

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.22-021

APPLICATION: Application of Crystal Jimenez on behalf of Wallace Pratt for a conditional use to place a modular building in association with a church and the placement of a mobile home for the church pastor to reside in on a 1.36-acre parcel in a UD (Urban Development) zone located at 3345 Brown Rd NE, Salem (T7S; R2W; Section 18AA; Tax Lot 12000).

DECISION: The Zoning Administrator for Marion County has **APPROVED** the above-described Conditional Use application subject to certain conditions

EXPIRATION DATE: This conditional use permit is valid only when exercised by **June 10, 2024**. The effective period may be extended for an additional year subject to approval of an 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 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 approval for all permits required by the Marion County Building Inspection Division.
2. Public Works Land Development Engineering and Permits Division (LDEP) will not approve the use until the following conditions have been satisfied:

Condition A – Prior to issuance of building permits, record a 10-foot wide public drainage easement in the interest of East Salem Service District, a County service district, over the existing stormwater closed conveyance system consisting of larger-diameter piping and appurtenant structure(s), and including a blanket ingress/egress easement to access same for District staff maintenance purposes.

Nexus is the preservation of long-standing public drainage facilities that provide conveyance of stormwater from various other developed properties to Brown Road. This is generally supported by MCC 16.40.030(J). Unless the Church has a recorded easement, MCPW will need to field-locate the drainage system alignment, and a sketch and legal description be prepared. Please coordinate with John Rasmussen in Land Development Engineering with any known information regarding the drainage system.

3. The development shall significantly conform to the site plan submitted with the proposal. Minor variations are permitted upon review and approval by the Planning Director.
4. The new dwelling shall be addressed as **3347 Brown Rd NE, Salem, OR 97305**.
5. Failure to continuously comply with the conditions of approval may result in this approval being revoked. Any revocation could be appealed to a county hearings officer for a public hearing.

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 any restrictions or conditions thereon. It is recommended that the agencies mentioned in Finding # 6,7 and 5 under Findings and Conclusions below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

6. The applicants should contact the Marion County No.1 Fire District 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. Paula Smith at MCFD#1/(503) 588-6513).
7. 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 Zoning Administrator. If there is any doubt that the application conforms with adopted land use policies and regulations the Zoning Administrator must condition or deny the application. Anyone who disagrees with the 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 120 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 in the Planning Division, 5155 Silverton Rd. NE, Salem, by 5:00 p.m. on **June 10, 2022**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **June 11, 2022**, unless further consideration is requested.

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

1. The property is designated Developing Residential in the Salem Area Comprehensive Plan. The purpose of this designation and the corresponding Urban Development zone is to facilitate land for future residential development.
2. The property is located directly southwest of the intersection of Brown Rd NE and Wyoming Ave NE. The property currently contains a church built in 1990 and a small storage shed. The property is generally flat and grassed with a hard surface parking area. The property was involved in ZC/CP/LLA93-13 and had its property lines adjusted and surveyed and is therefore considered legal for land use purposes.
3. Surrounding uses are residential in all direction but west, with the parcel being surrounded by a mix of single and multifamily zoned parcels. The multifamily portion is vacant, the single-family portions are two subdivisions, one with stick built homes and one with mobile homes. The property to the west is zoned commercial general and commercial retail and is an RV park and storage facility.
4. The applicant proposes to place a modular building in association with a church and the placement of a mobile home for the church pastor to reside in.
5. **Public Works Land Development and Engineering Permits (LDEP)** requested that the following be included in the land use decision.

ENGINEERING CONDITION

Condition A – Prior to issuance of building permits, record a 10-foot wide public drainage easement in the interest of East Salem Service District, a County service district, over the existing stormwater closed conveyance system consisting of larger-diameter piping and appurtenant structure(s), and including a blanket ingress/egress easement to access same for District staff maintenance purposes.

Nexus is the preservation of long-standing public drainage facilities that provide conveyance of stormwater from various other developed properties to Brown Road. This is generally supported by MCC 16.40.030(J). Unless the Church has a recorded easement, MCPW will need to field-locate the drainage system alignment, and a sketch and legal description be prepared. Please coordinate with John Rasmussen in Land Development Engineering with any known information regarding the drainage system.

ENGINEERING REQUIREMENTS

- a. Prior to issuance of a Building Certificate of Occupancy for the classroom modular structure, complete the access approach paving extension work issued under Access Permit #555-22-000526-PW.
- b. Transportation System Development Charges (SDCs) and Parks charges will be assessed in conjunction with issuance of building permits for the Parsonage. SDCs (but not Parks charges) will be assessed for the classroom.
- c. Tying in roof drains to the public stormwater system traversing the property requires permits from MCPW.
- d. Submit a revised site plan also depicting the storm system alignment, and how the proposed building structures will not conflict with the alignment, once verified.

ENGINEERING ADVISORY

- a. At the indicated level of development according to the land use application site plan submitted, stormwater detention will not be required. If substantial hard surfacing (parking, etc.) work were to be done, then stormwater detention may be required.

Marion County Building Inspection commented that permits are required for the proposed structures.

City of Salem Public Works commented “Addition of bathrooms or kitchen plumbing fixtures to an existing sewer connection will require review by the City of Salem and could generate additional fees.”

Salem-Keizer Public Schools submitted comments relating to the potential increase in students from this development.

All other contacted agencies either failed to comment or stated no objection to the proposal.

6. All conditional uses are subject to the general criteria in MCC16.40.020, these include:

- (a) *The use is listed as a conditional use in the zone, or is otherwise identified as a conditional use and is consistent with the intent and purpose of the zone and the provisions that authorized consideration as a conditional use.*

The use of a religious organization is listed as a conditional use in the UD zone in MCC 16.15.020 C (1). A detached single family dwelling is listed as a permitted use in this zone MCC 16.15.010 (C) 1. The criterion is met.

- (b) *The parcel is suitable for the proposed use considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.*

The parcel already contains an existing church and is oversized at 1.36 acres and can support the additional structures as it does not have to accommodate a septic system, being on Salem sewer. It already has road access and frontage as well as nearly flat topography. The criterion is met.

- (c) *The proposed use, as conditioned, will not substantially limit, impair, or preclude the use of surrounding properties for the uses permitted in the applicable zone.*

This permit is an expansion of the existing use and is not expected to limit or impair existing uses in the area. It has been operating in conjunction with the surrounding uses since 1990 and it is reasonable to conclude that it will continue to do so if this permit were to be approved. The criterion is met.

- (d) *The proposed use, as conditioned, will not have a significant adverse effect on air or water quality.*

As this is a typical residential use and the surrounding properties are on city water, this use is not expected to have any negative affect on water or air quality. The criterion is met.

- (e) *Adequate public and utility facilities and services to serve the use are available or will be made available prior to establishment of the use.*

The parcel is served by Marion County Fire and Police and City of Salem water and sewer. The criterion is met.

7. In addition to these general criteria, in order to approve a Conditional Use in a UD zone the specific criteria in MCC 16.15.020 must be satisfied:

- (a) *The use and related buildings will be located in such a manner that any significant unused portion of the property has adequate development options and development options, and;*

Both buildings are proposed to be placed on the western side of the parcel, leaving the eastern side vacant for future development. The criterion is met.

- (b) *For uses other than a single-family dwelling, the use independently or together with nearby uses will not require installation of urban facilities identified in MCC 16.40.030(J), or such facilities will be provided as prescribed in Chapter 16.40 MCC.*

The urban facilities have already been built as evidenced by a site visit and existing city utilities. The criterion is met.

- (c) *The use meets the development standards of the most restrictive zone used in the applicable Comprehensive Plan designation.*

The most restrictive zone is the Salem developing residential and the City did not submit any comments indicating that this development would not be in conformance with their standards. The criterion is met.

- (d) *The use is a permitted or conditional use in the most restrictive zone used in the applicable comprehensive plan designation.*

Dwellings are permitted outright in the developing residential zone and the church was a pre-existing use. A conditional use is the minimum necessary to comply with the zoning and comprehensive plan designations. The criterion is met.

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: May 26, 2022

If you have any questions regarding this decision contact Austin Barnes 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.