

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. 25-005**

APPLICATION: Application of Severo Trapala Marquez for a conditional use permit to operate an automotive dealership on a 0.72-acre parcel in a CG-LU (Commercial General-Limited Use) zone located at 515 S Pacific Hwy, Woodburn (T5S; R1W; Section 18D; Tax lot 201).

DECISION: The Zoning Administrator 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 21st, 2027**. 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 all permits required by the Marion County Building Inspection Division.
2. The applicant shall ensure that all automotive detailing takes place on a hard surface made of concrete or asphalt.
3. A sight-obscuring fence, wall or hedge shall be provided along lot lines abutting residential zones.
4. Repair of vehicles and any storage of merchandise or supplies not in retail packaging or display racks shall occur entirely within an enclosed building.
5. Landscaping shall be provided in any yard abutting a residential zone and in any required front or side yard. Such yard shall be contained by a sight-obscuring fence, wall or hedge at least six feet high. The existing landscaping may remain to satisfy this standard.
6. 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. The existing landscaping may remain to satisfy this standard.
7. All outdoor areas used in conjunction with the development or use that are not landscaped shall be paved and drainage provided in accordance with Marion County department of public works standards.
8. All required landscape areas shall be landscaped as provided in Chapter 16.29 MCC.
9. Outdoor storage facilities shall be screened by a sight-obscuring fence, wall or hedge from view of the public road and from adjacent residential property.

10. Exterior lighting shall be designed to illuminate the site and be directed away from public streets and residential properties.
11. The property entrances shall meet Woodburn Fire Department standards.
12. 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.
13. Failure to continuously comply with the conditions of approval may result in this approval being revoked. Any revocation could be appealed to a Marion 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 under Findings and Conclusions below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

14. 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.
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 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 \$250) 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 **February 21st, 2025**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **February 24th, 2025**, unless further consideration is requested.

FINDINGS AND CONCLUSIONS: Findings and conclusions on which the decision was based are noted below.

1. The subject is a 0.72-acre parcel within the Woodburn urban growth boundary (UGB) and is designated Commercial in the Woodburn Comprehensive Plan and is zoned Commercial General in Marion County. The purpose of this designation and the corresponding Commercial General zone is to provide areas suitable for warehousing, wholesale commercial sales and services with related outdoor storage or retail sales. The commercial general zone is appropriate in those areas designated commercial in the applicable urban area comprehensive plan where the location has access to an arterial street or highway for transport of bulk materials and where impacts associated with permitted uses will not create significant adverse impacts on local streets or residential zones.
2. The subject property is on the west side of South Pacific Highway (Highway 99E), approximately 0.35 miles south of its intersection with East Cleveland Street. The parcel contains a dwelling and was the subject of two land use cases one in 1988 (V88-018), and in 1998 (ZC/CP98-013). The parcel is considered legal for land use purposes.
3. Properties to the north and west are within the City of Woodburn and are slated for medium density residential development. To the south the zone is a split Marion County zone: Commercial Retail (CR)/Urban Transition 20 (UT-20). Immediately south of the applicants the land zoned Commercial Retail Limited Use (CR-LU).

Further south the land is zoned CR/UT-20 and is the former site of the Woodburn Auction Yard. To the southwest are small farm parcels in a UT-20, UT-5, and Medium Density Residential (Woodburn) zone. The areas to the south and southeast are also designated High Density Residential. A service station is to the east across Highway 99E on land zoned Commercial General (CG) by Marion County but designated Industrial by the City of Woodburn.

In 1989, an application was approved to expand the Woodburn Auction yard onto the subject 4.91-acre parcel (Variance Case #88-018). The approval allowed storage and sale of used farm equipment and implements, and parking on sale day, but specifically precluded placement of auction yard structures on the property. At that time, the applicant's parcel was included in this case.

In 1998 a land use case for a zone change and comprehensive plan designation change was applied for in the case ZC/CP98-013. Applicants proposed changing the comprehensive plan designation on the property from High Density Residential to Commercial and the zone from CR to CG. The CG zone would allow the owners to construct a mini-storage and inside recreational vehicle (RV) storage facility on the premises. The applicants suggested applying a limited use overlay zone (LU) to the property that would allow only the proposed ministorage/RV storage use. This would eliminate or require conditional use review of all other allowed uses. This zone change and comprehensive plan designation change was approved by the Marion County Board of Commissioners with the following direction: "A limited use overlay shall be applied to this site allowing only ministorage under MCUZO 7.01(5)42.25 and 42.26. All other allowed uses shall be subject to conditional use review."

4. The applicants are applying for a conditional use permit to operate an automotive dealership in a CG-LU (Commercial General-Limited Use) zone.
5. Various agencies were contacted for comments.

Public Works Land Development and Engineering Permits (LDEP) commented:

ENGINEERING REQUIREMENTS

- A. Stormwater detention may be required when 0.5-acre or more of impervious surfaces are added above and beyond what is already existing. However, it does not appear that the 7 or 8 added parking spaces alone depicted on the land use application site plan would trigger that threshold.
- B. Transportation System Development Charges will be assessed if a Building Department Change-in-Occupancy Permit is required for converting the existing home to office use.

Marion County Building Department commented:

Permit(s) are required to be obtained for a change of occupancy to the existing structure prior to being open to the public for business sales. Discussion with a building plans examiner is advised prior to submitting plans or other documents for application. It appears the existing structure does not provide an accessible entrance from the designated parking area according to the site plan submitted with the conditional use application, so an accessible ramp may be required to be installed according to the 2022 Oregon Structural Specialty Code and ICC A117.1-2017.

Marion County Septic commented:

A septic authorization will be required per OAR 340-071-0205 due to the proposed change of use.

Woodburn Fire Department commented:

Reviewed documents and visited site. The two entrances do not meet the width and turning radius for fire access. Need to widen each entrance or make one entrance with meets minimum of 24' width for entry/exit and fire access or widen each separate entrance to be 20' wide. In either case the turning radius must meet 28' inside and 48' outside.

Oregon Department of Transportation (ODOT) commented:

The site is adjacent to Pacific Highway No. 081 (OR99E) and is subject to state laws administered by ODOT. This property has single access directly to OR99E split by a landscaped area delineating entry and exit. The existing access is presumed to have written permission. The applicant should appropriately sign and stripe the entrance and exit to avoid conflicting movements.

The applicant is not proposing any work on highway right-of-way.

ODOT has no objection to the proposal.

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.*

The proposed automotive dealership business is listed as a conditional use in zoning code MCC 16.07.010(A)(40)(c). Therefore, 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 adjacent to other commercial zoned properties including a gasoline station. Additionally, the parcel is generally flat and has no streams or natural resources on it. Drainage requirements will be made a condition of approval and will be properly addressed by LDEP's comments. The property has a septic system and a shared well with the adjacent CG-LU parcel. Therefore, 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.*

Most of the surrounding zones are commercial related with the majority of them being zoned Commercial General. There is one parcel to the south that is zoned commercial retail and urban transition 20 (CR/UT-20). The proposed use would not substantially limit, impair, or preclude the use of surrounding properties, especially the ones zoned for commercial uses.

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

The automobile sales business is not expected to have an adverse effect on air quality. The applicant shall ensure that all automotive washing and detailing takes place on a hard surface made of concrete or asphalt and that all vehicle repairs will take place inside an enclosed building. 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 property has a septic system and a shared well. LDEP has commented about storm water management. The criterion is met.

7. In addition to these general criteria, in order to approve an Automotive Dealership in a CG zone the use standards criteria in MCC 16.26.580 must be satisfied:

A. *The lot shall be paved with a concrete or asphalt hard surface.*

The proposal has been conditioned to meet this standard. The use as conditioned can meet the criterion.

B. *A sight-obscuring fence, wall or hedge shall be provided along lot lines abutting residential zones.*

This will be made a condition of approval. The criterion is met.

C. *Repair of vehicles and any storage of merchandise or supplies not in retail packaging or display racks shall occur entirely within an enclosed building.*

This will be a condition of approval. The criterion is met.

8. In addition to these specific criteria, the use must also meet the landscaping requirements in MCC 16.07.200 and the special requirements adjacent to residential zone in MCC 16.07.250.

16.07.200 Landscaping.

Within a CR zone:

A. *Landscaping shall be provided in any yard abutting a residential zone and in any required front or side yard.*

Only the side yard abuts a residential zone, and this will be made a conditional of approval. The criterion is met.

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.*

The subject parcel abuts a residential zone along the side yard of the property (north). The applicant has not indicated if this area and the spaces between the parking and loading spaces have been landscaped to satisfy this criterion. However, this will be made a condition of approval. The criterion is met.

C. *All outdoor areas used in conjunction with the development or use that are not landscaped shall be paved and drainage provided in accordance with the Marion County department of public works standards.*

Some of the area is already paved and the proposal is conditioned in such a way that any automobile repairs will need to be done inside an enclosed building and any automobile detailing or washing shall occur on a hard surface. This has been made a condition of approval. The criterion is met.

D. *All required landscape areas shall be landscaped as provided in Chapter 16.29 MCC.*

The criterion can be conditioned to be met.

16.07.250 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.*

This will be made a condition of approval. The criterion is met.

B. *Exterior lighting shall be designed to illuminate the site and be directed away from public streets and residential properties.*

This will be made a condition of any approval. The criterion is met.

C. *Roof equipment shall be screened from view of nearby residential property.*

No roof equipment is proposed as a part of this proposal, but this shall remain a condition of approval. The criterion is met..

D. Special setback and height standards in MCC 16.07.110 and 16.07.140(A)

No new structures are being proposed at this time. The criteria does not apply.

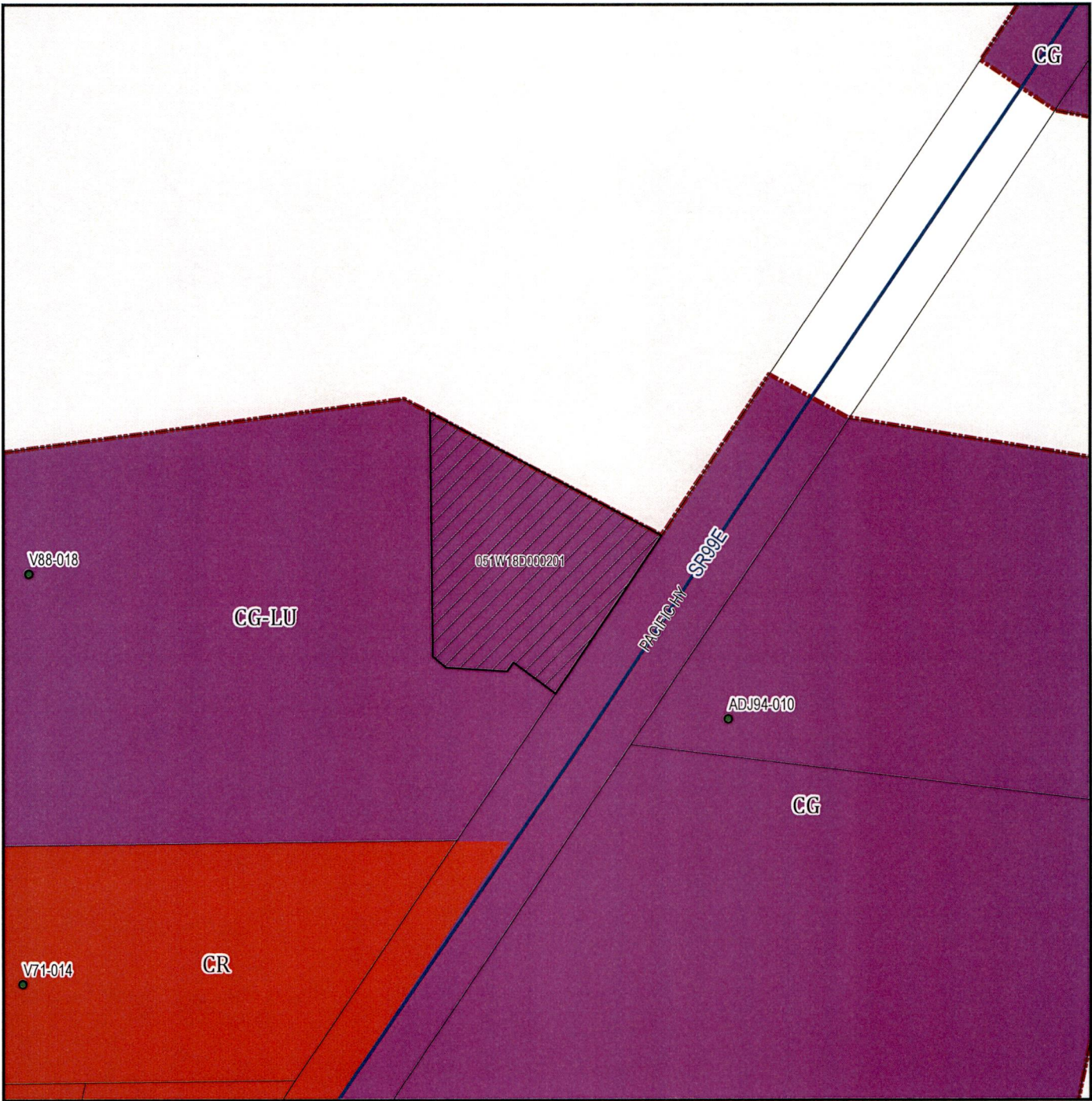
9. Based on the above findings, it has been determined that the request satisfies all applicable criteria and is, therefore, **APPROVED**.

Brandon Reich
Planning Director/Zoning Administrator

Date: February 6th, 2025

If you have any questions regarding this decision contact George Brandt at (503) 566-3981

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.



ZONING MAP

Input Taxlot(s): 051W18D000201

Owner Name: EASYONE LLC

Situs Address: 515 S PACIFIC HWY
City/State/Zip: WOODBURN, OR, 97071
Land Use Zone: CG-LU
School District: WOODBURN
Fire District: WOODBURN

Legend

-  Input Taxlots
-  Lakes & Rivers
-  Highways
-  Cities



scale: 1 in = 130 ft

DISCLAIMER: This map was produced from Marion County Assessor's geographic database. This database is maintained for assessment purposes only. The data provided hereon may be inaccurate or out of date and any person or entity who relies on this information for any purpose whatsoever does so solely at his or her own risk. In no way does Marion County warrant the accuracy, reliability, scale or timeliness of any data provided on this map.