

**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. 18-034**

**APPLICATION:** Application of Ray Reid Properties LLC for a conditional use to establish a mini-storage facility on a 1.52 acre parcel in UT-10 (Urban Transition – 10 Acre Minimum) zone located at 3790 Boone Road SE, Salem (T8S; R2W; Section 18B; tax lot 300).

**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 **June 13, 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. Prior to building permits, the applicant shall provide documentation that the property has been removed from the 100 year floodplain or obtain a floodplain development permit.
3. 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, design and permit up to ¾-street urban frontage improvements to Boone Road and Eastland Avenue meeting the City of Salem Collector standard. Prior to issuance of a Building Department Certificate of Occupancy, acquire PW Engineering final inspection of the improvements.*

***Condition B** – Prior to issuance of building permits, dedicate a 30-foot public right-of-way half widths along the subject property Boone Road and Eastland Avenue frontages, including a 35-foot corner radius.*

4. Prior to building permits, the applicant shall coordinate with the City of Salem, Marion County Building Inspection and Marion County Public Works to obtain all necessary public services and utilities.

**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 Salem Suburban 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 **June 13, 2018**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **June 14, 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 Minimum) zone is to maintain land available for industrial development once the property is annexed into the city. The property is also located within the 100 year floodplain of Mill Creek.
2. The property is located on the south side of Boone Road approximately 1,300 feet east of the intersection of 36<sup>th</sup> Avenue and Boone Road. The property is currently developed with a building constructed in 1973.
3. Adjacent properties are zoned Industrial and mostly in industrial use. Adjacent properties to the southeast are inside Salem's city limits.
4. The applicant proposes to develop the property for mini-warehouse self-storage units.
5. Public Works Land Development and Engineering Permits (LDEP) requests that the following conditions, lettered A and B, are included in the land use case. LDEP also commented on requirements that are not part of the land use decision and available for review in the planning file.

***Condition A** – Prior to issuance of building permits, design and permit up to 3/4-street urban frontage improvements to Boone Road and Eastland Avenue meeting the City of Salem Collector standard. Prior to issuance of a Building Department Certificate of Occupancy, acquire PW Engineering final inspection of the improvements.*

Nexus is the addition of traffic to a road within the City of Salem UGB that is in need of widening and urbanization, and a gravel road in need of paving as generally authorized under MCC16.40.030(J). Improvements are anticipated to include a 17-foot paved half width, closed system drainage, PCC curb, gutter and sidewalk, and landscape strip on the development side, and up to a 12-foot paved rural section on the opposite side.

***Condition B** – Prior to issuance of building permits, dedicate a 30-foot public right-of-way half widths along the subject property Boone Road and Eastland Avenue frontages, including a 35-foot corner radius.*

Rationale is to accommodate sufficient width for urban frontage improvements [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 authorization is required.

Salem Suburban Fire District commented that they have no concerns with the conditional use but would like to review building permits for water supply and access.

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 general criteria in MCC16.13.030 must also be satisfied:

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

Access to the property will be from Boone Rd 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 entire property will be developed. This criterion does not apply.

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. Self storage warehousing 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. Self storage warehousing 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 urban 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 IC (Industrial Commercial) zone, the most restrictive industrial zone and is therefore 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 roughly rectangular in shape and relatively flat. The proposed buildings and access ways would cover most of the subject parcel, except for a stormwater detention pond planned for the northeast corner of the property. The property is also within the 100 year floodplain of Mill Creek. That applicant stated an intent to go through the FEMA (Federal Emergency Management Agency) process of removing the property from the designated floodplain. If this is not accomplished, a floodplain development permit would be required prior to building on the property. The proposal can satisfy this criterion subject to conditions.

- 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 located in an area designated for industrial use. The property is small and located at the east end of this segment of Boone Road, far from 36<sup>th</sup> Avenue, which is the main route of access in this area. The proposed use does not generate noise or emissions that would affect other uses in the area and will be developed in such a manner that will not interfere with or restrict development options on adjacent properties. The applicant owns the adjacent parcel to the west and will coordinate development of both 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, 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. Based on the above findings, it has been determined that the applicants' request meets all applicable criteria to establish a mini-storage facility and is, therefore, **APPROVED**, subject to conditions.

Joe Fennimore  
Director-Planning Division

Date: May 29, 2018

If you have any questions please contact Lisa Milliman 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.