

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 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. 19-027**

APPLICATION: Application of Krysti and Michael Coursey, on property owned by Oregon Revival Center, for a conditional use to establish a school on a 2.38 acre parcel in an AR (Acreage Residential) zone located at 7625 Sunnyside Road SE, Salem. (T8S; R3W; Section 26C; tax lot 600).

DECISION: The Planning Director 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 **September 30, 2021**. 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 proposal is for land use purposes only. Due to septic, well, and drain field replacement areas, these parcels may not be able to support the proposal. To be sure the subject property can accommodate the proposed use 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 necessary permits from the Marion County Building Inspection Division.
2. Public Works Land Development Engineering and Permits Division (LDEP) will not approve the use until the following condition has been satisfied:

***Condition A** – Prior to establishment of the school, permanently remove the three easternmost bollards that are within the roadway 10' clear zone of Jackson Hill Road.*

ADDITIONAL CONDITIONS: Once the approved use is established the following conditions must be continually satisfied:

3. Failure to continuously comply with the conditions of approval may result in this approval being revoked. Any revocation can 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 restrictions or conditions thereon. It is recommended that agencies mentioned in Finding #5 below be contacted to identify restrictions or necessary permits.

3. The applicants should contact Salem Suburban 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. Salem Suburban Fire District can be contacted at: (503) 588-6245.

4. The applicant is advised to contact Public Works Land Development and Engineering Permits regarding the requirements outlined in Finding #5 below.

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 Marion 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 in the Marion County Planning Division, 5155 Silverton Rd. NE, Salem, by 5:00 p.m. on **September 30, 2019**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the above address. This decision is effective **October 1, 2019** 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 Rural Residential in the Marion County Comprehensive Plan. The purpose of the Rural Residential designation and the corresponding AR (Acreage Residential) zone is to allow acreage home sites at a density that maintains the character and environmental quality of the County's rural residential areas.
2. The subject parcel is located in the northwest corner of the intersection of Sunnyside Road SE, Jackson Hill Road SE and Delany Road SE. The property contains a school house and two accessory structures, according to the Marion County Tax Assessor. The property was the subject of Conditional Use #CU90-51 that approved a religious organization on the property and is considered a legal parcel for land use purposes.
3. Properties to the north, south and west are zoned AR and consist of rural residential lots. Property to the east is zoned SA (Special Agriculture) and in farm use.
4. The applicant is requesting to establish a private school.
5. Public Works Land Development and Engineering Permits (LDEP) commented: "PW Engineering requests that the following Condition be included in the land use approval.

Condition A – Prior to establishment of the school, permanently remove the three easternmost bollards that are within the roadway 10' clear zone of Jackson Hill Road."

Engineering Requirement:

- B. The subject property is within the unincorporated area of Marion County and may be assessed Transportation System Development Charges (SDCs) upon application for building permits and/or change-in-use, per Marion County Ordinance #00-10R. Credit may be given for existing/or previously allowed uses.

Engineering Advisory:

- C. A Declaratory Statement with stipulations for the chain link fencing and gate located with the respective Sunnyside Road and Jackson Hill Road Special Setbacks is recorded at Reel 3546 / Page 5. "

Marion County Building Inspection commented that permits would be required for change of occupancy.

Marion County Building Inspection Onsite Wastewater Specialist commented that Septic Authorization is required.

6. The AR zone permits the establishment of elementary and secondary schools as a conditional use. Marion County Code (MCC) 17.128.040 lists the criteria that apply to conditional uses in the AR zone:

A. *The conditional use as described by the applicant will be in harmony with the purpose and intent of the zone.*

Elementary and secondary schools are commonly found on or adjacent to land zoned for residential use. The proposed use is in harmony with the purpose and intent of the zone.

B. *The use will not increase traffic beyond the capacity of existing roads.*

The applicant stated that they intend to limit attendance at the school to 46 students and to operate a bus to pick up students in downtown Salem. The applicant indicates the existing roads serving the site are adequate for the use and no traffic issues were identified by LDEP. This criterion is met.

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

The existing building has an approved water source and the access to the facility will remain the same as when the building was used as a church. It appears that other services necessary would be available to the facility. This criterion is met.

D. *The use will not have a significant adverse impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air and water quality.*

Water quality facilities for stormwater are in place. The parcel is likely to use an equivalent amount of water as the previous use of the site, a religious organization. No additional buildings are planned for the proposed use. With LDEP engineering requirements, the expansion is expected to have no significant impact on air or water quality. This criterion is met.

E. *Any noise associated with the use will not have a significant adverse impact on nearby land uses.*

Most of the activity on the property takes place indoors on week days, except for brief periods in the morning and mid-afternoon. The school is closed between mid-June and early September. The amount of noise is expected to be minimal and have no impact on surrounding land uses. This criterion is met.

F. *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.*

There are no identified potential water impoundments or significant mineral and aggregate sites on site or nearby that would be impacted by the proposed use. This criterion is met.

7. Based on the above findings it has been determined that the applicant's request has adequately addressed all the applicable criteria for establishing a school for grades one to eight on the property. Therefore, subject to meeting conditions of approval, the application for a private school is **APPROVED**, subject to conditions.

Joe Fennimore
Director-Planning Division

Date: September 13, 2019

If you have any questions please 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.