

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. 18-006**

APPLICATION: Application of Corp Development LLC to establish an aerospace metals testing business on a 0.9 acre parcel in an UT-10 (Urban Transition – 10 acre minimum) zone located in the 5000 block of 36th Avenue SE, Salem (T8S; R2W; Section 18B; tax lot 900).

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 **February 20, 2020**. 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 proposed use. To ensure 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 approval for all required permits from the Marion County Building Inspection Division.
2. Public Works Land Development Engineering and Permits Division (LDEP) will not approve the use until the following conditions have been satisfied:

***Condition A** – Prior to issuance of building permits, provide a recorded Development Deferral Agreement with the City of Salem for a future financial contribution toward 36th Avenue urban frontage improvements for a city Minor Arterial road in an amount proportional to the length of subject property frontage at such time as a City aggregate project or developer driven project is enacted.*

***Condition B** – Prior to issuance of building permits, dedicate a 36-foot public right-of-way half width along the subject property 36th Avenue frontage.*

3. Prior to development of the property the applicant shall submit, for review and approval by the Zoning Administrator, a detailed site plan showing how the development will comply with all applicable development standards contained in the zone code. The plan shall significantly conform to the site plan submitted with the proposal, however, minor variations are allowed.

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

4. 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.

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 be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

5. The applicant 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. Fire District access standards may be more restrictive than County standards.

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 **February 20, 2018**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **February 21, 2018** 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 Industrial in the Salem Area Comprehensive Plan. The purpose of this designation and the corresponding UT-10 (Urban Transition - 10 Acre) zone is to maintain land available for industrial development once the property is annexed into the city.
2. The property is located on the east side of 36th Av SE approximately 500 feet south of its intersection with Boone Rd SE. The property is currently undeveloped. The property was the subject of Property Line Adjustment PLA01-33, which approved the current configuration of the property and the parcel is considered a legal lot for land use purposes.
3. Adjacent properties to the north and east and south are zoned UT-10 and mostly in industrial use. Adjacent properties to the west are inside the city limits of Salem and in agricultural use.
4. The applicant proposes to develop the property with an aerospace metals testing business. Water will be provided by an existing shared well and a holding tank will be used for sewage disposal.
5. Public Works Land Development and Engineering Permits requested that Conditions A and B be included in the land use decision. LDEP also commented on requirements that are not part of the land use decision and available for review in the planning file. LDEP will not approve the use until the following condition has been met:

“Condition A – Prior to issuance of building permits, provide a recorded Development Deferral Agreement with the City of Salem for a future financial contribution toward 36th Avenue urban frontage improvements for a city Minor Arterial road in an amount proportional to the length of subject property frontage at such time as a City aggregate project or developer driven project is enacted.

Nexus is the addition of traffic to a city-maintained Minor Arterial road in need of widening and urbanization as authorized under MCC16.40.030(J). Improvements are anticipated to include a 23-foot paved half width, closed system drainage, PCC curb, gutter and sidewalk, and landscape strip. Please contact Robin Dalke with City of Salem Development Services at 503-588-6211 for information in this regard.

Condition B – Prior to issuance of building permits, dedicate a 36-foot public right-of-way half width along the subject property 36th Avenue frontage.

Rationale is to accommodate sufficient width for urban frontage improvements for a city Arterial

[MCC16.40.030(J)]. Timing is per MCC 16.40.040(C).”

Marion County Building Inspection commented that permits would be required.

Marion County On-Site Sewage commented that septic permits may be required.

All other contacted agencies either failed to respond or stated no objection to the proposal.

6. In order to grant approval for a conditional use listed in MCC 16.13.020, the criteria in this section must be found to be satisfied in addition to the criteria in MCC 16.40.020:

A. *The use will not increase traffic beyond the capacity of existing roads.*

Access to the property will be from 36th Av SE. Marion County Public Works will require a driveway permit. This criterion is satisfied.

B. *If the use will remain after the area is urbanized it will be located in such a manner that any significant unused portion of the property has adequate development options.*

The improvements made to the property for the proposed use are concentrated on the west side of the property, allowing further development of the property when the area is urbanized. The proposal can satisfy this criterion.

C. *The use and related structures and improvements meet the development standards of the most restrictive zone consistent with the applicable Comprehensive Plan designation; or the city concurs and, if the city requests, conditions are imposed that require the structures and improvements to be brought into conformance with city zoning regulations upon annexation.*

The most restrictive zone consistent with the Comprehensive Plan designation of the property (Industrial) is the IC (Industrial Commercial) zone. Manufacturing and testing aircraft and parts is a permitted use in the IC zone. The site plan submitted with the application shows improvements that are consistent with this use, however a detailed site plan showing all proposed improvements meet the development standards will be made a condition of approval. The proposal can satisfy this criterion.

D. *The most restrictive zone used in the applicable Comprehensive Plan designation lists the proposed use as a permitted or conditional use; or the city concurs and, if the city requests, conditions are imposed which require that the use be brought into conformance with city zoning regulations upon annexation.*

As discussed above, the most restrictive zone consistent with the Comprehensive Plan designation of the property (Industrial) is the IC zone. The manufacturing and testing aircraft and parts is a permitted use in this zone. The site plan submitted with the application shows improvements that are consistent with this use and the IC zone. A detailed site plan showing all proposed improvements is required as a condition of approval. The proposal satisfies this criterion.

7. 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.*

The use is listed as a conditional use in the UT zone. This 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 rectangular in shape and relatively flat. The proposed building would be placed at the west end of the parcel, on a paved outside parking area. There are no geographic slide hazards on the subject parcel. Therefore, the proposal can satisfy this criterion.

(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 subject property is in an area slated for future industrial development. The office/warehouse building proposed by the applicant is situated on the property in such a manner that they will not interfere with or restrict development options on adjacent properties. The proposal can satisfy this criterion.

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

The applicant will be required to meet the stormwater standards at time of building permits. Air quality is not expected to be significantly affected. The proposal can satisfy this criterion.

(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 applicant must coordinate with the City of Salem Public Works, Marion County Building Inspection and Marion County Public Works regarding provision of public services and utilities. The proposal can be conditioned to meet this criterion.

8. In addition, the UT zone MCC 16.13.100 states that “the additional standards and regulations referenced in Chapters 16.24 and 16.26 through 16.34 MCC (generally landscaping, parking, paving, and signage) apply to all lots, structures and uses unless indicated otherwise. No structure or use can be approved until all requirements in this chapter have been satisfied.” The applicable standards will be required to be met prior to issuance of any building permits associated with the proposed activity.
9. Based on the above findings, it has been determined that the applicants’ request meets all applicable criteria for establishing an aerospace metals testing business and is, therefore, **APPROVED**, subject to conditions.

Joe Fennimore
Director-Planning Division

Date: February 5, 2018

If you have any questions please contact Patty Dorr 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.