

Attention Property Owner: A land use proposal has been submitted for property near where you live or property you own elsewhere. State law requires the county notify property owners within a certain distance from this property. The proposal and address of the property is described in "Application" section. 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. 19-007**

**APPLICATION:** Application of Macleay Christian Retreat for an administrative review to amend the site plan for Macleay Christian Retreat on a 30.44 acre parcel in an SA (Special Agriculture) zone located at 2887 74th Avenue SE, Salem (T8S; R2W; Section 3; tax lot 600).

**DECISION:** The Planning Director for Marion County has approved the amended site plan for Macleay Christian Retreat.

**EXPIRATION DATE:** This decision is valid only when exercised by **May 13, 2021**, unless an extension is granted. The effective period may be extended for one year subject to approval of an extension (form available from the Planning Division). Request for an extension must be submitted to the Planning Division prior to expiration of the approval.

**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 check with the Building Inspection Division, (503) 588-5147.

This decision does not include approval of a building permit.

**CONDITIONS:**

1. Public Works Land Development Engineering and Permits requests that the following conditions be required for approval of this land use case:

***Condition A** – Prior to building permit issuance, Applicant shall dedicate a 30-foot right-of-way half-width along the subject property Gale Street frontage to meet the Local road standard, and a 30-foot southwest property corner radius.*

***Optional Condition B** – Dedicate a 30-foot right-of-way half-width along the subject property 71st Avenue frontage.*

2. The development shall be consistent with the site plan attached to this decision.
3. All other conditions of approval in CU92-36, AR04-24, and AR04-49 remain in effect.

**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 the 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 **May 13, 2019**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **May 14, 2019** 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 correspondingly zoned SA (Special Agriculture). The intent of both designation and zone is to promote and protect commercial agricultural operations. Non-farm uses can be approved where they do not have a significant adverse impact on farming operations in the area.
2. The subject parcel is located on the north side of Gale St SE between 71<sup>st</sup> Ave SE and 74<sup>th</sup> Ave SE. The property is developed with a church and retreat facility. The property was the subject of previous land use cases and is considered a legal parcel for land use purposes.
3. Surrounding uses to the west, south, and north are a mixture of small farms and acreage home sites in the SA zone. East of 74<sup>th</sup> Avenue lies an (AR) Acreage Residential zone comprised of rural residential properties.
4. In Conditional Use #CU92-36 the applicants were granted approval to modify the use of a previously existing residential vocational school to establish a church and retreat center on the property. In Administrative Review #AR00-24 the applicants were granted a reduction of the minimum setback from the west property line from 500 feet to 200 feet and from the south property line from 200 feet to 160 feet. An increase in the number of campsites from 62 to 108 was also granted, and the site plan was amended to change the location campsites and a multipurpose building. In Administrative Review #AR04-6 the applicants were granted a reduction of the special setback from the north property line from 160 feet to 100 feet and from the west property line from 200 feet to 100 feet. The site plan was also revised to relocate several previously approved improvements and to add a gym/bathing facility and assembly building. In Administrative Review #AR04-49 the applicants were granted approved to provide electricity and plumbing to the existing cabins. The applicants are now requesting an amendment to the site plan to include a 1200 square foot laundry and storage building and to establish driveway access onto Gale Street.
5. Soil Survey of Marion County Oregon indicates 100% of the subject property is high-value farm soils.
6. Marion County Public Works Land Development and Engineering Permits requested that the following conditions be included in the decision:

***Condition A*** – *Prior to building permit issuance, Applicant shall dedicate a 30-foot right-of-way half-width along the subject property Gale Street frontage to meet the Local road standard, and a 30-foot southwest property corner radius.*

Nexus for the above Condition is the addition of traffic to Gale Street afforded by the proposed new access, and to a road in need of adequate width for shoulder, drainage and utilities. Right-of-way (R/W) dedications are in accordance with Section 17.110.780 of the Rural Zone Code of Marion County, whereby street rights-of-ways and other design features shall meet Marion County Engineering Standards and Access Ordinance #651 (MCC 11.10).

***Optional Condition B*** – *Dedicate a 30-foot right-of-way half-width along the subject property 71<sup>st</sup> Avenue frontage.*

In this case the Applicant is being made aware of a similar deficiency in R/W along the 71<sup>st</sup> Avenue frontage. However, there may be less than sufficient nexus to actually obligate that additional dedication considering the level of proposed development and absence of a 71<sup>st</sup> Avenue direct access. Therefore, this Optional Condition is framed in the form of a ‘request’.

LDEP also requested that the following Requirements be included in the decision:

- C. In accordance with Marion County Code 11.10, driveway permits will be required for any new access or change in use of the existing access to the public right-of-way. In order to formalize the use of the Gale Street access as requested, the Applicant shall be required to apply for a driveway “Access Permit” and construct any improvements required by the permit. Driveways must meet sight distance, design, spacing, and safety standards. No other new access will be permitted.

- D. The subject property is within the unincorporated area of Marion County and will be assessed Transportation System Development Charges (SDCs) upon application for building permits, per Marion County Ordinance #00-10R.

LDEP also requested that the following Advisory be included in the decision:

- E. Construction of improvements on the property should not block historical or naturally occurring runoff from adjacent properties. Furthermore, site grading should not impact surrounding properties, roads, or drainage ways in a negative manner. It is highly advised to evaluate the need for an onsite driveway culvert in order to continue to maintain presumed flow from the soccer field to the drainage conveyance swale located to the west.

Marion County Building Inspection commented that a building permit is required for new construction.

Marion County Building Inspection Onsite Wastewater Specialist commented that “Property is on WPCF permit through Oregon DEQ. Must have DEQ authorization to move forward.”

7. Use of the cabins was approved to be temporary in nature, occurring for short periods of time when an event is taking place at the retreat center. The proposed laundry and storage building and additional driveway access would not increase the capacity of the facility and would be located so as to meet established minimum setbacks from property lines. The conditions LDEP requested to be included in any approval would mitigate existing deficiencies in roads used to access the facility.
8. Based on the above findings, it has been determined that the proposed site plan can be approved.

Joe Fennimore  
Planning Director

Date: April 26, 2019

If you have any questions regarding this decision contact Lisa Milliman 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.