

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.21-041

APPLICATION: Application of Masterdom Painting, Inc. for a conditional use to operate a storage facility on a 5.0 acre parcel in an ID (Interchange District) zone located on the 13000 block of Westside Ln SE, Jefferson. (T9S; R3W; Section 28D; tax lot 1800).

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 **October 2, 2023**. The effective period may be extended one time, for two additional years 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. No sales area, retail business, or service may be operated in connection therewith, nor shall any substantial maintenance or repair of any vehicle or equipment stored thereon be conducted on the premises, whether by the owner or otherwise, unless such work be performed wholly within a building

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:

6. The applicants should contact the Jefferson 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 ZoneCode 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 **October 4, 2021**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **October 3, 2021** 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 Commercial in the Marion County Comprehensive Plan. The major purpose of this designation and the corresponding Interchange District zone is to provide for the location of needed highway service commercial facilities at the interchanges between the controlled access highways and the intersecting arterial roads.
2. The subject parcel is located on the east side of Westside Ln SE, at its interchange with Interstate 5. The subject property is unimproved. The parcel is described in Marion County Deed Records at least as far back as September 1, 1977 and is therefore considered legal for land use purposes.
3. Nearby land consists of small farm operations and rural home sites in EFU and AR zones in all directions.
4. The soils are 100% high value.
5. The applicant proposes to operate a storage facility on the property.
6. Agency Comments:

Land Development Engineering and Permits commented:

ENGINEERING REQUIREMENTS

A. A site grading and stormwater management plan will be required in conjunction with Building Permits.

B. If stormwater discharge will be sent to adjacent public R/W, then ODOT stormwater standards will likely govern, which are more stringent than county standards that include a water quality treatment component.

C. Evidence of coordination and compliance with respect to ODOT access and potentially stormwater management is required.

ENGINEERING ADVISORIES

D. ODOT is the permitting authority over I-5 R/W, and I-5 frontage road Westside Lane (OR 3616) for access, utility work and any proposed stormwater discharge connection.

E. County GIS depicts NWI and LWI wetlands being mapped on the property.

Marion County Building Inspection commented that a building permit is required for new construction and that solid fences over 7' require a structural permit.

Oregon Department of Transportation (ODOT) commented:

1. *Approval of one of the approaches will be straightforward, but approving a second approach to the same site triggers stricter criteria, including justification that the site cannot be reasonably served by a single approach. It is likely that only one approach would be approved by ODOT.*
2. *Verify with the fire district about emergency vehicle access requirements and turnaround space.*
3. *The southern approach shown on the site plan will require a design accompanied by turning templates to confirm that RVs and trailers can make the turn out of the property.*

4. *The current approach widths shown on the site plan (>80 ft.) are too wide and will need to be reduced. The approach apron can have paved radii where it connects to Westside Lane to aid with turning, but the width at the property line should be around 30 feet.*
5. *ODOT will require a storm report to be submitted showing plans for runoff and accounting for the increase in impervious area. Drainage toward either Westside Lane or I-5 must follow guidelines in the ODOT Hydraulics Manual.*

The applicant should contact me directly to begin the permitting process. Casey Knecht, P.E. Development Review Coordinator, ODOT Region 2, 503-986-5170, casey.knecht@odot.state.or.us

Jefferson Fire commented that the proposal will need to meet the 2019 Oregon Fire Code for access and water supply.

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

7. The approval criteria for conditional uses are found in MCC 17.150.160 Approval criteria for conditional uses: Any new use permitted in MCC 17.150.040 or 17.150.095 shall be allowed only upon demonstration of satisfaction of the following criteria:

A. The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use;

This use is not expected to interfere with farm or forest practices as the use of the property is storage of equipment, which does not create noise, fumes or other adverse effects on farming. The criterion is met.

B. The proposed use will not, by itself or in combination with existing uses in the community, result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations;

The vehicles/boats/trailers being stored will not be worked on and thus will create little opportunity for water impoundments. Many of the stored objects will be on concrete pads which will not allow runoff into the soil. This use is not expected to create health hazards for the community. The criterion is met.

C. The proposed use will not, by itself or in combination with existing uses in the community, exceed the carrying capacity of the soil or of existing water supply resources and sewer services;

There are no sewer services in the area and the use is not expected to utilize the carrying capacity of the soil, as the parcel will be graveled and paved. The criterion is met.

D. The traffic generated by the proposed use is consistent with the identified function, capacity, and level of service of transportation facilities serving the community;

The traffic expected from this development will not be of a level that the transportation systems in the area cannot handle. The site sits along two state highways and an interstate freeway which provide ample transportation facilities for the storage area. Furthermore it is expected most traffic will come and go via interstate 5 and will not become a burden to local roads. The criterion is met.

E. The proposed use will not create significant adverse effects on existing uses or permitted uses on adjacent land, considering such factors as noise, dust and odors; and

This use is not expected to interfere with farm or forest practices as the use of the property is storage of equipment, which does not create noise, fumes or other adverse effects on farming. The criterion is met.

F. The proposed use is intended to directly serve the traveling public or trucking industry, or both

This use serves the traveling public by allowing a place for them to store their RV's and boat between vacations and trips. The criterion is met.

8. The specific criteria for approving a boat, camper and trailer storage area or lot are found in MCC 17.120.030. These criteria are from the Commercial zone as any use in this section may be approved as a conditional use in the ID zone:

17.120.030 Boat, camper, and trailer storage area or lot. A boat, camper, and trailer storage area or lot may be approved as a conditional use, provided:

A. That no sales area, retail business, or service may be operated in connection therewith, nor shall any substantial maintenance or repair of any vehicle or equipment stored thereon be conducted on the premises, whether by the owner or otherwise, unless such work be performed wholly within a building;

The applicant is not proposing any services other than storage, and no retail or services are being proposed as a part of this application. The applicant also states that no substantial maintenance will be allowed on stored items and the primary purpose of this area is for the storage of items. The criterion is met.

B. That the front yard and any other yard adjacent to a street shall be landscaped with an evergreen ground cover; further, that this landscaping shall be adequately and permanently maintained;

The applicant states that they will landscape the property as required by the Marion County Code. The criterion is met.

C. That an ornamental sight-obscuring fence, or wall having a height of at least six feet, or a compact evergreen hedge not less than three feet in height when planted and capable of reaching at least six feet within three years, be placed at the front yard setback line and at the setback line of any other yard adjacent to a street, and along all other property lines; provided, however, that the director, planning commission or hearings officer may require additional screening and landscaping where topography or other special conditions indicate such to be necessary to adequately screen the area;

The applicant has stated in their application that they will comply with this standard and fence the property and provide landscaping where necessary. The criterion is met.

D. That the lot be paved in conformity with MCC 17.118.070 with an oiled mat or graveled and maintained in a manner so that dust shall be reasonably controlled;

The applicant is proposing to gravel certain sections of the lot and pave others as shown in their site plan and applicant statement. Their proposal meets the standards outlines above. The criterion is met.

E. That lighting shall be so oriented to not shine or reflect upon abutting properties nor into the traveling lanes of any street in such a manner so as to constitute a nuisance;

The applicant has stated in their application that all lighting will be directed away from I5, Westside Lane and adjacent properties. The applicant states they will meet this standard. The criterion is met.

F. That any building used in conjunction with the storage lot shall conform to all yard setbacks as for the main buildings in an RS zone, and said building shall be architecturally designed and constructed of materials compatible with the residential development of the subdivision or neighborhood; and

Any buildings constructed will be required to meet these setbacks through a building permit. It appears from the site plan that proposed buildings will meet this standard. The criterion is met.

G. That the area be operated by a nonprofit neighborhood homeowners' association.

As this property lies outside of a residential zone and a subdivision, this criteria does not apply and speaks to storage areas created as a part of a subdivision. The criterion is met.

9. Based on the above discussion, the applicant has adequately addressed all the applicable criteria for placing a non-farm dwelling on the property. Therefore, subject to meeting conditions of approval, the application is **APPROVED**, subject to conditions.

Brandon Reich,
Planning Director

Date: September 15, 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.