



Marion County
OREGON

CONDITIONAL USE APPLICATION

RECEIVED

OCT 03 2024

Marion County
Planning

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

Fee: Please check the appropriate box:

- Conditional Use - \$1450
- Conditional Use Hardship - \$450
- Conditional Use Hardship Change of Occupant - \$120
- Non-Farm Dwelling \$1930
- UT Zone Replacement Dwelling - \$450
- Conditional Use Home Occupation - \$770
- Amend Conditions/Permit - \$600
- Aggregate Site (non Goal 5) - \$3000+\$80/acre
- Agri-Tourism Single Event - \$375
- Agri-Tourism Max 6 Events - \$640
- Agri-Tourism Max. 18 Events/Longer Duration-\$640

PROPERTY OWNER(S): MKI Construction LLC	ADDRESS, CITY, STATE, AND ZIP: PO Box 1950 Silverton, Oregon 97318
PROPERTY OWNER(S) (if more than one):	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: Norman Bickell	ADDRESS, CITY, STATE, ZIP 2232 42nd Ave. SE #771 Salem, Oregon 97317
DAYTIME PHONE (if staff has questions about this application): 503-510-1742	E-MAIL (if any): nbickell0027@aol.com
ADDRESS OF SUBJECT PROPERTY: 14950 Block of Union School Road NE	SIZE OF SUBJECT PROPERTY: 8.4 Acres
THE PROPERTY OWNERS OF THE SUBJECT PROPERTY REQUEST TO (summarize here; explain in detail on the "Applicant's Statement"): <u>Place a non-farm dwelling on the subject parcel.</u>	

FOR OFFICE USE ONLY:			
Township <u>T5S</u>	Range <u>R1W</u>	Section <u>21</u>	Application elements submitted:
Tax lot number(s) <u>200</u>			<input checked="" type="checkbox"/> Title transfer instrument
Zone: <u>EFU</u>			<input checked="" type="checkbox"/> Site plan
Zone map number: <u>15</u>			<input checked="" type="checkbox"/> Applicant statement
<input type="checkbox"/> TPA/header <u>W</u>			<input type="checkbox"/> Filing Fee
Case Number: <u>CU24-043</u>			<input type="checkbox"/> GeoHazard Peer Review (if applicable) <u>N/A</u>
<input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural			<input type="checkbox"/> Physician's Certificate (if applicable) <u>N/A</u>
Signs given:			<input type="checkbox"/> Home Occupation Supplemental (if applicable) <u>N/A</u>
			<input type="checkbox"/> Agri-Tourism Supplemental (if applicable) <u>N/A</u>
Date determined complete:			Application accepted by:
			Date:

GB

WILL THE TEMPORARY DWELLING BE () MANUFACTURED HOME OR () RV? Check one.

IF USING AN RV, DO YOU INTEND TO:

() CONNECT TO THE EXISTING SEPTIC SYSTEM OR () USE THE RV HOLDING TANK? Check one.

NAME OF PERSON(S) WITH MEDICAL HARDSHIP:

HE/SHE/THEY WILL RESIDE IN: () PRIMARY DWELLING OR () TEMPORARY DWELLING

NAME OF CAREGIVER:

HE/SHE WILL RESIDE IN: () PRIMARY DWELLING OR () TEMPORARY DWELLING

RELATIONSHIP OF CAREGIVER TO PERSON(S) WITH MEDICAL HARDSHIP:

WHAT TYPE OF ASSISTANCE WILL CAREGIVER PROVIDE:

IF THERE ARE OTHER ADULTS THAT RESIDE OR WILL RESIDE IN THE DWELLING WITH THE PERSON(S) NEEDING CARE, PLEASE EXPLAIN WHY HE/SHE CANNOT BE THE CAREGIVER:

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.

<u>Ivan Matveev</u>			
Print Name	Signature	Print Name	Signature
	Member MKI Construction LLC.		

_____	_____	_____	_____
Print Name	Signature	Print Name	Signature

DATED this _____ day of _____, 20_____



Marion County
OREGON

ADJUSTMENT APPLICATION

Fee: \$600

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

PROPERTY OWNER(S): MKI construction LLC	ADDRESS, CITY, STATE, AND ZIP: PO Box 1950 Silverton, Oregon 97381
PROPERTY OWNER(S) (if more than one):	ADDRESS, CITY, STATE, AND ZIP
APPLICANT REPRESENTATIVE: Norman Bickell	ADDRESS, CITY, STATE, ZIP 2230 42nd Ave. SE #771 Salem, Oregon 97317
DAYTIME PHONE (if staff has questions about this application): 503-510-1742	E-MAIL (if any): nbickell0027@aol.com
ADDRESS OF SUBJECT PROPERTY: 14950 block of Union School Road NE	SIZE OF SUBJECT PROPERTY: 8.4 acres
THE PROPERTY OWNERS OF THE SUBJECT PROPERTY REQUEST TO (summarize here; provide detailed information on the attached "Applicant Statement" page): <u>Establish a non-farm dwelling on the subject parcel</u> <hr/> <hr/> <hr/>	
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	Range	Section	Application elements submitted:
Tax lot number(s)			<input type="checkbox"/> Title transfer instrument
Zone:			<input type="checkbox"/> Site plan
Zone map number:			<input type="checkbox"/> Applicant statement
<input type="checkbox"/> TPA/header			<input type="checkbox"/> GeoHazard Peer Review (if applicable)
Case Number:			<input type="checkbox"/> Filing fee
<input type="checkbox"/> Urban <input type="checkbox"/> Rural			Application accepted by: Set up by:
Date determined complete:			Date:

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.

Ivan Motveev		member MKI Construction
Print Name	Signature	

Print Name	Signature

Print Name	Signature

Print Name	Signature

DATED this _____ day of _____, 20_____

APPLICANT STATEMENT

MKI Construction LLC owns an 8.40 acre parcel in the 14950 block of Union School Road NE that is traversed north to south by a drainage way that is covered with brush and grasses with the ruminants of an old Hazelnut orchard (T5S; R1W; S21; TL 200). The applicant is now requesting a conditional use to complete the process for a non-farm dwelling on the subject parcel with an adjustment to the special agricultural setback for a dwelling and outbuildings... The following addresses the criteria for a non-farm dwelling as listed in Chapter 17.136.060, 17.136.070 and 17.136.100:

17.136.160(A) The following criteria apply to all conditional uses in the EFU zone;

- (1) The use will not force 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 area approved under ORS 197.732, or in an acknowledge urban growth boundary.*

Response: The subject 8.4 acre parcel is located in the slope of a drainage way with some bench land along its northern boundary. Properties to the north are in a combination of farm land with a dwelling directly north of the subject property. Property to the south is a small 3+ acre lot that contains a dwelling. To the east bordering the subject parcel is a 20 acre parcel containing a dwelling and in grasses and grain production. To the west across Union School Road NE are two smaller acreage homesites and a 39.5 acre parcel in farm use and containing a dwelling. While most of the property is in brush and grass and is considered as non high value farm soils, the bench where the dwelling, septic drainfield and shop are being proposed is relatively dry land. The applicant has supplied a letter and soils report from Gary Kitzrowga that states the soils from a ground survey are predominantly Class IV through VI totaling 6.36 acres of the 8.4 acre parcel. DLCD has supplied a letter that assessments that the report follows the completeness requirements of the state. Therefore the predominate soils classes are non-high value soils and would qualify for review under the criteria for a non-farm dwelling on poor soils. Later in this report will address the 2000 acre findings for the criteria for the dwelling not materially altering the land use pattern of the area. The site where the improvements are being proposed should not negatively affect the adjoining farming practices to the east and north and the parcels to the south and west are not in commercial agriculture and contain dwellings. As part of this review and taking advantage of the existing soils pattern of the subject parcel the applicant is proposing to place the dwelling and shop closer to the boundary of the parcel to the east and north. An application and findings later in this report will address the adjustment to the setbacks. The

applicants' proposed dwelling will comply with (1) above subject to the granting of the setback adjustment.

- (2) *Adequate fire protection and other rural services are, or will be, available when the use is established.*

Response: The subject parcel will be served by a domestic well, will establish a septic system and has electrical service at the property line. The property is within the Woodburn Fire District and has direct access to Union School Road. The Marion County Sheriff provides police protection to the site. Based on these findings the proposed dwelling will comply with (2) above.

- (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.*

Response: The proposed dwelling will use an established driveway currently accessing the parcel off Union School Road, will establish a domestic well and septic system and be located on the property in an area of slope stability. The site is not within an identified ground water limited area or an area identified as being within a special big game habitat overlay. The Marion County Sheriff will provide protection to the site. Based upon the above discussion and findings the proposed dwelling will comply with (3) above.

- (4) *Any noise associated with the use will not have a significant adverse impact on nearby land uses.*

Response: The proposed use is a single family dwelling and as such it should not produce an unreasonable amount of noise.

- (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.*

Response: There are no significant mineral and aggregate sites or potential water impoundments identified in the Comprehensive Plan that are located near the proposed dwelling. Therefore, there should not be any impact to the resources identified above.

In addition to the criteria for all conditional uses within the EFU zone are specific criteria for non-farm dwellings. These criteria are listed in 17.136.060 (B) and are as follows:

- (1) *The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through Class VII soils that would not, when irrigated, be classified as prime, unique, Class I or Class II soils. Soils classification shall be those of the*

Soil conservation Service in its most recent publication, unless evidence is submitted as required in MCC 17.136.130.

Response: From the soils report submitted with this application it was found that the predominant soils on the subject parcel are Class IV through VI which are not high value farm soils. The report states that there are Te (Terrace Escarpments) which is a Class VI soil on 1.39 acres of the subject parcel, there are We (Wapato very poorly drained variant) which is a Class IV on .94 acres, There are additional Te (D-slope Terrace Escarpments) that are Class VI over 1.05 acres and SWB (Steiwer Variant) which is a Class VI over 2.98 acres. Therefore, the subject parcel qualifies as being on a soil that meets the requirements for a non-farm dwelling.

- (2) *The dwelling will be sited on a lot or parcel that does not currently contain a dwelling and was created before January 1, 1993. The boundary of the lot or parcel cannot be changed after November 4, 1993, in any way that enables the lot or parcel to meet the criteria for a non-farm dwelling.*

Response: The subject parcel is vacant of dwellings and only has a small accessory building along its frontage on the road. Research of the past deed history and statements from the applicant verify that the parcel was created in its present configuration before January 1 1993. A deed submitted by a title company shows that Kenneth and Fay Prior sold the parcel to Edwin and Adeline Susa the subject parcel on April 4, 1974 that is recorded in Reel 7 Page 220 of the Marion County deed records (attached). The boundary of the parcel has not changed from January 1993 and the parcel meets the criterion listed in (2) above.

- (3) *The dwelling will not materially alter the stability of the overall land use pattern of the area. In making this determination the cumulative impact of possible new non-farm dwellings on other lots or parcel in the area similarly situated shall be considered to address the standard, the following information shall be provided:*
- (A) *Identify a study area for cumulative impacts analysis. The study area shall include at least 2,000 acres or a smaller area not less than 1,000 acres, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm operations or practices that distinguish it from other, adjacent agricultural areas, and why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area;*
- (B) *Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm,*

hardship, etc.) and the dwelling development trends since 1993. Determine the potential number of non-farm dwellings that could be approved under subsection (D) of this section and MCC17.137.050 (A), including identification of predominant soil classifications and parcels created prior to January 1, 1993. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under this provision;

- (C) *Determine whether approval of the proposed non-farm dwellings together with existing non-farm dwellings will materially alter the stability of the land use pattern in the area. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase, lease farmland, acquire water rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area.*

Response: To approach the standards of (A) above, the applicant applied to the Marion County Planning Division and requested a GIS map to be created that meet the standards listed. A 2,000 acre map was created that gave the soils, individual parcels, zoning and the land use cases within the study area. A printout of the current accounts for each parcel within the study area was also supplied. One of the parcels is the subject of a land use review after January 1, 1994 is currently under review by Marion County for non-farm dwelling (AR24-019) and the decision has not been rendered. The parcel was inventoried within the study area as not having a dwelling. This study area is reflective of the surrounding land uses pattern and is made up of large and small farms and show a development pattern of the non farm residential uses within the area

The predominant land use patterns of the area are row crops with a mixture of grasses and grain. The subject parcel is located at the edge of an area of grass and grain production to the east, smaller non farm parcels with dwellings to the west and south and a homesite to the north on a grass seed production field.

By using the map, Assessors records, aerial photographs and the soils of each parcel it was possible to analyze the impact of the proposed dwelling on the other parcels in the study area. Within the study area there were a total of 112 whole and partial tax lots. Of those 112 parcels there were 79 parcels with existing dwellings. This leaves 33 vacant parcels, with 27 of these being contiguous to existing dwellings or are on high value soils. Subtracting those parcels not

eligible for a non farm dwelling, leaves a total of 6 parcels... Four of the vacant lots were on high value soils and would not qualify for a non farm dwelling and due to their date of transfer would not qualify for lot of record dwelling. . Only the subject parcel is on Class IV through VIII soils and would qualify for a non farm dwelling. One possible nonfarm dwelling is not a significant number. From this study it has been shown that the additional potential non-farm dwellings would not significantly impact existing farming activities

Due to the small size of the subject parcel (8.4 acres) with predominantly poor soils and a drainage way bisecting the parcel with its surrounding wetlands which limit the location for the proposed dwelling and shop. The viability of the parcel to be commercially farmed is limited. With all of these restrictive elements, it would not be economically possible to convert this parcel to a farmable parcel. The approval of a non-farm dwelling on this parcel is compatible with the smaller non-farm parcels surrounding on two sides. This parcel is reflective of the surrounding parcels in the area and will not destabilize the overall character of the study area.

In addition to the standards and criteria listed above are the requirements of 17.136.070 Non-farm dwellings requirements. These are:

A. Special Setbacks.

- 1. Dwellings. A special dwelling setback of 200 feet from any abutting parcel in farm use or timber production is required.*
- 2. Accessory Buildings. A special setback of 100 feet is required for buildings accessory to a dwelling from any abutting parcel in farm use or timber production.*

Response: The applicants are proposing to place the new dwelling adjacent along the northern side of the parcel with a shop building along its eastern side. At the proposed site it will not meet the 200 foot special dwelling setback from adjoining farm parcels to the east and north. The proposed shop will be along the eastern side of the parcel and it also will not meet the special 100 foot setback for a storage building on the nonfarm parcel from its eastern side. The criteria listed in 3 for adjustments will be addressed:

- 3. Adjustments. The special setbacks in subsections (A) (1) and (2) of this section may be reduced if it is determined, concurrently with any land use application or as provided in Chapter 17.116, that a lesser setback will meet the following review criteria for alternative sites:*
 - a. The site will have the least impact on nearby or adjoining forest or agricultural lands.*
 - b. The site ensures that adverse impacts on forest operations and accepted farming practices on the tract will be minimized.*

- c. *The amount of agricultural and forestlands used to site access roads, service corridors, the dwelling and structures is minimized.*
- d. *The risks associated with wildfire are minimized.*

Response: As has been noted throughout this report the subject parcel is 8.4 acres in size and is heavily compromised by a stream drainage way and wetlands. Its shape is generally narrow north to south and as mentioned before bisected with a drainage way. It should be noted that the parcel is only 345 feet wide and with the drainageway and wet area compromising the western 1/3 of the parcel with the terrace soils impacting the development area. The applicant is proposing to locate the dwelling and shop on the area where the soils will support a septic system and still stay out of the poor soils and wetland. At the proposed dwelling location the dwelling will be setback 96 feet from the northern boundary and 55 feet from the eastern boundary. The shop will be 35 feet from the eastern boundary and over 100 feet from the northern boundary. The proposed location of the dwelling and shop are governed by the area needed for a septic system and a replacement septic site which limit areas for the dwelling and shop.

The area just north of the proposed dwelling is in woodlot and with the dwelling location being 96 feet from the northern boundary will require a management plan for wildfire to reduce the impact of the dwelling from wildfire or the adjacent woodlot from fire associated with the dwelling. The proposed shop will provide some buffering from the grass seed production field to the east and again there will be a need to manage wildfire risk associated with the shop. A condition of any approvals given will require the applicants to have a wildfire plan and the building permits issued will also have restrictions on the chimneys to further restrict the risk of wildfire. Based upon the above discussion, the applicants dwelling can be placed on the subject parcel and an adjustment to the setbacks given. It appears that a reduction of the eastern dwelling setback should be reduced from 200 feet to 55 feet and the shops 100 foot setback reduced to 35 feet... The northern 200 foot for the dwelling and 100 feet for the accessory dwelling should be reduced to 96 feet for the dwelling and the accessory building will meet the 100 foot setback.

Based upon the above findings, the proposed non-farm dwelling will comply with all of the criteria and standards of the EFU zone subject to conditions and setback adjustments. If there are any questions or a need for clarification please call Norman Bickell at (503) 510-1742 or email nbickell0027@aol.com