

**TO: HEARINGS OFFICER**

**FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY DEVELOPMENT  
DIRECTOR AND PLANNING ADMINISTRATOR**

**SUBJECT: CONDITIONAL USE / PROPERTY LINE ADJUSTMENT  
CASE NO. CU-PLA24-06  
4625 CORDON ROAD NE  
AMANDA NO. 24-111661-PLN**

**REQUEST**

Summary: A Conditional Use Permit and Property Line Adjustment for an existing Church.

Request: A consolidated application for a Conditional Use Permit and Property Line Adjustment. The Conditional Use Permit to allow a religious assembly on property greater than two acres in size and with less than 250 feet of frontage on a collector or arterial. A Property Line Adjustment to relocate a common property line between two abutting units of land resulting in properties 3.63 acres and 4.77 acres in size, for property zoned RA (Residential Agriculture) and located at 4625 Cordon Road NE (Marion County Assessors Map and Tax Lot Numbers: 072W05D0/ 2100 and 2000).

A vicinity map illustrating the location of the properties is attached hereto and made a part of this staff report (**Attachment A**).

**APPLICANT:** Hayesville Properties LLC (James and Andrew Fields) and Oregon Conference Adventist Churches

**OWNER:** Hayesville Properties LLC (James and Andrew Fields) and Oregon Conference Adventist Churches

**AGENT:** Britany Randall for Brand Land Use and Mark Shipman for Saalfeld Griggs Lawyers

**APPLICATION PROCESSING**

On June 3, 2024, Conditional Use Permit and Property Line Adjustment applications were accepted for processing. The collective applications were deemed complete for processing on July 2, 2024. The 120-day state mandated decision deadline for this collective application is October 30, 2024.

The public hearing before the City of Salem Hearings Officer is scheduled for July 24, 2024, at 5:30 p.m. Notice of the public hearing was sent by mail to surrounding property owners and tenants, pursuant to Salem Revised Code (SRC) requirements on July 3, 2024. Public hearing notice was also posted on the property on July 12, 2024, pursuant to SRC requirements.

**PROPOSAL**

The applicant has submitted a Conditional Use Permit for the Property Line Adjustment resulting in a property larger than permitted in the special use provisions for an existing *Religious Assembly* use in the RA zone. The applications were applied for in order to satisfy

Condition 13 of a recent subdivision decision, Case No. SUB-ADJ24-02, which required that a property line adjustment be approved and recorded to adjust the property line between the existing church property at 4625 Cordon Road NE (Tax Lot No. 072W05D002100) and the abutting property to the south (Tax Lot No. 072W05D002000) in order to realign it to the eastern boundary of the subdivision, as shown on the proposed tentative subdivision plan.

### **SUMMARY OF RECORD**

The following items are submitted to the record and are available upon request: 1) All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; 2) any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public; and 3) all documents referenced in this report. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 24 111661.

### **APPLICANT'S MATERIALS**

The applicant's site plan is included as **Attachment B**, and the applicant's statement addressing the applicable approval criteria for the consolidated applications can be found in the record, accessible online as indicated above.

### **FACTS AND FINDINGS**

#### **1. Salem Area Comprehensive Plan (SACP) designation**

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is Developing Residential.

#### **2. Zoning and Surrounding Land Uses**

The subject property is zoned RA (Residential Agriculture). The zoning and uses of the surrounding properties include:

North: RM1 (Multiple Family Residential) and Marion County UT-5 (Urban Transition); single family dwellings.

South: RA (Residential Agriculture) and Marion County UT-5 (Urban Transition); single family dwellings.

East: PE (Public/Private Education); Stephens Middle School.

West: Marion County UT-5 (Urban Transition) and across Cordon Rd NE, EFU (Exclusive Farm Use)

#### **3. Site Analysis**

The proposal affects two properties: tax lot 2100 is 4.71 acres in size with the PLA proposing to increase to 4.77 acres in size; and tax lot 200, 3.69 acres in size, which will be reduced in size with the PLA to 3.63 acres. Tax Lot 2100 is used for a Spanish Seventh-day Adventist Church which is classified as a Religious Assembly use. The site has street frontage of

approximately 190 feet along Cordon Road NE, which is designated as a Parkway in the Salem Transportation System Plan (TSP). The subject property is located within the Urban Growth Boundary and within the Urban Service Area.

#### **4. Neighborhood and Citizen Comments**

The subject property is located within the Northgate Neighborhood Association.

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. Notice was provided on May 24, 2024, to the Northgate Neighborhood Association via email.

Neighborhood Association Comment: Notice of the application was provided to Northgate Neighborhood Association pursuant to SRC 300.620(b)(2)(B), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

Homeowners Association: The subject property is not located within a Homeowner's Association.

Public Comment: Notice was also provided, pursuant to SRC 300.620(b)(1)(B), to all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, no comments have been received from the public.

#### **5. City Department**

Notice of the proposal was provided to City Departments, public agencies, and to public & private service providers. The following comments were received:

Development Services Division - Reviewed the proposal and indicated no concerns.

Building and Safety Division - Reviewed the proposal and indicated no concerns.

Fire Department - Reviewed the proposal and indicated no concerns.

#### **6. Public Agency Comments**

As of the date of completion of this staff report, no comments have been received from a public agency.

### **DECISION CRITERIA FINDINGS**

#### **7. Analysis of Conditional Use Criteria**

Salem Revised Code (SRC) Chapter 240.005(a)(1) provides that no building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

Salem Revised Code (SRC) 240.005(d) provides that an application for a Conditional Use Permit shall be granted if the following criteria are met.

***SRC 240.005(d)(1): The proposed use is allowed as a conditional use in the zone.***

**Finding:** The existing *Religious Assembly* use is classified as a special use within the RA zone under SRC 510.005(a), Table 510-1. The applicant is seeking to deviate from the maximum lot area size under the Special Use standards of SRC 700.055, to allow the use on a lot greater than two acres in size, on a lot abutting a collector or arterial street with less than 250 feet or more of frontage on such street; therefore, a Conditional Use Permit is required per SRC 700.005(d).

***SRC 240.005(d)(2): The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.***

**Finding:** The Special Use standards indicate a *Religious Assembly* use in the RA zone is limited to a maximum lot area of two acres when abutting a collector or arterial street, with less than 250 feet or more of frontage on such street.

The property line adjustment relocates a shared property line between tax lots 2000 and 2100 resulting in the church property (Tax Lot 2100) increasing in size from 4.71 to 4.77 acres. The intent behind the lot size restriction for religious assemblies as a special use is to reduce the impact of very large gathering places in residential neighborhoods. A larger property could reasonably be assumed to have a larger sanctuary and associated church uses, thereby resulting in a larger membership and associated increased traffic, parking, noise, and hours of operation. As indicated by the applicant's written statement, Tax Lot 2100 which is used for *Religious Assembly* use, is increasing in size by a minimal amount of approximately .06 acres in size. The church's existing operation will not be impacted, and thus will not increase the traffic, parking noise, or hours of operation of the church, which has operated at the site since 2002.

As previously indicated, a recent land use decision (SUB-ADJ24-02) approved a subdivision to the west of, and a portion of the south of, Tax Lot 2100 which houses the *Religious Assembly* use. The new residential uses will be adjacent to the existing off-street parking and vehicle use area. The property line adjustment will result in the off-street vehicle use area meeting the five-foot setback per SRC 806.035(c)(3). The applicant did not provide information regarding if this setback is landscaped to Type A standards, as required per SRC 806.035(c)(3). In order to ensure that the *Religious Assembly* use functions in a manner similar to other *Religious Assembly* uses adjacent to residential developments by providing a buffer to the residential uses, the Applicant shall be required to provide landscaping as conditioned:

**Condition 1:** Prior to recording of the final Property Line Adjustment deeds, the applicant shall apply for a landscape permit showing how they meet Type A Landscaping for the five-foot setback between the adjusted property lines and the vehicle use areas.

As conditioned, staff finds that the proposed development will have a minimal adverse impact on the immediate neighborhood.

***SRC 240.005(d)(3): The proposed use will be reasonably compatible with and have***

***minimal impact on the livability or appropriate development of surrounding property.***

**Finding:** The requested increase of the maximum lot area allowance to 4.77 acres for a *Religious Assembly* use will have minimal impacts on the livability of the surrounding properties because the church has been in existence at this location since 2002, and it will allow the applicant to continue using the site for the same use.

As previously conditioned, the requested increase in lot size will be compatible with and have a minimal impact on the livability or development of surrounding properties.

**8. Analysis of Property Line Adjustment Approval Criteria**

Pursuant to SRC 205.055(a), a property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a), or to incorporate into another unit of land, as provided by ORS 92.010(9)(e), excess right-of-way that was acquired for street or other right-of-way purposes and subsequently sold by a public body.

Salem Revised Code (SRC) 205.055(d) provides that an application for a Property Line Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial.

***SRC 205.055(d)(1): The property line adjustments will not create an additional unit of land;***

**Findings:** The proposed property line adjustment will transfer 1.27 acres from Tax Lot 2100 to Tax Lot 2000, and 1.33 acres from Tax Lot 2000 to Tax Lot 2100. This results with Tax Lot 2000 being 3.63 acres and Tax Lot 2100 being 4.77 acres in size. The property line adjustment will relocate the common property lines between two existing lots, and no additional unit of land will be created; therefore, this criterion is met.

***SRC 205.055(d)(2): The property line adjustments will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;***

**Findings:** The subject properties are zoned RA (Residential Agriculture), which is regulated by Salem Revised Code Chapter 510. According to SRC 510.010, Table 510-2, the minimum lot size is 6,000 square feet for all uses other than residential. The proposed property line adjustment will result in Tax Lot 2000 being 3.63 acres and Tax Lot 2100 being 4.77 acres in size. Both lots will meet the applicable lot frontage, width, depth, and width to depth ratio standards of the RA zone.

Tax Lot 2000 is a flag lot and has received an adjustment, ADJ23-09, to allow a flag lot access way to be approximately 805 feet where a maximum of 400 feet is allowed.

The zoning of both properties is RA (Residential Agriculture). Lot 2100 is used for a Spanish Seventh-day Adventist Church which is a *Religious Assembly* use. In the RA zone, *Religious Assembly* use is subject to the special use provisions in SRC 700.055. The lot size is limited to a maximum of two acres when the lot abuts a local street or a collector or arterial street with

less than 250 feet of frontage on the street. Lot 2100 abuts on an arterial but has less than 250 feet of frontage on the arterial. This Property Line Adjustment results in a lot greater than two acres and per SRC 700.005(d), development can only deviate from the special use standards in this chapter through conditional use approval, which is addressed above.

The vehicle uses areas on Lot 2100 are more than 100 feet from the adjusted property line to the west and south. Vehicle use area abutting interior side and rear property lines require a minimum five-foot perimeter setback and landscaping to Type A standards, per 806.035(c)(3). Type A landscaping standards are described in SRC chapter 807. The applicant has not included information regarding landscaping in the setback to vehicle use areas. As conditioned above, the property line adjustment will not create non-conforming setbacks to the buildings on this lot.

The existing building is more than 300 feet from the adjusted property line to the west and more than 100 feet from the adjusted property line in the south. The building has adequate setbacks to the interior side and rear property lines for a building regardless of its height. The accessory structure on the property is more than 100 feet from the adjusted property lines. The accessory structure has adequate setbacks to the adjusted property lines. The property line adjustment will not create non-conforming setbacks to the buildings on this lot.

The proposed property line adjustments combined with the conditional use do not result in the creation of non-conforming development. Any future development on the lots will be reviewed for conformance with the applicable development standards of the Salem Revised Code at the time of site plan review and approval for development; therefore, this criterion is met.

***SRC 205.055(d)(3): The property line adjustments involve only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded, or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established;***

**Findings:** The proposed property line adjustment involves Tax Lot 2100, and Tax Lot 2000. A Tax Lot 2100 is described in a deed from 1956, which was prior to land use regulations requiring a partition or subdivision. Tax Lot 2000 is described in a deed prior to 1979, which did not require a land division application, if a street was not created.

The proposed property line adjustment involves two legal units of land; therefore, this criterion is met.

***SRC 205.055(d)(4): The property line adjustments are not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;***

**Findings:** There are no existing land use approvals or previous conditions of approval applicable to the properties that would prohibit the proposed property line adjustments; therefore, this criterion is met.

***SRC 205.055(d)(5): The property line adjustments do not involve the relocation or elimination of any public easement or right-of-way.***

**Findings:** The proposal will not involve the relocation or elimination of any public easements or right-of-way. Additionally, no right-of-way will be relocated or eliminated as a result of the consolidation; therefore, this criterion is met.

***SRC 205.055(d)(6): The property line adjustments do not adversely affect the availability or access to public and private utilities or streets.***

**Findings:** The proposed property line adjustment relocates the common property lines between two abutting units of land. The proposed property line adjustment does not affect availability or access to public and private utilities or streets. This criterion is met.

▪ ***Final Submittal:***

Following the issuance of this decision and before recording of the final Property Line Adjustment (PLA) deeds, the applicant shall provide the required field survey and deed, as per the statute and code requirements outlined in the Oregon Revised Statutes (ORS) and the Salem Revised Code (SRC), to be reviewed by the City Surveyor. If the said documents are not in compliance with the requirements outlined in the ORS and the SRC, as per SRC 205.055, the approval of the PLA by the City Surveyor may be delayed or held indefinitely based on the non-compliant violation.

**RECOMMENDATION**

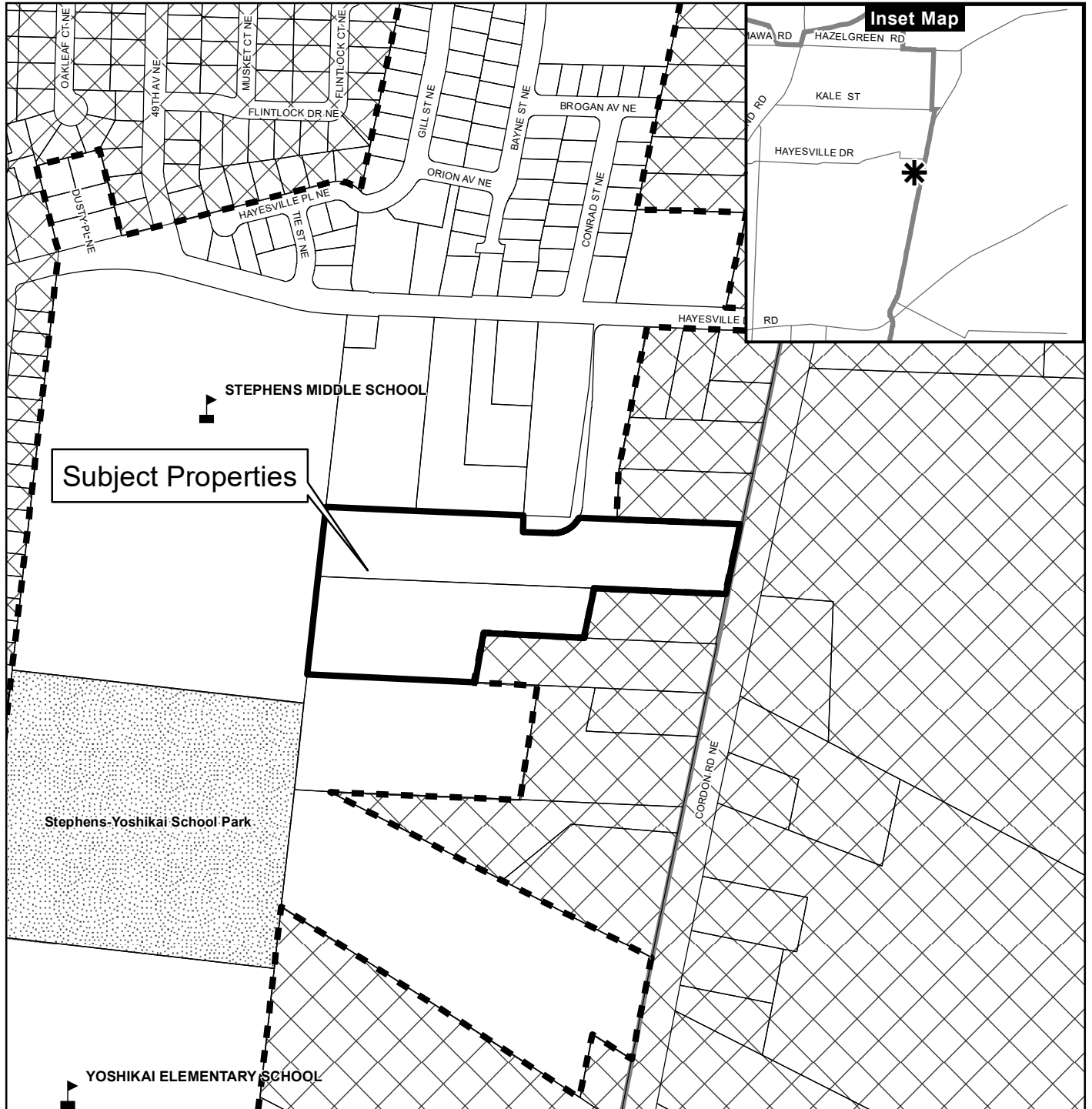
Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer **APPROVE** the request for a Conditional Use, and Property Line Adjustment consolidated application for an existing *Religious Assembly* use, located at 4625 Cordon Road NE, subject to the following conditions of approval:

**Condition 1:** Prior to recording of the final Property Line Adjustment deeds, the applicant shall apply for a landscape permit showing how they meet Type A Landscaping for the five-foot setback between the adjusted property lines and the vehicle use areas.






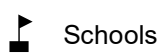

Prepared by Abigail Pedersen, Planner I

Attachments: A. Vicinity Map  
B. Applicant's Site Plan

# Vicinity Map 4625 Cordon Road NE



**Legend**

-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks

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