

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. 19-021

APPLICATION: Application of Bethel Baptist Church of Salem for a conditional use to expand an existing religious facility on an 8.15 acre parcel in an AR (Acreage Residential) zone located at 5220 Center Street NE, Salem. (T7S; R2W; Section 29AB; tax lot 2300).

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 **July 17, 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.

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

2. 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 Marion County Fire District #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. The contact person Paula Smith at MCFD#1, (503) 588-6513.

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 **July 17, 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 **May 29, 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 homesites at a density that maintains the character and environmental quality of the County's rural residential areas.
2. The subject parcel is located on the south side of Center Street NE approximately 1300 feet east of Cordon Road NE.
3. Properties in all directions are zoned AR and consist of rural residential lots.
4. The applicant is requesting to expand an existing religious organization located on the property to include classrooms, offices, a gymnasium and additional parking.
5. Public Works Land Development and Engineering Permits (LDEP) commented:

"ENGINEERING REQUIREMENTS"

A. The subject property is within the unincorporated area of Marion County and will be assessed Transportation System Development Charges (SDCs) upon application for building permits, per Marion County Ordinance #00-10R.

B. DEQ has designated Marion County as a Qualified Local Program to issue the DEQ 1200-CN Construction Stormwater General Permit within the designated Stormwater Management Area (SMA), in which the subject property is located, for construction activities disturbing 1 acre to less than 5 acres or less than 1 acre but part of a larger common plan that will ultimately disturb more than 1 acre. If the project will instead be covered under a DEQ 1200-C permit, this requirement is void.

C. Per Marion County Code 15.10 a Large Development Erosion Prevention and Sediment Control Permit is required for construction activities disturbing 1 acre or more, or less than 1 acre but part of a larger common plan that will ultimately disturb more than 1 acre within the designated SMA.

D. An Onsite Stormwater Drainage Permit will need to be obtained, or evidence that the existing system installed under permit ST18-006 has excess capacity to detain the additional impervious surfaces to be added. The County requires any development having 0.5 acre or more of impervious (hard) surface to provide storm water detention. As such, the applicant may need to provide storm-water detention systems that detain enough of the storm-water runoff on site so that there is no net rate increase in storm-water flow from the subject property. Acceptable drainage and detention systems must be designed and approved prior to issuance of a building permit.

E. Marion County is currently accountable to the DEQ under a National Pollutant Discharge Elimination System (NPDES) Phase II MS4 Permit to regulate stormwater water quality treatment within the SMA. Applicable design standards are referenced in the Marion County Draft Interim Stormwater Quality Treatment Engineering Standards for the Stormwater Management Area. Water quality design elements may be stand-alone or incorporated into a common system, such as a pond. The system must be designed and approved as a stipulation for building permit issuance. The system must be constructed and inspected as a stipulation for issuance of a Certificate of Occupancy.”

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 expansion of a religious organization outright if the existing and expanded facility together will be less than 20,000 square feet in total area. In instance, the existing facility is approximately 20,000 square feet and the additional facilities would be approximately 18,600 square feet. The AR zone permits the expansion of a facility larger than 20,000 square feet as a conditional use. Parking is not counted toward the total facility size; only structures are counted. 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.*

The AR zone permits religious organizations up to 20,000 square feet. Organizations that exceed that size may be approved as a conditional use. Religious organizations are commonly found on 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.*

Use of the facility occurs primarily during off-peak times. 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 fire district has approved access to the facility. 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 less water than the previous use of the site, a golf course, which irrigates its greens. The majority of the site will remain undeveloped, retaining any habitat for wildlife, and is relatively flat. 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 and only for certain times during the week. 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 locating a kennel on the property. Therefore, subject to meeting conditions of approval, the application for an expansion of a religious organization is **APPROVED**, subject to conditions.

Joe Fennimore
Director-Planning Division

Date: July 2, 2019

If you have any questions please contact Brandon Reich 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.