

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.22-022**

**APPLICATION:** Application of Russell Leach on behalf of the Entrust Group, Inc. for a conditional use permit to operate an auto detail shop on a portion of a 0.26-acre property in a Commercial Retail (CR) zone located at 4008 Mahrt Avenue SE, Salem. (T7S, R2W, Section 31BA, Tax Lot 3300).

**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 **June 11, 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 applicant shall obtain approval for all permits required by the Marion County Land Development, Engineering and Permits (LDEP) Division.
3. Prior to development of the property the applicant shall submit, for review and approval by the Zoning Administrator, a detailed site plan showing how the development will comply with all applicable development standards contained in the Ordinance (MCC 16.40.020 and MCC 16.26.580 and MCC 16.06.200-250).
4. 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 establishment of the proposed auto detailing business, submit an engineered site plan for review and approval to both MCPW Engineering and the City of Salem, depicting grading, access and onsite paving and drainage elements in accordance with promoting proper disposal of commercial auto wash gray water. Prior to actual washing of cars, construct anticipated improvements in accordance with County Public Works Engineering and Building Department Plumbing Permits, as well as under any such sanitary sewer permit that the City may require.*

5. The applicant shall ensure that all car detailing takes place on a hard surface made of concrete or asphalt.
6. 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.

7. 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 #8, 9 and 5 under Findings and Conclusions below be contacted to identify restrictions or necessary permits. The applicant is advised of the following:

8. The applicants should contact the Marion County No.1 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: Paula Smith at MCFD#1 (503) 588-6513
9. 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 **June 11, 2022**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **June 13, 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 Commercial in the Salem Area Comprehensive Plan. The purpose of this designation and the corresponding Commercial retail zone is to provide areas suitable for professional and general commercial offices, retail sales within a building, eating and drinking places, commercial accommodations and commercial services.
2. The property is located 200 feet east of the intersection of Lancaster Dr SE and Mahrt Ave SE. The property contains a single-family dwelling built in 1947 and is otherwise undeveloped. The parcel was created as a part of the Leo N Childs Subdivision and is therefore considered legal for land use purposes.
3. Surrounding uses are residential to the east, while the parcel is zoned CR it is developed with a single-family dwelling. Parcels in all other directions except south are zoned commercial and consist of commercial businesses. The adjacent parcel to the south is zoned multi-family residential but is a vacant filed at this time.
4. The applicant proposes to operate an auto detail shop that includes washing of vehicles using soap and water.
5. **Public Works Land Development and Engineering Permits** (LDEP) requested that the following be included in the land use decision.

## **ENGINEERING CONDITION**

*Condition A – Prior to establishment of the proposed auto detailing business, submit an engineered site plan for review and approval to both MCPW Engineering and the City of Salem, depicting grading, access and onsite paving and drainage elements in accordance with promoting proper disposal of commercial auto wash gray water. Prior to actual washing of cars, construct anticipated improvements in accordance with County Public Works Engineering and Building Department Plumbing Permits, as well as under any such sanitary sewer permit that the City may require.*

## **ENGINEERING REQUIREMENTS**

- A. The Mahrt access approach shall be repaved with hot mix asphalt under a PW Engineering permit.
- B. The subject property is situated within the county’s stormwater management area. Vehicle wash (gray) water shall not be allowed to either directly or indirectly discharge to the public stormwater closed system.
- C. Transportation System Development Charges (SDCs) may be assessed in conjunction with authorization of the proposed commercial auto services.
- D. All vehicle parking shall take place on the property, versus streetside, except for incidental deliveries.

## **ENGINEERING ADVISORY**

- A. City of Salem is the sanitary sewer system provider.

Marion County Building Department commented that “permits are required for any future structures.”

Marion County Code Enforcement commented that this case is a byproduct of their enforcement and they are not opposed.

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 use is listed as a conditional use in the CR zone under MCC 16.06.020 A, 9. 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 average size considering the adjacent properties and development pattern of the area. 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 addresses by LDEP’s comments. Additionally, the property is served by Salem Sanitary Sewer. 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.*

As the surrounding properties are either vacant or in active commercial use (car repair shop/sales), allowing for a similar use would not preclude, impair or limit them. It has been stated by the applicant that the neighboring car lot uses his services. The criterion is met.

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

The auto-detailing service is not expected to have an adverse effect on air quality as no evidence has been submitted as to any negative effects that this use has on air quality or noxious airborne chemicals that are used. The use is conditioned by the county code and LDEP's comments to properly dispose of gray water and create a drainage site plan that shows how commercial run off will be dealt with. The use as conditioned can meet the 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 property is served by Salem sewer and County storm drain. The county is requesting that the applicant submit an engineered site plan depicting drainage plans to keep commercial gray water from running into storm drains. The use as conditioned can meet the criterion.

7. In addition to these general criteria, in order to approve an Automotive Service Shop in a CR 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.*

The applicant has stated that they can comply with this criterion. 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.*

The cars will be detailed, or deep cleaned, and not repaired. However, the supplies used are still subject to the criteria. Applicant has stated they can meet this criteria. The criterion is met.

8. In addition to these specific criteria, the use must also meet the landscaping requirements in MCC 16.06.200 and the special requirements adjacent to residential zone in MCC 16.06.250.

***16.06.200 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. Such yard shall be contained by a sight-obscuring fence, wall or hedge at least six feet high.*

Only the rear yard abuts a residential zone and the applicant has stated that they will provide a site obscuring fence. 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.*

This standard only applies in the front yard of this house. The area between the street parking and the work area is planted with grass and a sight obscuring fence can be added to meet this section. 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 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 auto detailing use will need to be done on a hard surface described above. 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.

***16.06.250 Special requirements adjacent to residential zones.***

***Any nonresidential development established after the adoption of this title abutting a residential, UD or UT zone shall meet the following requirements:***

*A. 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.*

The applicant has stated that they can provide a sight obscuring fence. 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 criteria can be made a condition of any approval.

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

No roof equipment is proposed as a part of this proposal. The criterion does not apply.

*D. Special setback and height standards in MCC 16.06.110 and 16.06.140(A).*

No new structures are being proposed. 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: May 27, 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.