

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. 24-018**

APPLICATION: Application of AC Services LLC for a conditional use to establish independent indoor and outdoor storage facilities on four separate lots totaling 13.43-acres in an ID (Interchange District) zone located in the 7000 block of Squirrel Hill Rd SE, Salem (T8S; R3W; Section 26D; tax lots 2200, 2201, 2500 & 2600).

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 **July 25, 2026**. 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 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 subsurface sewage disposal and all other required permits from the Marion County Building Inspection Division.
2. The applicant shall sign and submit a Farm/Forest and Sensitive Groundwater (SGO) Declaratory Statement to the Planning Division (form enclosed). This statement shall be recorded by the applicant with the Marion County Clerk after it has been reviewed and signed by the Planning Director.
3. For each parcel, the indoor storage space and floorspace, not including outdoor storage, shall be no larger than 40,000 square feet.
4. 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.
5.
 1. There shall be provided a 10-foot landscaped yard adjacent to every street exclusive of driveways.
 2. All required side and rear yards shall be landscaped exclusive of driveways.
 3. Landscaping of yards shall be done as an integral part of the development.
 4. All rear and side yards adjacent to property used or zoned for residential purposes shall be contained by an ornamental sight-obscuring fence, wall or hedge six feet in height. If a hedge is used, it may be planted at the three-foot level provided it is capable of attaining a height of at least six feet.
6. Open Storage Yards. All yard areas, exclusive of those required to be landscaped, may be used for materials and equipment storage yards or areas provided such yard area is enclosed with an ornamental, sight-obscuring fence or wall placed at a height of six feet or a compact evergreen hedge planted at three feet and capable of attaining a minimum of six feet; provided, that in no case shall any fence or hedge be placed in vision clearance area (see MCC 17.110.770). Any fence, wall or hedge shall be located on the property at the required setback line in the

same manner as if said fence or wall were a building. Open storage yards shall be paved or graveled and maintained in a dust-free condition.

7. Utilities. All on-premises utility services shall be installed underground.
8. Lights. Outdoor lighting is permitted provided all lights or group of lights used for the purpose of illuminating a structure, sign, storage yard or outdoor sales and parking area shall be directed away from a public street or highway and any adjacent residential structures.
9. Removal Agreements. In the event that any landscaped yard, structure or sign is allowed to extend into the special setback, a removal agreement must be first signed by the property owner.
10. Signage. All signs shall meet the standards in Chapter 17.191 MCC.
11. Each tax lot is requesting 40,000 square feet of floor area. This request is granted and each parcel/tax lot in this application may develop up to 40,000 square feet of indoor storage space.
12. 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 restrictions or conditions thereon. It is recommended the agencies mentioned in Finding # in the Findings and Conclusions section below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

13. The applicants should contact the 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.
14. All or a portion of this property has been identified as being located in a "Groundwater Limited Area" as defined by the Oregon State Water Resources Department. The applicant is advised to contact Water Resources, (503) 378-3739, regarding possible restrictions or limitations on use of groundwater in the area.
15. 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 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 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 by the Planning Division, 5155 Silverton Rd. NE, Salem, by 5:00 p.m. on **July 25, 2024**. If you have questions about this decision, contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **July 26, 2024**, 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 Rural Commercial in the Marion County Comprehensive Plan. The major purpose of this designation and the corresponding ID (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 properties are located south of Delaney Rd SE and west of Squirrel Hill Rd SE, both are under the jurisdiction of ODOT. All properties in this application are vacant and contain no structures or active uses. Tax lot 2201 was the subject of numerous land use cases in the 1980's and 1990's and is considered legal for land use purposes. Additionally, because there are no lot size or partition standards in the ID zone, tax lots 2200, 2500 and 2600 are all considered legal for land use purposes.
3. Surrounding uses are a mix of residential, farming and commercial. To the north is a commercial development across Delaney Rd that comprises a food truck, coffee shop and shed sales business. To the east is a park and ride parking lot, to the south is farmland in active crop production and to the west are residential lots with dwellings.
4. The applicant proposes to establish a self-storage facility to include boats, RV's, indoor and outdoor storage.

MCC 17.150.095 (F) (1) provides for 40,000 square feet of floor area per use and includes storage uses (SIC 20-39), this does not count towards outdoor storage, only indoor storage counts towards the floor space. This permit has also been applied in such a way that each tax lot is requesting 40,000 square feet of floor area. This request is granted and each parcel/tax lot in this application may develop up to 40,000 square feet of indoor storage space.

5. Public Works Land Development and Engineering Permits (LDEP) requested that the following be included in the land use decision.

ENGINEERING REQUIREMENTS

1. A civil engineered site plan is required that includes grading and stormwater collection, conveyance and detention elements. It is recommended to gain at least preliminary level approval of the engineered site plan prior to application for building permits.
2. The subject property will be assessed Transportation System Development Charges (SDCs) upon application for building permits for enclosed and covered areas.

ENGINEERING ADVISORIES

3. Squirrel Hill Road and the Delaney Road property frontage is under ODOT jurisdiction for access, drainage and utility service extension work.
4. Applicant should coordinate with the local Fire Department to confirm any of their EVA requirements.
5. There are natural drainage flow ways across the property having upstream origins and mapped on National Wetlands Inventory that should not be impeded or disturbed without DSL coordination.
6. DEQ regulates ground disturbances of 1.0 acre plus through the NPDES 1200-C Construction Stormwater Erosion Program.

Oregon Department of Transportation (ODOT) commented:

“This property on Squirrel Hill Road is a frontage/backage road for I-5. The current access at MP 248.42 does not meet stopping sight distance standards which would be a change of use and require an application for State Highway Approach. Our recommendation for the access is to move it approximately 150 feet south so that it is directly opposite the park & ride access.”

Marion County Building Department commented:

“No Building Inspection concerns according to the application, statement, and site plan submitted for conditional use approval under 24-018. Construction permit(s) are required to be obtained prior to development and/or utilities installation on private property.”

Area Advisory Committee 1 commented that the application is better suited for other lands not near AR zoning.

Marion County Septic commented:

“I have reviewed the proposal for conditional use 24-018 and have determined that we have no comment. They had a site evaluation completed in 1986 so the next steps with septic would just be to apply for a construction-installation permit. Please let me know if you have any questions or concerns.”

Turner Fire District commented:

“Be advised Turner Fire District has responded to several prior requests for comments for this same location. Previous addresses included 2342 Delaney Rd. SE and 7911 Squirrel Hill Rd. SE. Thus “7000 Squirrel Hill Rd. SE” is therefore the third address being used. Turner Fire District recommends MCPD review previous correspondence regarding these locations which specify our requirements.

TFD’s comments are as follows;

Fire apparatus access, fire protection water supplies, and other fire service features are required to comply with the Oregon Fire Code (OFC) and the Marion County Fire Code Applications Guide (MCFCAG). The following links to the OFC and the MCFCAG are provided to assist applicants, design professionals, and/or developers.

1. The 2022 Oregon Fire Code contains the currently adopted fire and life safety regulations for the State of Oregon. The full text of the OFC is available through the International Code Council’s website at the following link: <https://codes.iccsafe.org/content/ORFC2022P1>
2. The Marion County Fire Code Applications Guide contains guidelines established by the fire agencies throughout Marion County and is to assist designers and applicants with how to apply fire and life safety regulations to their projects. The full text of the MCFCAG is available through the Turner Fire District website at the following link: <http://www.turnerfire.com/uploads/File/MarionCountyFireCodeApplicationsGuide-Access-Standard.pdf>

Applicants are encouraged to contact Turner Fire District if they have questions or for assistance with determining how best to address fire service features including fire apparatus access and fire protection water supplies for this location and/or project.”

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

6. In order to approve a Conditional Use in an ID zone the applicant must demonstrate compliance with the criteria in the Marion County Code (MCC) 17.150.160. These include:
 - (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;*

The parcels are largely buffered from the existing farm uses to the south and west by developed residential parcels with dwellings and other buildings. The impact to farm uses in this area have been realized and the self storage proposal is one of low traffic and intensity. The storage of vehicles is not expected to interfere with farm or forest practices in the area. The criterion is met.
 - (b) *The proposed use will not, by itself or in combination with existing uses, result in public health hazards or adverse environmental impacts that violate state or federal water quality regulations;*

There are no streams or wetlands identified on the subject property and this use is not one that generates emissions or other hazards that may impact the environment, human health or water quality. Storage of personal items is not expected to affected any of the above. The criterion is met.

- (c) *The proposed use will not, by itself or in combination with existing uses, exceed the carrying capacity of the soil or of existing water supply resources and sewer services;*

The proposed use does not use the soil in the sense that this criterion is asking. Vehicles will be parked on compacted gravel that will not overload the soils carrying capacity. Additionally, the use requires very little to no water and only potentially a septic system for a bathroom. 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 use; or improvements are imposed that maintain the existing level of service;*

The parcel is serviced by ODOT roads and connects to Interstate 5. ODOT has commented on the proposal, only requesting that the driveway be moved south to be in line with a driveway across the street. ODOT has reviewed the proposal and have been given approximate numbers for the build out of the storage facilities. They have not requested any additional traffic analysis or mitigation. 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,*

The use is not expected to create nuisance, noise or odors as the vehicles and personal items are to be stored on the property, they will not be ran or worked on. The criterion is met.

- (f) *The proposed use is intended to directly serve the traveling public or trucking industry, or both.*

The use of trailer, RV, boat, camper and personal storage aids the traveling public by giving them a place to store their recreation vehicles in which they travel. The criterion is met.

7. The applicants must also show compliance with the specific criteria contained in MCC 17.150.150:

- A. *Access. New and expanded uses shall obtain an access permit from Marion County public works or the Oregon Department of Transportation.*

The Oregon Department of Transportation has commented regarding the driveway as they have jurisdiction over Squirrel Hill Rd SE. An application for a state Highway Approach is required to move the driveway to the south to accommodate stopping distance standards. The criterion is met.

- B. *Landscaping and Screening Requirements.*

1. *There shall be provided a 10-foot landscaped yard adjacent to every street exclusive of driveways.*
2. *All required side and rear yards shall be landscaped exclusive of driveways.*
3. *Landscaping of yards shall be done as an integral part of the development.*
4. *All rear and side yards adjacent to property used or zoned for residential purposes shall be contained by an ornamental sight-obscuring fence, wall or hedge six feet in height. If a hedge is used, it may be planted at the three-foot level provided it is capable of attaining a height of at least six feet.*

This shall be made a condition of approval.

- C. *Open Storage Yards. All yard areas, exclusive of those required to be landscaped, may be used for materials and equipment storage yards or areas provided such yard area is enclosed with an ornamental, sight-obscuring fence or wall placed at a height of six feet or a compact evergreen hedge planted at three feet and capable of attaining a minimum of six feet; provided, that in no case shall any fence or hedge be placed in vision clearance area (see MCC 17.110.770). Any fence, wall or hedge shall be located on the property at the required setback line in the same manner as if said fence or wall were a building.*

Open storage yards shall be paved or graveled and maintained in a dust-free condition.

This shall be made a condition of approval.

D. Loading and Parking Facilities. Every vehicle loading and parking area shall be clearly designated as such and paved as provided in MCC 17.118.060 and 17.118.070. Parking requirements shall be provided as set forth in MCC 17.118.050.

This standard will be reviewed and approved at the time building permits are applied for and when a more detailed site plan is required. The criterion is met.

E. Utilities. All on-premises utility services shall be installed underground.

This shall be made a condition of approval.

F. Lights. Outdoor lighting is permitted provided all lights or group of lights used for the purpose of illuminating a structure, sign, storage yard or outdoor sales and parking area shall be directed away from a public street or highway and any adjacent residential structures.

This shall be made a condition of approval.

G. Removal Agreements. In the event that any landscaped yard, structure or sign is allowed to extend into the special setback, a removal agreement must be first signed by the property owner.

This shall be made a condition of approval.

H. Lot Area. No minimum lot area is required.

The criterion is met.

I. Sewage Disposal. Demonstrate that the development will not exceed the existing carrying capacity of the local sewage disposal system or has an on-site sewage disposal site approved by Marion County or the Department of Environmental Quality.

The development be required to obtain a septic permit from Marion County if bathrooms are to be installed. The criterion is met.

J. Traffic Analysis. Demonstrate that the development will be consistent with the identified function, capacity, and level of service of transportation facilities serving the site. A transportation impact analysis, approved by the Marion County department of public works, may be required prior to building permit approval.

Oregon Department of Transportation has not commented requesting further traffic analysis. The criterion is met.

K. Signage. All signs shall meet the standards in Chapter 17.191 MCC.

This shall be made a condition of approval.

L. In addition to the provisions in Chapter 17.118 MCC, for a new use in a stormwater management area of an urban unincorporated community, except for a single-family dwelling on a lot, all driveways, parking and loading areas shall be developed and maintained as follows: all parking and loading areas and driveways thereto shall be paved to provide an all-weather surface with asphalt concrete, portland cement concrete, clay bricks or concrete blocks. The type of surfacing shall be approved by the Marion County department of public works. Parking and loading areas shall be adequately designed, graded, and drained. Drainage connections to a public storm drain system shall be approved by the Marion County department of public works. A stormwater detention system

conforming to the Marion County department of public works' standards may be required. Alternate paving materials and methods may be allowed if approved by the public works director.

The proposed use is not within the area described above. The criterion do not apply.

8. 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: July 10, 2024

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.