

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. 23-012

APPLICATION: Application of Masterdom Painting, Inc. for a conditional use to establish and operate a boat, camper and trailer storage facility on 0.33-acre, 0.29-acre, and 0.26-acre properties in an ID (Interchange District) zone located between Westside Ln SE and I-5, and just north of the westward extension of Henningson Ln SE, and east of 13963 Westside Ln SE, Jefferson. (T9S, R3W, Section 28D, Tax Lots 1804, 1805 and 1806).

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 **April 21, 2025**. 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 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 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.
4. The situs address for the parcels collectively will be **13920 Westside Lane SE**.
5. This proposal shall comply with all applicable criteria listed in the findings below.

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 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 **April 21, 2023**. If you have questions about this decision contact the Planning Division at (503) 588-5038 or at the office. This decision is effective **April 22, 2023**, 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 parcels are located on the east side of Westside Ln SE, at its interchange with Interstate 5. The subject properties are unimproved. The parcels were created from Marion County Deed Records Reel 4461 Pages 153, 154, and 155, recorded March 10, 2021. This zone is exempt from requiring a partition plat to divide land as long as there is at least 20 feet of public street right-of-way frontage (Marion County Code 17.172.480). Therefore, these parcels are considered legal for land use purposes.
3. Nearby land consists of farm operations and rural home sites in Exclusive Farm Use (EFU) to the east and west and ID zones to the north and south.
4. The soils for tax lot 1804 are 90.5% high value, while tax lots 1805 and 1806 are classified as 100% high value soil.
5. The applicant proposes to operate a storage area for boats, RVs, and trailers on the property.
6. Land Development Engineering and Permits commented:

ENGINEERING REQUIREMENTS

- A. A civil engineered site plan showing existing grading contours extending a minimum of 20 feet beyond the property boundaries will be required.
- B. Stormwater detention is required for 0.5 acres or more of development.
- C. Transportation System Development Charges will be assessed at the time of application for building permits.

ENGINEERING ADVISORIES

- D. ODOT has permitting authority over Westside Lane and I-5 with respect to access, utility extension work and stormwater discharge.

Marion County Building Inspection commented: "Permits are required prior to any development and/or utilities on private property. Based on the site plan provided, and the setbacks to the property lines, the structures will require fire rated construction on the exterior walls according to the 2019 Oregon Structural Specialty Code. Engineered structural plans and calculations, as well as architectural life safety plans, would have to be submitted for application for the permits."

Oregon Department of Transportation (ODOT) commented:

Westside Lane is an ODOT frontage road (Talbot Frontage Road, No. 001OD), and is subject to state laws. Currently there aren't any approaches to the site from Westside Lane and two are proposed in the site plan. Both will require an Application for State Highway Approach to be submitted to ODOT. Some potential concerns that will need to be addressed prior to receiving approval from ODOT:

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. *Even when multiple tax lots are in question, ODOT reviews adjacent tax lots as one site when they are under common ownership. A previous proposal in September 2021 (CU 21-041) was for the tax lot to the north (TL 1800). ODOT approvals for this proposal could have future implications for approvals on neighboring tax lots.*
3. *Verify with the fire district about emergency vehicle access requirements and turnaround space.*
4. *The approaches should be no more than 30' wide at the property line. Provide turning templates if a wider approach is needed and to verify that RVs and trailers can make the turn into and out of the property.*
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 site is also adjacent to Pacific Highway, No. 001 (I-5). No access is allowed to I-5 from the site and none is proposed in the site plan. All access, both during construction and after opening, must come from Westside Lane.

"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"

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. The application is for the storage of boats, RVs, and trailers; which does not create noise, fumes or other adverse effects on farming. The properties are also buffered from the EFU neighbors to the east and west by a state highway and an interstate freeway. 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;

Per the applicant water runoff will be provided for and the properties will be graveled and paved with concrete, which will limit runoff and create little opportunity for water impoundments. 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;

This use is not expected to utilize the carrying capacity of the soil, as the parcels will be graveled and paved. Applicant states there are no planned water or sewer/septic uses on the subject parcels. 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 from this development is expected to be minimal, the roads granting access to the properties are in good condition, and the additional traffic this use will generate will not be of a level that the transportation systems in the area cannot handle. The roads around the parcels are a state highway and an interstate freeway. It is also anticipated that most of the traffic will utilize Interstate 5, with little additional traffic on the 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 practices as the use of the property is storage of boats, RVs, and trailers, 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 RVs, boats, and trailers 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 code 17.145.030(M), as any use in this section may be approved as a conditional use in the ID zone per 17.150.040(A)(1):

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 unless performed by an owner wholly within a building. 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 as required per Marion County Code. This would include MCC 17.150.080, and 17.150.150. 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's Statement proclaims that they will fully fence the parcels and meet any landscaping requirements per code. 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 have the parcels entirely covered in gravel and concrete, with the exception of required landscaping. 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 designed so as not to constitute a nuisance. All illumination shall be designed, located, installed and directed in a manner as to prevent objectionable light and glare across property lines, especially along I-5 and Westside Lane. 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. The criterion is met.

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

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

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: April 6, 2023

If you have any questions regarding this decision contact Nicole Inman 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.