

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.20-020**

APPLICATION: Application of Epping Foundations Holdings LLC for a conditional use to establish a Boys & Girls Club on a 3.65 acre parcel in the UD (Urban Development) and RM (Residential Multi-family) zone located at 3805 Lancaster Dr. NE, Salem. (T07S; R2W; Section 7CB; Tax lot 3700)

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 **July 2, 2022**. 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 a Building Certificate of Occupancy, dedicate a 48-foot public right-of-way half width, commensurate with the City of Salem Principal Arterial standard.

Condition B - Prior to issuance of a Building Certificate of Occupancy, design, permit and construct urban improvements along the property frontage that are anticipated to include access consolidation and sidewalk replacement.

Condition C - Prior to issuance of building permits, provide an engineered site development plan for review and approval that addresses access, frontage improvements, grading, drainage, parking / vehicle circulation and utility service connections. Prior to issuance of a Certificate of Occupancy, permit and construct the improvements.

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.

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

4. 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 # under Findings and Conclusions below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

5. The applicants should contact the Marion County Fire District No.1 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.
6. 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 **July 2, 2020**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **July 3, 2020** 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 RM (Multi Family- Residential) in the Salem Area Comprehensive Plan. The purpose of this designation and the corresponding Multi-Family Residential and Urban Development zones are to provide urban development consistent with multifamily housing and the applicable city zone which is multifamily.
2. The property is located 0.15 miles directly north of the intersection of Stortz Ave NE and Lancaster Dr NE. Tax lot 3700 contains only a general purpose building while tax lot 3800 has no structures. It should be noted aerial imagery shows what appears to be a dwelling and two additional general purpose building on tax lot 3700 as recent as 2019, but have been removed per assessor's office records and a site visit by planning staff.
3. Surrounding properties are zoned Multifamily Residential with a mix of duplexes and apartment complexes, while one property across the street is zoned Public and home to Chemeketa Community College.
4. The applicant proposes to establish a Boys & Girls Club on a 3.65 acre parcel.
5. Public Works Land Development and Engineering Permits (LDEP) requested that the following be included in the land use decision.

ENGINEERING CONDITIONS

Condition A - Prior to issuance of a Building Certificate of Occupancy, dedicate a 48-foot public right-of-way half width, commensurate with the City of Salem Principal Arterial standard.

Condition B - Prior to issuance of a Building Certificate of Occupancy, design, permit and construct urban improvements along the property frontage that are anticipated to include access consolidation and sidewalk replacement.

Condition C - Prior to issuance of building permits, provide an engineered site development plan for review and approval that addresses access, frontage improvements, grading, drainage, parking / vehicle circulation and utility service connections. Prior to issuance of a Certificate of Occupancy, permit and construct the improvements.

ENGINEERING REQUIREMENTS

- D. An Access Permit will be required upon application for building permits. The development will be allowed one consolidated access onto Lancaster Drive.
- E. At this level of development, storm water detention and water quality treatment is required. Prior to issuance of a Building Certificate of Occupancy, record a storm water O&M Agreement for the onsite facilities.
- F. Transportation System Development Charges (SDCs) will be assessed upon application for building permits. Credit for the prior dwelling can be given.
- G. A Large Development Erosion Permit from Marion County under its DEQ 1200CN authority is required for ground disturbing activities between 1 and just under 5 Ac, and also for working within 50 feet of the ESSD drainage ditch. The Permit has already been issued.
- H. Utility work in the Lancaster Drive public right-of-way requires Utility Permits.

ENGINEERING ADVISORIES

- I. The City of Salem is the sanitary and potable water provider for the site vicinity.
- J. The eastern-half of a 30-foot wide Clark & Groff-designed ESSD “B-Line” drainage ditch easement traverses the rear of the property along its boundary; there is evidence of a recordation for same.

Marion County Fire District #1 provided comments related to fire access, fire flow and other elements of the application. These comments are enclosed.

Marion County Septic Inspection commented that attaching to City sewer will not require a septic approval, but applicants will need to de commission any existing septic tanks per DEQ requirements.

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

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.*
 - (b) *The parcel is suitable for the proposed use considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.*
 - (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.*
 - (d) *The proposed use, as conditioned, will not have a significant adverse effect on air or water quality.*

(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.*

7. This use falls under SIC 864, Civic, Social and Fraternal Organizations and is listed as a conditional use, the criterion 6(a) is met. The applicant has provided a site plan showing the proposed development fitting onto the subject parcels and there are no wetlands, geographic slide hazards or other factors impairing this development, the criterion in 6(b) is met. This parcel is surrounded by the multifamily residential zone, and will serve complementary to it as the proposed use is a recreation and learning center for children, the criterion is 6(c) is met. Air quality is not expected to be significantly affected. The proposal can satisfy criterion 6(d). The applicant must coordinate with the City of Salem, Marion County Building Inspection and Marion County Public Works regarding provision of public services and utilities. The proposal can be conditioned to meet criterion 6(e).
8. 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;*
 - (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.*
 - (c) *The use meets the development standards of the most restrictive zone used in the applicable Comprehensive Plan designation.*
 - (d) *The use is a permitted or conditional use in the most restrictive zone used in the applicable comprehensive plan designation.*
9. Based on the site plan provided with application, the only significant unused area will be towards the back (west end) of the parcel and has the potential to be developed further after initial development occurs. The applicant states that all urban facilities are either available or will be provided, the criterion in 8(a) and (b) are met. The most restrictive comprehensive plan designation is Multifamily Residential in the City of Salem's Comprehensive Plan and the proposal meets the development standards of that zone, the criterion in 8(c) is met. This is a conditional use in the City of Salem Multifamily Zone, the criterion in 8(d) are met.
10. Based on the above findings, it has been determined that the request satisfies all applicable criteria and is, therefore, **APPROVED**, subject to conditions.

Joe Fennimore
Planning Director

Date: 6/17/2020

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.