community water system serving all or a portion of the Brooks-Hopmere community.**

COMMENT:

Due to the distance from the site to the Brooklake Road/Huff Avenue intersection, it is not feasible to extend public water service to the subject parcel. The owner of the subject property also owns IUC property to the west (3511 Brooklake Road NE) and the CC zoned parcel to the south (9005-9007 River Road NE) under the business name Video Acquisitions Inc. Private water service will be provided to the site by granting an easement to the existing well on the property addressed as 3511 Brooklake Road NE.

C. OREGON STATEWIDE PLANNING GOALS

Goal 1: Citizen Involvement

Summary: Goal 1 underlines the need for citizen involvement in all phases of the planning process.

COMMENT:

The applicant is requesting a zone change from AR to IUC. A concurrent Comprehensive Plan Map amendment from Rural Residential to Industrial is also proposed. As required, citizens will have the opportunity to comment on the proposed map amendments at public hearings before the Planning Commission and City Council.

Goal 2: Land Use Planning

Summary: Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

COMMENT:

As required, the applicant's narrative addresses how the proposed land use change meets applicable goals and policies of the Marion County Comprehensive Plan. The applicant's proposal does not require an exception to any Statewide Planning Goals.

Goal 3: Agricultural Lands

Summary: Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in

Oregon Administrative Rules, Chapter 660, Division 33.

COMMENT:

The subject site is currently designated Rural Residential on the Comprehensive Plan Map. Since the site is not classified as agricultural land, the proposed Industrial designation is consistent with Goal 3.

Goal 4: Forest Lands

Summary: This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

COMMENT:

The attached Preliminary Plans demonstrates that the site does not include designated forest lands. Therefore, Goal 4 is not applicable to the proposed zone change.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Summary: Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

COMMENT:

County maps do not indicate the presence of wetlands or other natural resources, open spaces, or scenic or historic resources on the subject property.

Goal 6: Air, Water and Land Resources Quality

Summary: This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

COMMENT:

Under the proposed IUC zoning, permitted uses will be required to comply with local, state, and federal air, water, and land resource quality standards.

Goal 7: Areas Subject To Natural Disasters and Hazards

Summary: Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate

safeguards" (floodplain zoning, for example) when planning for development there.

COMMENT:

County maps do not indicate the presence of natural hazards on the property.

Goal 8: Recreation Needs

Summary: This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

COMMENT:

The Marion County Comprehensive Plan does not identify the subject property as a potential park site. As such, the proposed IUC zone is consistent with Goal 8.

Goal 9: Economic Development

COMMENT:

The proposed IUC zone will permit a variety of industrial and commercial uses to be developed on the site, helping to promote economic development and job creation in Marion County. Per the attached Preliminary Plans, the proposed zone is compatible with adjacent businesses to the north, south and west of the site.

Goal 10: Housing

Summary: This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

COMMENT:

The subject site is currently zoned AR and contains approximately 0.39 acres. The property previously contained a dwelling, however the structure was removed in 2020. The adjacent property to the northeast is split zoned AR and IUC, however the former dwelling was removed and the majority of the parcel is under industrial use by Pacific Diesel Repair. As demonstrated by the submitted Existing Comprehensive Plan Map and Zoning Map Plan, the development pattern in the area is characterized by a mix of commercial and industrial uses.

While a new dwelling could be developed on the site, the residential use would be incompatible with existing uses in the area. The subject property is also completely covered with gravel, therefore it would be difficult to re-establish a residential use on the site. Currently, there are no residential uses in the vicinity of the subject property. As a result, existing businesses do not need to mitigate noise impacts to surrounding properties. Based on these compatibility factors, the subject property is well suited for the proposed Industrial Comprehensive Plan Map designation and IUC Zoning Map designation.

Goal 11: Public Facilities and Services

Summary: Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

COMMENT:

Public water and sewer services are not available to the site since it is not economically feasible to extend public water and sewer services from the Brooklake Road/Huff Avenue intersection. Private water service will be provided to the site by granting an easement to the existing well on the property addressed as 3511 Brooklake Road NE. Per OAR 340-071-0340, if a septic site evaluation determines that the subject property cannot accommodate a subsurface septic system, a WPCF permit may be issued to install a holding tank on the site. Therefore, adequate public facilities and services are in place, or are planned to be provided at the time of development.

Goal 12: Transportation

Summary: The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

COMMENT:

The site plan demonstrates that the site currently has a driveway connection to River Road NE. The existing public transportation facilities currently meet the demands of other IUC zoned parcels in the area and can accommodate development of the site under the proposed zoning (see Exhibit 3).

Goal 13: Energy

Summary: Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

COMMENT:

Efficient energy services are currently available to the subject site, therefore the proposed zone change complies with Goal 13.

Goal 14: Urbanization

Summary: This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land."

COMMENT:

The subject site is not located within an urban growth boundary, therefore this Statewide Planning Goal does not apply.

IV. SUMMARY AND CONCLUSIONS

Based on the above findings, the applicant has demonstrated compliance with applicable sections of the Marion County Rural Code, Marion County Comprehensive Plan, and Oregon Statewide Planning Goals. Therefore, the applicant requests that the Zone Change application and Comprehensive Plan Map Amendment applications be approved.

VI. EXHIBITS

1. **Application Form**

2. **Property Deed**

3. **Preliminary Plans**

Sheet P-1: **Cover Sheet**

Sheet P-2: **Existing Conditions Plan**

Sheet P-3: **Proposed Map Amendments Plan**