

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
CONDITIONAL USE CASE NO. 24-034**

APPLICATION: Application of Jensen Living Trust for a conditional use permit to a machinery and equipment assembly business on a 1.58-acre parcel in a Community Commercial zone located at 8186 River RD NE, Salem (T6S; R3W; Section 24AC; Tax lot 200).

DECISION: Notice is hereby given that the Planning Director for Marion County has **APPROVED** the above-described Conditional Use application subject to certain conditions.

EXPIRATION: This decision is valid only when exercised by **October 10th, 2026** (two years from the effective date of the decision) unless an extension is granted. The effective period of this application 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. (Extension form available from the Planning Division). **Additional extensions may not be granted if the regulations under which this decision was granted have changed since the original approval.**

WARNING: A decision approving the proposed use is for land use purposes only. Due to septic, well, and drain field replacement areas, this parcel may not be able to support the proposal. To ensure the subject property can accommodate the proposal the applicant should contact the Building Inspection Division, (503) 588-5147.

This decision does not include approval of a building permit.

CONDITIONS: The following conditions must be met before a building permit can be obtained or the approved use established:

1. The applicant shall obtain all required building permits, including septic if needed, from the Marion County Building Inspection Division and Septic Division.
2. The applicant shall comply with all applicable Code Enforcement requirements in regard to noise ordinances per Marion County code (MCC) 8.45.050.
3. This decision allows for the commercial use of the property for operations categorized under SIC 5084, any expanded use may require an additional use permit.

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. It is recommended the agencies mentioned in Finding #5 in the Findings and Conclusions section below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

4. The applicants should contact Marion County Fire District #1 to obtain a copy of the District's Recommended Building Access and Premise Identification regulations and the Marion County Fire Code Applications Guide. Fire District access standards may be more restrictive than County standards.
5. The applicants should contact Marion County Land Development and Engineering (503-584-7714) for additional Engineering Requirements and Advisories, listed in Finding #5 below, that may be required.

APPEAL PROCEDURE: The Marion County Zone Code provides that certain applications be considered first by the County Planning Director. If there is any doubt that the application conforms with adopted land use policies and regulations the Director must condition or deny the application. Anyone who disagrees with the Director's decision may request that the application be considered by a County hearings officer after a public hearing. The applicant may also request reconsideration (one time only and a fee of \$200) on the basis of new information subject to signing an extension of the 150-day time limit for review of zoning applications.

A public hearing is held on appeals subject to the appellant paying a \$250.00 fee. Requests for reconsideration, or consideration by a hearings officer, must be in writing (form available from the Planning Division) and received by the Planning Division, 5155 Silverton Rd. NE, Salem, by 5:00 p.m. on **October 10th, 2024**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **October 11th, 2024** unless further consideration is requested.

FINDINGS AND CONCLUSIONS: Findings and conclusions on which the decision was based are noted below.

1. The subject property is designated Commercial in the Marion County Comprehensive Plan. The purpose of this designation and the corresponding Community Commercial (CC) zone is to implement the Rural Development policies of the Comprehensive Plan. This zone is applied to land committed to or intended for commercial uses within Urban Unincorporated Communities, Rural Communities, and Rural Service Centers. The uses within the CC zone are functionally classified by description of the particular activity or by reference to a category in the "Standard Industrial Classification Manual, 1987" (SIC).
2. The property is located on River Road NE approximately 1,200 feet north of Quinaby RD NE. The property consists of a single-story dwelling, several utility buildings, and two 4,000 square foot general purpose buildings. The property is currently being used for commercial purposes. The parcel was determined to be a legal lot for land use purposes in a 1978 zone change case 78-024 (ZC78-024).
3. Surrounding uses immediately adjacent are mostly Acreage Residential and single-family dwellings. Directly south on River Road NE are several additional commercial parcels zoned CC and IUC (Unincorporated Community Industrial). Further north along River Road NE are additional parcels zoned IUC and CC.
4. The applicant proposes to allow the current tenant to operate an industrial machinery and equipment business as described in SIC 5084: *establishments primarily engaged in the whole sale distribution of industrial machinery and equipment*. The current business modifies and assembles equipment related to the recycling and construction industries as well as industrial and municipal water purification systems.
5. Various agencies were contacted about the proposal and given an opportunity to comment.

Marion County Septic Division commented:

"The system is currently authorized to connect to a 2BDRM Single Family Dwelling and a 4-employee commercial space. If any additional employees/increase in flow is proposed, an authorization will be required."

Marion County Building commented:

"No Building Inspection concerns as the existing structure has been permitted, constructed, and certificate of occupancy granted. Any alterations to the existing structure and/or electrical, plumbing, or mechanical systems may require permits be obtained prior to commencing work."

Marion County Code Enforcement commented:

"The applicant must comply with Marion County noise ordinances."

All other agencies contacted either failed to respond or had no comment.

6. In order to approve a conditional use in an CC zone the applicant must demonstrate compliance with the criteria in Marion County Code (MCC) 17.143.040. These Include:

A. The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use;

The applicant states that the intended use will not change or increase the cost of accepted farm or forest practices on surrounding lands. The property has been used for commercial operations since at least 1966 according to Marion County land use case history. The property in question is not immediately adjacent to active farm or forest use. The criterion is met.

B. The proposed use will not, by itself or in combination with existing uses in the community, result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations;

The applicant states that the current use of the property will not create public health hazards or any additional environmental impacts that would violate state or federal water quality standards. They do not use harmful chemicals or produce any odors as part of the operation. The operation takes already finished metal products and assembles them into machines and other mechanical devices. There is no manufacturing or mixing of raw chemicals or materials onsite that would create a public health hazard. The criterion is met.

C. The proposed use will not, by itself or in combination with existing uses in the community, exceed the carrying capacity of the soil or of existing water supply resources and sewer services;

The applicant states that the wastewater and septic system and well were approved at the time the building were constructed and the intended use will not change from the approved use. The use does not use water in high volumes, as water is not used as an input, nor does it rely on the carrying capacity of the soil. The criterion is met.

D. The traffic generated by the proposed use is consistent with the identified function, capacity, and level of service of transportation facilities serving the community; and

The applicant is expecting to receive one to two semi-truck loads a week and daily package deliveries from the various package shipping companies. This use is similar to other expected traffic in a commercial zone. Marion County LDEP did not request a traffic study of analysis. The criterion is met.

E. The proposed use will not create significant adverse effects on existing uses or permitted uses on adjacent land, considering such factors as noise, dust and odors.

The applicant states that the work being done onsite is contained inside their shop buildings. The applicant further states that additional efforts are being made to insulate the shop building to minimize noise and have stated that they are taking steps to limit noise to between 7:00 am and 7:00 pm. The criterion is met.

7. The applicant will comply with the following Marion County noise ordinance:

8.45.050 Prohibitions.

A. It shall be unlawful for any person to produce or permit to be produced, with a sound-producing device, a sound that:

1. When measured at a place on the complainant's property line that is closest to the noise source, or within the complainant's dwelling unit if it is on the same property as the noise source but is not the source of the sound, exceeds:

a. Fifty-five dBA at any time between 10:00 p.m. and 7:00 a.m. the following day; or

b. Sixty-five dBA at any time between 7:00 a.m. and 10:00 p.m. the same day, except that if the sound-producing device is an off-road vehicle operating in a nonroad area, the sound level may not exceed 80 dBA; or

2. Is plainly audible at any time between 10:00 p.m. and 7:00 a.m. the following day within a dwelling unit that is not the source of the sound;

3. If a measurement of the sound is made, subsection (A)(1) of this section shall supersede subsection (A)(2) of this section and shall be used to determine if a violation exists.

B. Subsection (A) of this section shall apply to all unincorporated areas within Marion County that are outside the Salem-Keizer urban growth boundary.

8. 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: September 24, 2024

If you have any questions regarding this decision contact George Brandt at (503) 566-3891.

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.