

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/ADJUSTMENT CASE NO.22-036**

**APPLICATION:** Application of AKS Engineering on behalf of Wayde Elliott for a conditional use permit to establish a RV/Self Storage Facility and an adjustment to the minimum parking requirements from 8 to 7 parking spaces on a 12.52-acre parcel in a CG (Commercial General) and UT-20 (Urban Transition 20 Acre Minimum) zone located at 670-680 S Pacific Hwy, Woodburn. (T5S, R1W, Section 19A, Tax Lots 100, 200 and 300).

**DECISION:** The Zoning Administrator for Marion County has **APPROVED** the above-described Conditional Use and Adjustment application subject to certain conditions

**EXPIRATION DATE:** This conditional use permit is valid only when exercised by **December 1, 2024**. 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 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 must adhere to the development standards contained in MCC 16.09.100 through 16.09-250.
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. 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.

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

**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:

5. The applicants should contact the Woodburn 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.

6. The applicants should contact Marion County Land Development and Engineering (503-584-7714) for additional Engineering Requirements and Advisories, listed in Finding #5 below, that may be required.

**APPEAL PROCEDURE:** The Marion County Zone Code 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 **December 1, 2022**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **December 2, 2022**, 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 Woodburn Comprehensive Plan. The purpose of this designation and the corresponding Commercial General/Urban Transition zone is to provide industrial and commercial lands for business development and to retain property for future urban development where utilities are not available.
2. The property is located on the eastern side of HWY 99E, 0.45 miles north of its intersection with Bell Passi Rd NE. At the time of application, the property contained a dwelling built in 1948 and an accessory structure. The properties are described by deed volume 626, page 683 recorded on January 9<sup>th</sup>, 1967. The parcels are legal for land use purposes.
3. Surrounding uses are mixed in almost all directions, as this area is the border between urban and rural uses along the Woodburn UGB. To the north and east are a variety of commercially zoned parcels with an auction yard and a food production facility being the prominent uses. Parcels to the south are zoned EFU and are in agriculture production. To the west are parcels zoned Commercial, Urban Transition and inside the City of Woodburn, Multi-Family. Uses are an auction yard and mobile home park.
4. The applicant proposes to establish an RV/Self Storage Facility and an adjustment to the minimum parking requirements from 8 to 7 parking spaces. The use is allowed outright in the portions of the property zoned CG but requires a conditional use permit in the UT-20 zone.
5. **Public Works Land Development and Engineering Permits (LDEP)** requested that the following be included in the land use decision.

#### **ENGINEERING REQUIREMENTS**

- A. Prior to issuance of building permits, evidence of development review coordination with ODOT will be required as it pertains to access and potentially stormwater discharge.
- B. Stormwater detention will be required. ODOT may also have WQT requirements for discharge is to S Pacific Hwy.
- C. Transportation System Development & Parks Charges will be assessed upon application for building permits.

#### **ENGINEERING ADVISORIES**

- D. ODOT has jurisdiction over S Pacific Hwy. They should also be coordinated with for utility service extensions.
- E. DEQ has erosion permitting jurisdiction over ground disturbances of 1.0 acre or more.

The City of Woodburn commented:

The City held two pre-application meetings over the course of 2021 for two development proposals involving the site, the agendas for these meetings are attached. The site is eligible for annexation; it is designated as Industrial by the Comprehensive Plan Map, the default zoning upon annexation would be the Light Industrial (IL) zone. The proposed use “RV/Self Storage Facility” would be a permitted outright use in the IL zone per Woodburn Development Ordinance Table 2.04 row C14.

Significant topics of discussion at the pre-application meetings included:

- Half-street improvements would be required for N. Pacific Hwy in order to match the standard cross-section for Major Arterial streets;
- Development would involve connections to public utility systems, including the necessity to extend public sewer line in order to serve the site;
- Access and traffic impact reviews would involve ODOT; and
- Site development would conform with applicable parking, landscaping, and architectural requirements.

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

6. All conditional uses are subject to the general criteria in MCC 16.40.020, 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.*

Section 16.13.020 (Q) allows for uses found in the most restrictive zone to be allowed as a conditional use. RV/Self Storage is an allowed use in the IC (Industrial Commercial) zone, 16.09.010 (32). The 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 flat and contains no significant natural features that would preclude the development from happening. It is free from floodplains, streams, geohazards and wildlife habitat. There is no evidence in the record submitted by the applicant to show that any of these features would preclude the development. The criterion is met.

- (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 development will be conditioned to meet the IC zone development standards that serve to control adverse effects on surrounding uses. The parcels to the north, east and west are already developed with commercial uses and no interference is expected. To the south is a working farm field that will be screened with fencing and will have agriculture setbacks applied to structures built there so that it will not interfere with the farm. The criterion is met.

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

The use is not expected to produce noxious odors or reduce air quality as the RV’s and equipment is being stored and not used. Additionally, the development will use a permitted septic system and well which is not expected to have an adverse effect on water quality. The criterion is met.

- (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 facility does not require water or utilities from the City of Woodburn, and as stated above will have a septic system and well. The criterion is met.

7. In addition to these general criteria, in order to approve a Conditional Use in a UT-20 zone the specific criteria in MCC 16.13.030 must be satisfied:

(a) *The use will not increase traffic beyond the capacity of existing roads.*

The applicant states that HWY 99E is under ODOT's jurisdiction and they have not required a Traffic Impact Analysis (TIA) and have not required street improvements, the use is not expected to create unreasonable traffic based on these findings. The criterion is met.

(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 proposed development will use the entire property. The 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 for the industrial classification is the IC zone. The applicant has configured their application and site plan to conform to these development standards. The criterion is met.

(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.*

The use is outright permitted in the IC zone and the City of Woodburn has submitted comments on this case. The use is also outright allowed by Woodburn's zoning. The criterion is met.

8. In addition to these general criteria, in order to approve an industrial use in the UT-20 zone, the development standards and setbacks must be met for the IC (Industrial Commercial) zone contained in chapter 16.09.100 through 16.19.250, these are:

*16.09.100 Development standards.*

*The standards and regulations in this chapter and the additional standards and regulations referenced in Chapter 16.24 MCC and Chapters 16.26 through 16.34 MCC apply to all lots, structures and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied.*

*The provisions of this chapter are complementary and supplementary to other provisions of this title. In the event of a conflict between a provision of this chapter and a more restrictive provision of this title applicable to a particular lot, structure or use, the more restrictive provision shall apply.*

*16.09.110 Height.*

*Within an IC zone buildings and structures erected, altered, or enlarged shall not exceed 70 feet in height; provided, any portion of a nonresidential structure within 20 feet of a side or rear lot line that abuts on a lot in a residential zone shall not project above a plane 12 feet high at the abutting lot line and increasing one foot for each foot of distance from the lot line.*

*16.09.120 Lot area and dimensions.*

*Within an IC zone there are no minimum lot area or dimension requirements*

*16.09.130 Front yards and yards abutting streets.*

*Within an IC zone:*

- A. Along the full extent of each lot line abutting a street, there shall be a required yard five feet in depth.*
- B. Yards for accessory structures except fences shall be the same as for primary buildings.*

*16.09.140 Interior side and rear yards.*

*Within an IC zone the following yards shall be provided:*

- A. Contiguous to a side or rear lot line abutting a lot in any residential zone a five-foot side or rear yard shall be required. This yard shall be contained by a sight-obscuring fence, wall or hedge.*
- B. Except as provided in subsection (A) of this section, no interior rear or side yards are required; but any space between a building and another structure, other than a fence, shall be not less than three feet in depth exclusive of any alley area.*
- C. Yards for accessory buildings and structures except fences shall be the same as for primary buildings.*

*16.09.200 Landscaping.*

*Within an IC zone:*

- A. Landscaping shall be provided in any yard adjacent to a residential zone and in any required front or side yard.*
- B. A landscaped area at least three feet wide shall be provided between any parking or loading spaces or driveway, and a lot in a residential zone, or a street.*
- C. All required landscape areas shall be landscaped as provided in Chapter 16.29 MCC.*

*16.09.250 Special requirements within 100 feet of residentially designated zones.*

*Any nonresidential development proposed within 100 feet of a residentially designated zone in the applicable city comprehensive plan, UD or UT zone shall meet the following requirements:*

- A. Outdoor storage facilities shall be screened from view of the public road and from adjacent residential property.*
- B. Exterior lighting shall be designed to illuminate the site and be directed away from public streets and residential properties.*
- C. Roof equipment shall be screened from view of nearby residential property.*
- D. Special setback and height standards in MCC*

The applicant has submitted a site plan and findings showing compliance with the above development standards. The applicant intends to meet all applicable standards and has shown all required setbacks, landscaped areas and screened fencing that is required by this code section. There are no residentially zoned properties within 100 feet of the subject property and as such, those restrictions do not apply. This criterion shall be made a condition of approval.

- 9. In order to approve the adjustment, of parking spaces from 8 to 7, the criteria found in 16.41.030 MCC must be satisfied. These include:
  - (a) *The proposed development will not have a significant adverse impact upon adjacent existing or planned uses and development; and*
  - (b) The reduction of one parking space is not expected to create any adverse effect on existing or adjacent uses. The applicant states that the RV/Self Storage is operated by one person and the daily trips generated can be accommodated with 7 parking spaces. The criterion is met.
  - (c) *The adjustment will not have a significant adverse affect upon the health or safety of persons working or residing in the vicinity; and*

There will only be one employee onsite, and the nearest residential development is across the road and to the south of the subject property. The reduction of one parking space is not expected to effect these persons in any way or create any parking spill over. The criterion is met.

(d) *The adjustment is the minimum necessary to achieve the purpose of the adjustment and is the minimum necessary to permit development of the property for the proposed use; and*

This adjustment is the minimum necessary as it reduces the standard by one space, to better accommodate the development. Additionally, the area inside the gates by the storage units will be used for parking while unloading/loading.

(e) *The intent and purpose of the specific provision to be adjusted is clearly inapplicable under the circumstances; or, the proposed development maintains the intent and purpose of the provision to be*

The intent and purpose is maintained by this adjustment, as there will still be 7 parking spaces and much more room beside the storage units to park and unload. The criterion is met.

10. Based on the above findings, it has been determined that the request satisfies all applicable criteria and is, therefore, **APPROVED**.

Brandon Reich  
Planning Director/Zoning Administrator

Date: November 18, 2022

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.