

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
ADJUSTMENT CASE NO. 17-003**

APPLICATION: Application of Mid-Willamette Valley Community Action Agency for an adjustment to allow a gravel surface driveway and an 8,000 square foot gravel parking area on a 5.08 acre parcel in a P (Public) zone located at 4950 Silverton Road NE, Salem (T7S; R2W; Section 8CD; tax lot 2500).

DECISION: The Planning Director for Marion County has **APPROVED** the above-described Adjustment, subject to certain conditions.

EXPIRATION DATE: This decision is valid only when exercised by **October 5, 2019** unless an extension is granted. The effective period may be extended for one year subject to approval of an extension. Request for an extension must be submitted to the Planning Division prior to expiration of the approval (form available from the Planning Division).

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 contact the Building Inspection Division, (503) 588-5147.

This decision does not include approval of a building permit.

CONDITIONS:

1. The driveway and parking area are to be paved on a date no more than 5 years from the date of this decision becoming final.

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 disagree with the Director's decision may appeal the decision to a 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 **October 5, 2017**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective on **October 6, 2017** unless appealed.

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

1. The property is designated Community Service in the Salem Area Comprehensive Plan. The purpose of this designation and the corresponding P (Public) zone is to provide areas appropriate for specific public and semi-public uses and ensure their compatibility with adjacent uses.
2. The property is located on the southeast side of Silverton Road at its intersection with Cordon Road. It contains the former Middle Grove School which now houses the Mid-Willamette Valley Community Action Agency. Existing developments include the former school building and accessory structures as well as existing gravel parking served by a driveway on Cordon Road.
3. Surrounding properties to the south are zoned UT-5 (Urban Transition) and contain dwellings. Property to the east is zoned RM (Multiple-Family Residential) and contains an apartment complex while property to the north is zoned RS with single family dwellings. Property to the east across Cordon Road is zoned EFU (Exclusive Farm Use) and in agricultural use.

4. The applicant proposes an adjustment to allow construction of a new gravel surface driveway and an additional 8,000 square feet of gravel parking area. As proposed, the driveway will enter the property from its south corner on Silverton Road and run east along the southern property to eventually connect to the existing roadway and parking area. Once this access is developed, the driveway on Cordon Road will be removed.
5. Public Works Land Development and Engineering Permits (LDEP) commented on engineering advisories that are not part of the land use decision and available for review in the planning file.

City of Salem comments that this property is located within the Urban Growth Boundary and may be annexed in the City of Salem in the future. The Salem Revised Code would not allow gravel surface driveways or gravel parking areas without conditional use approval, and our condition would typically limit the duration to five years. If the adjustment is approved, we would ask a condition be placed on the decision to require the driveway and parking area to be paved on a date no more than 5 years from the decision date and would ask for the County to enforce that condition.

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

6. In order to approve the adjustment, the criteria found in 16.41.030 MCC must be satisfied. These include:
 - (a) *The proposed development will not have a significant adverse impact upon adjacent existing or planned uses and development; and*
 - (b) *The adjustment will not have a significant adverse affect upon the health or safety of persons working or residing in the vicinity; and*
 - (c) *The adjustment is the minimum necessary to achieve the purpose of the adjustment and is the minimum necessary to permit development of the property for the proposed use; and*
 - (d) *The intent and purpose of the specific provision to be adjusted is clearly inapplicable under the circumstances; or, the proposed development maintains the intent and purpose of the provision to be adjusted.*
7. The proposal is not for any additional development - it is to accommodate the existing use of the property and should have little or no impact on adjacent uses. The health and safety of persons working and residing in the area should be improved by relocating the Cordon Road driveway to a safer location on Silverton Road. The applicant was able to get money to expand the kitchen, however, there was not enough to cover paving of the new driveway and parking area. Allowing the gravel surface in lieu of paving at this time is the minimum necessary to accommodate the driveway relocation. The purpose and intent of requiring driveways and parking areas in the urban growth boundary to be paved is to accommodate heavier traffic volumes. The existing parking lot and driveway is gravel and has adequately served the use, therefore, its relocation should also adequately serve the facility.
8. In their comments, the City of Salem requested that a condition be included that requires the driveway and parking area to be paved on a date no more than 5 years from the decision date. Since the property will ultimately be annexed into the City of Salem, their request will be made a condition of approval.
9. 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: September 20, 2017

If you have any questions regarding this decision contact Joe Fennimore 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.