

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. 24-007**

APPLICATION: Application of Capital Futbol Club for a conditional use permit to establish a clubhouse building including an indoor soccer field and retail space on a 37.58-acre parcel in the P (Public) zone located at 5201 State Street NE, Salem (T7S; R2W; Section 29D; Tax lot 1500).

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 **April 26, 2026** (two years). 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.

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. Marion County Land Development Engineering and Permits (LDEP) requested that the following be included in the case:

Condition A – Prior to use of the proposed clubhouse, submit a suitable survey sketch and legal description to PW Engineering for a 3-foot public R/W dedication along the subject property State Street frontage to meet the county rural Arterial half-width standard of 33 feet.

Condition B – Prior to issuance of building permits for the proposed clubhouse, as required under Conditional Use #CU96-047, submit and obtain County approval of a Traffic Demand Management (TDM) Plan. Under the TDM, no later than October 31 each year supply to the County a report on what adjustments, if any, will be made to the TDM the following season to address traffic from the site impacting State Street and Cordon Road. The timing of this condition may be amended with written consent from the County Engineer.

Condition C – No later than 180 calendar days following the issuance of the building permit for the proposed clubhouse, submit to the County and obtain County approval of a Traffic Impact Analysis (TIA) evaluating the potential road improvements that may be necessary to address traffic generated by the site. The TIA shall address all traffic generated by the site, not only the proposed clubhouse.

Condition D – Prior to use of the proposed clubhouse, execute and record on the subject property an agreement with the County to construct and fund, either in part or in whole, the TIA identified traffic mitigation measures upon the sooner of future development of the subject property or at such time the County deems necessary for public safety

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.

4. The applicant shall obtain approval for any required permits from other government agencies such as DEQ.
5. 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.
6. All future expansions shall require a new conditional use permit.

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.

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 **April 26, 2024**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the above address. This decision is effective **April 27, 2024**, 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 Public in the Marion County Comprehensive Plan and zoned P (Public). The intent of both designation and zone is to promote the development of lands appropriate for specific public and semi-public uses and to ensure their compatibility with adjacent uses.
2. The subject parcel is located on the north side of State Street, approximately 620 feet east of the intersection with Cordon Road. The property contains a soccer sports facility approved in Conditional Use case CU96-47 and expanded through CU97-35 and CU15-025 and CU 21-032. The parcel is considered a legal lot for land use purposes.
3. Properties to the south are zoned SA (Special Agriculture) and consist of rural residential lots and small farm parcels. Properties to the west are zoned I (Industrial) and are developed with a nursery and construction contracting and manufacturing businesses. Properties to the north are zoned P and AR (Acreage residential and are developed with a fire station and baseball fields. The property to the east is zoned P and is an electrical substation owned by Portland General Electric.
4. The applicant is requesting to establish a clubhouse building including an indoor soccer field and retail space with offices.
5. Agency Conditions:

ENGINEERING CONDITIONS

Condition A – Prior to use of the proposed clubhouse, submit a suitable survey sketch and legal description to PW Engineering for a 3-foot public R/W dedication along the subject property State Street frontage to meet the county rural Arterial half-width standard of 33 feet.

Condition B – Prior to issuance of building permits for the proposed clubhouse, as required under Conditional Use #CU96-047, submit and obtain County approval of a Traffic Demand Management (TDM) Plan. Under the TDM, no later than October 31 each year supply to the County a report on what adjustments, if any, will be made to the TDM the following season to address traffic from the site impacting State Street and Cordon Road. The timing of this condition may be amended with written consent from the County Engineer.

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Condition D – Prior to use of the proposed clubhouse, execute and record on the subject property an agreement with the County to construct and fund, either in part or in whole, the TIA identified traffic mitigation measures upon the sooner of future development of the subject property or at such time the County deems necessary for public safety.

ENGINEERING REQUIREMENTS

1. Unless otherwise deemed necessary and agreed upon by Marion County’s County Engineer as a necessary function of the above conditioned TDM, under an Access Permit, permanently close the western-most State Street access in accordance with Marion County’s 2005 Transportation System Plan (TSP) Section 10.3.5 Policy 10 to minimize the number of accesses on State Street, an Arterial, and also for not meeting minimum spacing standards for the roadway functional class per Table 10-1 of the TSP. Access work must be completed prior use of the proposed clubhouse.
2. Stormwater detention is required and must be designed and constructed in conjunction with the proposed clubhouse. It is pointed out that review of county 2023 aerial imagery shows a 1.5-acre parking expansion along the east side of the property having been installed subsequent to the most recent permitted plans in 2021, and which is also not included on engineering plans dated October 27, 2023.
3. The subject property will be assessed Transportation System Development Charges (TSDCs) upon application for building permits.
4. Utility work in the public right-of-way requires separate PW Engineering permits.

Marion County Building Department commented:

“Permits are required to be obtained prior to development and/or utilities installation on private property. OAR’s and ORS’s will require the building and life safety systems (fire sprinklers, fire alarms, etc.) be designed by Oregon registered design professionals.”

Marion County Fire District No.1 provided comments related to fire code requirements. The comments can be found at full length in the case file or emailed to anyone needing them.

All other commenting agencies stated no objection to the proposal.

6. The development standards for the P zone are located in MCC 17.171.060 Property Development Standards:
 - A. *Height. No building or structure in a P zone shall exceed six stories or 70 feet; provided, that buildings or structures shall be set back from every street and lot line one foot for each foot of height of the building in excess of 35 feet in addition to all other yard and setback requirements herein specified.*

The proposed building is not over 70 feet, review of the submitted building plans show the structure at 37 feet tall. Based on the plans submitted the building will meet its setback requirements. The criterion is met.

- B. Front Yard. Front yard shall be a minimum of 20 feet. No parking shall be permitted within the minimum front yard area.*

This setback has been met and will continue to be met by development on the subject property. The criterion is met.

- C. Side Yards. Where the side of a lot in a P zone abuts upon the side of a lot in any R zone, there shall be a minimum side yard of 10 feet. Otherwise there shall be no minimum side yard setback. Where the side of a lot abuts upon a street there shall be a minimum side yard of 20 feet wherein no parking shall be permitted.*

The parcel does not abut any residential zone on either side, and only abuts cordon Rd for a small length on its west side. The setbacks can be met as stated. The criterion is met.

- D. Rear Yard. In a P zone there shall be a rear yard that shall have a minimum depth of 30 feet.*

This setback is able to be met based on the building plans. The criterion is met.

- E. Lot Area and Coverage. The minimum requirements in P zones for dwellings shall be one acre except 6,000 square feet inside an unincorporated community boundary where public sewer and water service is provided. No main building, including dwellings, shall occupy more than 30 percent of the lot area.*

There is no dwelling proposed for this property and this will be the first building on the subject property and will not exceed the lot coverage standard. The criterion is met.

- F. Open Storage.*

1. All yard areas, exclusive of those required to be landscaped as provided in subsection (G) of this section, may be used for materials and equipment storage areas related to a use permitted in the P zone, provided such area is screened so it cannot be seen from public roads, or from dwellings on property in other zones.

2. The surface of open storage areas, including automobile and truck parking areas shall be paved or graveled and maintained at all times in a dust-free condition.

The applicant currently meets this code criteria and will be required to continuously meet this. The criterion is met.

- F. Landscaping. The area within 20 feet of a street shall be landscaped. As a condition of approval for a conditional use, additional landscaping may be required if necessary to make the use compatible with the area.*

This area is already landscaped. The criterion is met.

- G. Performance Standards. No land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality.*

Applicant is proposing a new septic system that will be reviewing by either Marion County or DEQ. The criterion is met.

- H. Sewage Disposal. Demonstrate that the development will not exceed the existing carrying capacity of the local sewage disposal system or has an on-site sewage disposal site approved by Marion County or the Department of Environmental Quality.*

Applicant is proposing a new septic system that will be reviewing by either Marion County or DEQ. The criterion is met.

- I. *Traffic Analysis. Demonstrate that the development will be consistent with the identified function, capacity, and level of service of transportation facilities serving the site. A transportation impact analysis, approved by the Marion County department of public works, may be required prior to building permit approval.*

The applicant has stated that based on the usage of this facility, which will be very low in the summer months and higher in the winter months, when the grass fields are not usable, they do not expect traffic impacts related to this development. Marion County LDEP has addressed this in their comments. Applicant is proposing a new septic system that will be reviewed by either Marion County or DEQ. The criterion is met.

7. The standards for commercial uses in the P zone are found in MCC 17.171.040 Scale of Commercial Uses:

- A. *New commercial uses in conjunction with public uses may be established up to a maximum of 3,500 square feet of floor area.*

As shown on the site plan, the commercial area of the indoor facility will be less than 3,500 square feet. This will include retail space (686 square feet), meeting rooms (415 square feet), conference rooms (380 square feet) and office space (1,635 square feet) for a total of 3,116 square feet. The criterion is met.

- B. *Lawfully established commercial uses existing as of the date of adoption of the ordinance codified in this title may be expanded up to 3,500 square feet of floor area, or an additional 25 percent of the floor area that existed as of the date of adoption of the ordinance codified in this title, whichever is greater.*

The applicant is establishing the commercial space now. This criterion does not apply.

- C. *Airport-related uses located at the Aurora Airport are not subject to the size limitations in subsections (A) and (B) of this section.*

This is not an airport related use at the Aurora Airport. The criterion does not apply.

- D. *Except as established in subsection (B) of this section, for a commercial use to exceed the square foot limitations requires taking an exception to Goal 14. Such exception shall be processed as an amendment to the Marion County Comprehensive Plan.*

No such expansion is proposed. The criterion does not apply.

8. There are no specific criteria in the P zone that apply to this proposal. There are general criteria that apply to all conditional uses are set forth in MCC17.119.070:

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;*

Marion County has land use authority over the site and thus the power to grant this conditional use. The criterion is met.

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

The use is in harmony with the zone, it allows for large scale recreation for a semi-public soccer club and the use is labeled as a conditional use in zone code section MCC 17.171.030 (B) Public Ball Park. The criterion is met.

- 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.*

The conditions that have been imposed, building permits/road upgrades, are for the safety of people in the area. The criterion is met.

9. Based on the above findings it has been determined that the applicant's request can meet all applicable criteria to amend the site plan and is **APPROVED**, subject to conditions.

Brandon Reich
Planning Director/Zoning Administrator

Date: April 11, 2024

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.