

**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. 22-012**

**APPLICATION:** Application of Brandie Dalton on behalf of the property owners, Church on the Hill, for a conditional use permit to allow the placement of five modular buildings on a 22-acre parcel in an AR (Acreage Residential) and ID (Interchange District) zones located at 2707 Maranatha Court SE, Turner. (T8S, R3W, Section 25C, Tax lot 500).

**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 **June 16, 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 proposal is for land use purposes only. Due to septic, well, and drain field replacement areas, the 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.

**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 building and septic permits from Marion County Building Inspection Division.
2. No commercial, industrial, or residential uses are approved in conjunction with the expansion of the school. Further development shall require a land use review.
3. The applicants shall obtain all required permits through DEQ prior to issuance of any building permits.

**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.

4. The applicants should contact Turner 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.
5. The applicants should contact ODOT District 3 (503-986-2900) for permits if any work is proposed in the public right-of-way (Enchanted Way).

**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 4:00 p.m. on **June 16, 2022**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the above address. This decision is effective **June 17, 2022**, 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 Rural Residential and Rural Service Center in the Marion County Comprehensive Plan and zoned Acreage Residential (AR) and Interchange District (ID). The intent of the Rural Residential Comprehensive Plan designation and the corresponding Acreage Residential zone is to provide areas suitable for development of acreage homesites. The intent of the Rural Service Center Comprehensive Plan designation and the corresponding Interchange District zone is to provide for the location of needed highway service commercial facilities at the interchanges between the controlled access highways and the intersecting arterial roads.
2. The subject parcel has frontage on the south side of Delaney Road, the east side of Enchanted Way, and the north side of Maranatha Court SE. The property is accessed from Maranatha Court SE and is developed with a church and religious school. The property has been the subject of several land use files. Conditional Use Permit 77-011 first established the church on the subject property. Zone Change 78-029 was approved to change the zone on the southern 13 acres from ID to AR. Conditional Use Permit 01-007 approved an expansion of the church to include a school and gymnasium. Due to the previous land use approvals, this property is considered legal for the purposes of land use.
3. The property to the north is zoned Special Agriculture (SA) and is developed with a winery. The properties to the east and south are zoned AR and developed primarily with small acreage homesites. Properties to the west (across I-5) are zoned ID and developed with a commercial fueling station, a park and ride, a coffee stand, and a tiny home sales lot.
4. The applicant is requesting to locate five modular buildings on the AR portion of the property to support the school established on the property.
5. Area Advisory Committee #1 commented that they were concerned that the church could potentially add commercial businesses onto the subject property to create something close to “a little town of their own”.

Department of Environmental Quality (DEQ) commented that the septic system serving Church on the Hill is permitted under WPCF permit #103202. Plans approved by DEQ is required for the proposed septic tank to serve the proposed modular restroom.

Marion County Building commented that permits are required for the placement of new modular buildings, relocation of modular buildings, and/or construction of any covers between modular buildings. Permits are also required for any utilities on private property.

Turner Fire District commented that the improvements must comply with Fire Access and Water Supply requirements. The full comments are available in the file located with Marion County Planning.

Oregon Department of Transportation commented that they have no objections to the proposal to add five modular buildings. If the applicant needs to perform any work in state right-of-way (Enchanted Way), please have them contact the ODOT District 3 Permits Office at 503-986-2900.

6. In order to approve the proposed expansion, the proposal must be shown to meet the general conditional use criteria listed in MCC17.119.070 and the Acreage Residential conditional use criteria listed in MCC 17.128.040.

7. The rural general conditional use criteria are listed in MCC 17.119.070:

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

Marion County Code Chapter (MCC) 17.119.100 allows the Planning Director to decide applications for all conditional uses listed within Title 17 and MCC 17.128.030(E) allows for religious organizations and expansions larger than 20,000 square feet in total floor area, and MCC 17.128.030(F) allows for schools, elementary and secondary in the AR zone. The church was previously approved on the property pursuant to CU77-011 and the school and gymnasium were previously approved for the property by CU01-007. Based on these facts, the criterion in MCC 17.119.070(A) is met.

The purpose of the AR zone, as described in MCC 17.128.010 is to provide appropriate regulations governing the division and development of lands designated rural residential in the Marion County Comprehensive Plan. The applicant states that the use is in harmony with the purpose and intent of the zone because the proposal is not intended to increase the total number of students, but to allow existing students to be spread out in other classrooms. Expansions of schools and religious organizations larger than 20,000 total square feet are allowed in the AR zone as a conditional use permit. Based on these facts, the criterion in MCC 17.119.070(B) is met.

Conditions imposed through previous approvals are still in effect. Due to comments received from the area advisory committee (AAC), a condition has been imposed requiring further commercial, residential, and industrial development to obtain necessary land use permits; this condition is necessary to promote the public health, safety, and welfare of those working, residing, and recreating in the area, as the AAC expressed concern that commercial or residential uses may be established within the proposed modular buildings. A condition has been imposed requiring the applicant to obtain all necessary permits through DEQ for the septic system. This condition is imposed to promote public health and safety of those in the surrounding area. Another condition has been imposed requiring the development to obtain all required permits for the placement of the modular buildings. This condition is necessary to ensure public health and safety on the property. Based on these facts, the criterion in MCC 17.119.070(C) is met.

8. The conditional use criteria in the AR zone are listed in MCC 17.128.040:

- A. *The conditional use as described by the applicant will be in harmony with the purpose and intent of the zone.*
- B. *The use will not increase traffic beyond the capacity of existing roads.*
- C. *Adequate fire protection and other rural services are, or will be, available when the use is established.*
- 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.*
- E. *Any noise associated with the use will not have a significant adverse impact on nearby land uses.*
- 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.*

As discussed in Finding 7(B) (above), it has been determined that the conditional use, subject to conditions of approval, is in harmony with the purpose and intent of the AR zone. Based on this fact, the criterion in MCC 17.128.040(A) is met.

The applicant states that a traffic study was approved with CU01-007. Maranatha Court, where the property is accessed, is a local street. The traffic study indicated no significant impacts to the neighborhood as a result of the proposal at that time. The applicant states that the current proposal will not increase the number of students or increase traffic, therefore a traffic study is not needed. LDEP was notified of the proposal and did not express any concerns regarding the capacity of the existing roads.

The property is served by well water and a septic system that is regulated by DEQ. DEQ commented that the septic tank proposed to serve the restrooms will require a permit. As a condition of approval, the applicants shall be required to obtain any necessary permits with DEQ. The property is served by Turner Fire Department for fire protection and Marion County Sheriff's Office. Turner Fire Department commented that access to the property must meet Fire Access and Water Supply requirements. The applicant should contact Turner Fire for more information. Based on these facts and conditions of approval, the proposal appears to comply with the criteria listed in MCC 17.128.040(C).

There are no identified fish and wildlife habitat areas located on the subject property. The property is within the Battle Creek watershed and the Marion County Sensitive Groundwater Overlay. MCC 17.181 implements Marion County's Sensitive Groundwater program. Based on MCC 17.181.070, no study is required for the proposed use. The applicants are advised of the water use restrictions for exempt use wells contained in ORS 537.545. Applicants should contact the Oregon Water Resources Department (OWRD) for more information and to see if permits are required.

8. Based on the above findings it has been determined that the applicant's request to expand a religious organization and school larger than 20,000 square feet by placing five modular buildings on the property satisfies all the criteria and is therefore **APPROVED**.

Brandon Reich  
Planning Director/Zoning Administrator

Date: June 1, 2022

If you have any questions regarding this decision contact Lindsey King 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.