

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. 24-029**

APPLICATION: Application of George Baker for a conditional use permit to establish a campground on a 100-acre portion of the Elkhorn Golf Course in a P (Public) zone located at 32295 North Fork Rd SE, Lyons (T9S; R3E; Section 10; Tax lots 200 & 500; Section 11; Tax lots 401 & 200).

EXPIRATION DATE: This Conditional Use Permit is valid only when exercised by **November 1st, 2026**. 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 proposed use. To ensure 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 the approved use established:

1. The applicant shall obtain any required permits from the Marion County Building Inspection Division.
2. The applicant shall follow all applicable state and federal laws.
3. The applicant shall provide evidence to Marion County Planning that animal resistant trash cans have been installed.
4. Development of dedicated specific campsites will require a new site plan provided to Marion County Planning and approved by the Planning Director.
5. Expansion of the campground to include recreational vehicle, travel trailer, and/or yurt sites will require a new conditional use application for expansion of the campground. Use of recreational vehicles, travel trailers and/or yurt sites are not approved as part of this conditional use permit.

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

6. The applicant shall ensure campsites maintain a 50-foot minimum setback to the Little North Fork of the Santiam, and a 30-foot minimum setback to all perennial and intermittent streams and ponds.
7. The maximum capacity of the entire campground area will be 100 persons while utilizing the number of portable toilets required by Marion County Health.
8. A permanent bathroom facility may be installed to accommodate up to 100 persons in compliance with any septic standards required by the Oregon Department of Environmental Quality and Marion County Septic.
9. Any commercial structures associated with the campground cannot exceed a cumulative limit of 3,500 square feet without taking an exception to Oregon Statewide Planning Goal 14 (Urbanization).

10. The campground shall be devoted to overnight temporary use for vacation, recreation, or emergency purposes, but not for residential purposes. Overnight temporary use in the same campground by a camper shall not exceed a total of 30 days during any consecutive six-month period.
11. Separate sewer, water or electric service hook-ups shall not be provided to individual campsites.
12. The applicant shall maintain sufficient trash services to ensure all waste is removed regularly.
13. The use shall significantly conform to the site plan submitted with the proposal. Minor variations are permitted upon review and approval of the Planning Director.
14. Failure to continuously comply with the conditions of approval may result in this approval being revoked. Any revocation could be appealed to the 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 below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

15. The applicants should contact the Stayton 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.

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 **November 1st, 2024**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **November 4th, 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 Public in the Marion County Comprehensive Plan. The major purpose of this designation and the corresponding P (Public) zone is to provide regulations governing the development of lands appropriate for specific public and semi-public uses and to ensure their compatibility with adjacent uses. It is intended that this zone be applied to individual parcels shown to be an appropriate location for a certain public or semi-public use. If the use existing at the time the P zone is applied is discontinued or if a proposed use is not established, it is the intent that the land be rezoned to conform to surrounding zoning or be devoted to permitted uses. It is not intended that a property zoned public for one type of use be allowed to change without demonstrating that the proposed conditional use will be compatible with adjacent uses and the property is better suited to the proposed use than alternative locations.

A proposed property line adjustment decision in 1998 (LLA98-034) included a determination about the number and size of legal parcels comprising the Elkhorn golf course and surrounding area that was part of a never implemented Planned Unit Development. The primary subject parcel in this decision (tax lot 401) was determined to be legal, as well as tax lot 200. The subject area is therefore legal for land use purposes.

2. The property is located at 32295 North Fork Rd SE. It is an approximately 170-acre golf course known as the Elkhorn Golf Course, directly adjacent to where Gates Hill Rd SE intersects with North Fork Rd SE. The actual size of all related parcels is 319-acres, with another 150-acres in the same ownership south adjacent to North Fork Rd SE. The campground approval only applies to approximately 100-acres of the northeastern section of the golf course on Tax lots 401 & 200. Tax lot 200 of the subject parcel is split zoned Public and TC (Timber Conservation), with the TC zone being primarily on the north side of the river.
3. The subject parcel is approximately 10-miles east of Mehama and 3-miles north of Gates. South adjacent parcels are zoned AR-LU (Acreage Residential – Limited Use) and are undeveloped forest land. North-east adjacent parcels are zoned AR (Acreage Residential) and are in use for rural residences. The north and west adjacent parcels are zoned TC (Timber Conservation) and in forest use. Outside of the subject parcel and adjacent AR zone, all surrounding properties are zoned TC in a mix of public and private ownership, and in use for timber production, recreation and conservation.
4. The applicants are proposing to establish dispersed camping as a commercial use on nine holes of the eighteen-hole golf course, and approval of a bathroom facility on site.
5. Soil Survey of Marion County Oregon indicates that 46% of the subject Tax lot 200, and 0.1% of subject Tax lot 401 are composed of high-value farm soils.
6. Various agencies were contacted about the proposal and given an opportunity to comment.

Marion County Land Development, Engineering and Permits requested the following be included:

ENGINEERING REQUIREMENTS

- A. An Access Permit will be required for the change in use to the existing golf course access. Based on review of remote imagery, no substantial upgrade to the access approach is anticipated unless the campground will also cater to RVs, in which case it will be required to pave the access approach back an additional 20 feet.
- B. The subject property will be assessed Transportation System Development Charges (SDCs) upon application for building permits, if required, based on number of sites.
- C. Extension of utilities from within the North Fork Road public R/W requires permits from PW Engineering.

Marion County Septic commented: A Site evaluation will be required to establish an approved septic area along with a statement proposing the use of the site. How many camping spots will there be? Will there be showers on site or just toilets and sinks? Please note that any proposal greater than 2500gpd will require a Water Pollution Control Facilities permit through the Department of Environmental Quality.

Marion County Building Inspection commented: “Permit(s) are required to be obtained prior to the development of a campground, structures, and/or utilities installation on private property. The provisions of Oregon Administrative Rule OAR 918-650 would be applicable.”

Oregon Department of Fish & Wildlife communicated with the Marion County Planning Department regarding concerns about the effects of the proposed use on fish and wildlife, and suggested the applicant “consider alternative sites or site layouts to best reduce conflicts with fish and wildlife. Per MCC 17.171.010, the applicant needs to show that the property is better suited to the proposed use than alternative locations. The lack of detail on the site plan raised questions about whether the campsites will be appropriately setback from waterways. There is a fish bearing stream within the proposed area that needs to be appropriately buffered from disturbances and site development. The property regularly has black-tailed deer and Roosevelt elk that forage on the property and black bears are known to occur. ODFW suggested that by allowing this conditional use, the number of users on the property will increase and may lead to more human and wildlife interactions. This particular use may also provide

more attractants for black bears, such as unsecured food and trash. Marion County campgrounds throughout the Santiam Canyon historically experience regular conflicts with black bears.”

All other commenting agencies either did not respond or stated no objection to the proposal.

7. Conditional use applications in the rural zones require compliance with MCC 17.119.070:

17.119.070 Findings of the director, planning commission or hearings officer.

Before granting a conditional use, the director, planning commission or hearings officer shall determine:

A. *That it has the power to grant the conditional use;*

The Planning Director has the power to grant conditional uses in the Public zone that comply with MCC 17.171.040. The criterion is met.

B. *That such conditional use, as described by the applicant, will be in harmony with the purpose and intent of the zone;*

Establishing a campground in the rural Public zone is a conditional use per MCC 17.171.030:

“When authorized under the procedure provided for conditional uses in this title, the following uses will be permitted in a P zone:

E. Golf courses, public parks and playgrounds, recreational resorts and retreats, related camping and related commercial uses subject to MCC 17.171.040”

The Elkhorn Valley Golf Course first opened as a nine-hole course in 1976 prior to land use planning. An additional nine holes were completed in 2000. Over the years it has changed hands, but the use of this property as a golf course continued up until the Beachie Creek fire in 2020. As a part of fire recovery planning, the property owner and manager propose returning the course to nine holes and utilizing the other western nine for a campground. The area along North Fork Rd has long been a vital area for outdoor recreation in the Santiam Canyon and Marion County as a whole. The Little North Santiam area is populated with many public parks, campgrounds, hiking trails, and conservation areas including the Opal Creek Wilderness. The proposed campground is in harmony not only with the zone, but with the region and historic uses in the area. The criterion is met.

C. *That any condition imposed is necessary for the public health, safety or welfare, or to protect the health or safety of persons working or residing in the area, or for the protection of property or improvements in the neighborhood.*

The conditions imposed by this staff decision will ensure the safety of the persons working or utilizing the proposed campground, as well as adjacent properties and nearby residential uses. The applicant shall follow the requirements of Marion County Health for the necessary number of portable toilets and maintain adequate trash service to ensure waste is properly disposed of. Marion County Septic has suggested that a bathroom and shower facility for this use will be of a size that requires Department of Environmental Quality approval. That permitting process will ensure the future septic system is properly sized and constructed. Oregon Department of Fish and Wildlife has concerns about bear attraction that the applicant shall mitigate by ensuring that all trash cans are bear proof. The setbacks for campsites from waterbodies will ensure both the safety of campers and protection of the waterways. Requirements from Marion County Land Development, Engineering, and Permits will ensure that the access to the campground is properly sized for safe use that is not deleterious to any public right of way. The criterion is met.

8. The criteria in MCC 17.171.040 apply to the scale of a commercial use within the Public zone:

- A. *New commercial uses in conjunction with public uses may be established up to a maximum of 3,500 square feet of floor area.*

The only proposed structure related to the use will be a bathroom facility in the future. This maximum size shall be applied as a continuous condition of approval.

- B. *Lawfully established commercial uses existing as of the date of adoption of the ordinance codified in this title may be expanded up to 3,500 square feet of floor area, or an additional 25 percent of the floor area that existed as of the date of adoption of the ordinance codified in this title, whichever is greater.*

The proposed campground was not previously established. The criterion does not apply.

- C. *Airport-related uses located at the Aurora Airport are not subject to the size limitations in subsections (A) and (B) of this section.*

The criterion does not apply.

- D. *Except as established in subsection (B) of this section, for a commercial use to exceed the square foot limitations requires taking an exception to Goal 14. Such exception shall be processed as an amendment to the Marion County Comprehensive Plan.*

This shall be applied as a continuous condition of approval.

10. Based on the above findings, it has been determined that the applicants' request meets all applicable criteria for establishing a campground and is, therefore, **APPROVED**.

Brandon Reich
Planning Director/Zoning Administrator

Date: October 17, 2024

If you have any questions regarding this decision contact John Speckman 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.