

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.21-051

APPLICATION: Application of Yi Liu for a conditional use to establish a nursing home care facility on a 0.20 acre parcel in the Residential Single Family (RS) zone located at 4444 Jack Pine St NE, Salem (T7S; R2W; Section 06DD; Tax lot 9300).

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 **November 23, 2023**. 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. 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.
3. 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.

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

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

4. 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 **November 23, 2021**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **November 24, 2021** 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 Single Family in the Salem Area Comprehensive Plan. The purpose of this designation and the corresponding Residential Single Family (RS) zone is to allow development of attached or detached residences on individual lots provided with urban services at low urban densities.
2. The property is located on the south side of Jack Pine St NE, approximately 250 feet from its intersection with 45th Ave NE. The property contains a dwelling and was platted as part of the Jan Ree Gardens Subdivision and is therefore considered a legal parcel for land use purposes.
3. Surrounding uses are residential in all directions, consisting of single family homes on residential lots, all zoned RS.
4. The applicant proposes to establish a nursing home care facility for adults.
5. Public Works Land Development and Engineering Permits (LDEP) requested that the following be included in the land use decision.

ENGINEERING REQUIREMENTS

- A. *At the time of application for building permits, a Permit will be required to repair a broken sidewalk panel(s) at the east end of the property, located adjacent to the water meter.*
- B. *Transportation System Development Charges may be assessed at the time of application for building permits. Potential credit can be given for prior utilization as a single-family dwelling.*
- C. *As the land use application indicates, employee and any service van parking should be accommodated for within the double driveway in order to leave street parking availability for visiting family members, as necessary*

Marion County Building Inspection commented: "Permits are required for the conversion of the single family dwelling to care facility.

Marion County Fire District No. 1 commented: "Building shall have address numbers or approved identification placed in a position that is plainly legible and visible from the access road. Provide 2-A:10-B:C fire extinguishers inside the building, maximum travel distance 75 feet. They shall be mounted in an approved location with top no higher than 5 feet."

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.*

This use is listed as a conditional use in the RS zone per MCC 16.02.020 (F). The criterion is met.
 - (b) *The parcel is suitable for the proposed use considering such factors as size, shape, location, topography, soils, slope stability, drainage and natural features.*

The parcel is generally flat and developed for residential use with a dwelling and is connected to city services. The criterion is met.

- (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.*

The use will have a similar feel to that of a family living in the dwelling, and according to the applicant statement, will not limit or impair surrounding uses. Only 2 cars are proposed to be associated with this use. The criterion is met.

- (d) *The proposed use, as conditioned, will not have a significant adverse effect on air or water quality.*

The home is connected to city water and sewer lines. There will be no changes to the air or water quality in the area. The criterion is met.

- (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.*

The dwelling is connected to city services and is located near services on Lancaster, including a bus line. The criterion is met.

7. Additionally, the proposal is subject to the specific criteria for Nursing Care Facilities in MCC 16.26.240:

Nursing care facilities shall meet the following use and development standards:

- A. *Yards. Front yards, 20-foot minimum or front yard required in applicable zone, whichever is greater. Side and rear yards, 20-foot minimum, or side and rear yard of applicable zone, whichever is greater.*

The dwelling currently meets all required setbacks. The criterion is met.

- B. *Off-Street Parking. No off-street parking or loading area shall be permitted within five feet of the side and rear lot lines.*

The off street loading and parking is buffered by approximately 14 feet from the nearest side yard. The criterion is met.

- C. *Landscaping. All lot area not lawfully developed for building, structures, parking, loading or driveways, shall be landscaped as provided in Chapter 16.29 MCC.*

The developed lot area is currently landscaped with grass, shrubs and trees. The criterion is met.

- D. *Screening. Parking areas shall be screened from adjacent uses by a six-foot-high sight-obscuring fence, wall or hedge, except for the front yard.*

There is currently a fence running along the side yard where the existing driveway is located. The criterion is met.

8. Based on the above findings, it has been determined that the request satisfies all applicable criteria and is, therefore, **APPROVED**.

Brandon Reich
Planning Director

Date: November 8, 2021

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.