

**UMATILLA COUNTY PLANNING COMMISSION
PRELIMINARY FINDINGS AND CONCLUSIONS
CONDITIONAL USE PERMIT REQUEST, #C-1227-13
MAP #5N 28 27-DB, TAX LOT #402, Account # 128892
MAP #5N 28 27-DB, TAX LOT #500, Account # 128895
MAP #5N 28 27-DB, TAX LOT #1200, Account # 156884
MAP #5N 28 27-DB, TAX LOT #1300, Account # 156885
MAP #5N 28 27-DB, TAX LOT #1400, Account # 156886**

1. APPLICANT: Tom Denchel, President, Rohrman Motor Company, 555 S. Hwy. 395, Hermiston, OR 97838
2. OWNERS: Danny J. Headding and Donna R. Headding, P.O. Box 1165, Hermiston, OR 97838
3. REQUEST: The request is for "Other uses similar" - to establish a new "Chrysler Dodge Jeep Ram" facility and dealership for the sale, repair, and maintenance of passenger vehicles, pickup trucks, and light duty trucks.
4. LOCATION: The property is located on the east side of State Hwy. 395 N. and at the northeast quadrant of Hwy. 395 N. and Klaus Road.
5. SITUS: The site address assigned to this property is 81143 Hwy. 395 N., Hermiston, OR 97838.
6. ACREAGE: The acreages for the parcels involved are as follows:

Tax Lot 402 is .25 acres.
Tax Lot 500 is .47 acres.
Tax Lot 1200 is 3.67 acres.
Tax Lot 1300 is .33 acres.
Tax Lot 1400 is 2.95 acres.
7. PROP CLASS: Property Codes are assigned by the County Assessor as to what type of use that is present on the property. The Property Code 301 is assigned to this property, which means "Industrial, Conforming Zone and Improved."
8. TAX CODE: The Tax Code is assigned by the County Assessor is 6-3.
9. PERMITS: Permits have been issued on these tax lots.
10. COMP PLAN: Industrial Plan Designation
11. ZONING: Light Industrial (1 acre minimum) for the majority of Tax Lot 1200, all of Tax Lots 500 and 1300, and the approximately north one-third of Tax Lot 1400. The zoning for Tax Lot 402, the northeast portion of Tax Lot 1200, and the southerly two-thirds of Tax Lot 1400 are zoned Retail Service

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Commercial RSC (1 acre minimum).

USES PERMITTED WITH A ZONING PERMIT:

LI: “Truck sales, service, storage, and maintenance”

RSC: “Automobile, truck, or motorcycle sales lot” and

“Automobile, truck, or motorcycle repair shop, or parts store.”

12. ACCESS: The property has access from state Hwy. 395 N. to all of the tax lots by state permitted road approaches to Hwy. 395. The southern boundary of Tax Lot 1400 has approximately 300-feet of frontage along Klaus Road.
13. ROAD TYPE: Highway 395 N is paved, State maintained roadway.
14. EASEMENTS: The property has utility easements shown on the Sassy Replat recorded on December 3, 1999, copy of which is in the associated file.
15. LAND USE: The property is zoned for industrial uses and commercial uses and has been used for similar uses such as motor vehicle sales, manufactured homes sales, and sales of lift vehicles as previously conducted over the last seven years by The Lift Company. The primary shop building has been used for office purposes (as well as storage of parts) and the repair and maintenance of various kinds of vehicles and equipment.
16. ADJACENT USE: Parcels on the west side of Highway 395. 395 N., north of the tax lots, and south of the tax lots are Rural Service Commercial. To the east of the tax lots uses are Industrial. There is presently a large truck repair and service building immediately to the east.
17. LAND FORM: Columbia River Plateau
18. SOIL TYPES: The subject property contains Non-High Value soil types. High Value Soils are defined in UCDC 152.003 as Land Capability Class I and II. Thus, the soils on this property are not high-value.
- The southwest portion of Tax Lot 1400 is Quincy loamy fine sand (75E) Class VII, and the remaining of the property is Windchester sand (122B) Class VII.
19. BUILDINGS: The buildings on the property are as follows:
- TL 402: No buildings.
- TL 500: This tax lot has no improvements; however, a manufactured structure has recently been removed from the property.
- TL 1200: This lot has a commercial/industrial building which has been used for various repairs, service, and maintenance on different types of

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equipment and vehicles. This building will be renovated and converted for use for repairs and maintenance of vehicles along with a customer waiting and parts area. An office/parts building is attached to the building. It also has a smaller shop building to the east, which will be converted to a "bed liner building." The applicant also anticipates constructing a new "detail shop" to the east of the maintenance building and south of the existing bed liner building as shown on the site plan.

TL 1300: This property has no building or improvements.

TL 1400: This property had an office building for sales of vehicles and manufactured homes and is in the process of being removed from this site. It will be replaced with a modular office building, at the same location. A new vehicle showroom will be constructed and attached to the front of the office building and facing Hwy. 395.

20. UTILITIES: Umatilla Electric provides electrical services to this area. There are multiple locations where electrical service has already been installed within the lots. Phone services are readily available.
21. WATER/SEWER: The entire property is serviced by the Kik Community Water Supply System. Tax Lot 1200 has an onsite sewage disposal system which services the existing shop/office building. Tax Lot 1400, the location of the new showroom and sales offices, has an existing onsite sewage disposal system, which may be modified, upgraded, or replaced to accommodate the new office showroom facility.
22. RURAL FIRE: The property is within the Umatilla Rural Fire District.
23. IRRIGATION: The property is within the Hermiston Irrigation District, but has no water rights and is not being assessed.
24. FLOODPLAIN: The property is NOT in a floodplain.
25. NOTICES SENT: Notices to adjacent property owners and agencies were sent on Friday, September 13, 2013.
26. PUBLIC HEARING: The public hearing before the County Planning Commission for this application will be held on Thursday, September 23, 2013.
27. AGENCIES: Umatilla County Assessor, Umatilla County Public Works, Hermiston Irrigation District, Umatilla Rural Fire District, Department of Environmental Quality, Oregon Department of Transportation, Department of Motor Vehicles.
28. COMMENTS: Comments are pending.

29. STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE FOR A CONDITIONAL USE PERMIT for OTHER USES SIMILAR to establish a MOTOR VEHICLE SALES LOT, Section 152.303 (A) (17), Section 152.612 (D) and (E), Section 152.615 and Section 152.616 (VV). The following standards of approval are underlined and the findings are in normal text.

§ 152.303 CONDITIONAL USES PERMITTED; GENERAL CRITERIA.

(A) In a LI Zone, the following uses and their accessory uses are permitted, conditionally, subject to the requirements of §§ 152.610 through 152.616, and upon the issuance of a zoning permit:

(17) Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the buildings and uses specifically listed providing that it has the approval of the Planning Director or Planning Commission. The Umatilla County Planning Commission finds that the use being requested is similar to zoning uses offered in the Light Industrial Zone, which includes, among other things, truck sales, service, storage, and maintenance. This use will involve passenger trucks as well as medium duty trucks.

The use will also include the passenger vehicles along with the repair service and maintenance facilities and other accessory uses common to a motor vehicle dealership. Because the property has been used for a variety of retail commercial sales in the past such as automobiles, manufactured structures, and lift vehicles the new facility and uses will continue to blend well with the surrounding uses of the property in this area. The applicant believes that the converted and renovated buildings and new detail shop, as well as other site improvements, will significantly enhance the overall "look" of the property. The use should have no effect on the larger Light Industrial tract located east of this site.

§ 152.612 PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE OR LAND USE DECISION APPLICATION.

The procedure for taking action on a conditional use or land use decision application shall be as follows:

(D) An applicant granted a conditional use permit or land use decision must obtain a County zoning permit for each tax lot before commencing construction. The Umatilla County Planning Commission finds that the applicant is aware that zoning permits are required to "finalize" this conditional use permit, including those necessary for placement of the new detail shop as well as the new modular office building with showroom attached. A permit will also be required for all proposed signage. Any new permitting required by DEQ will be obtained prior to initiating new or modified onsite septic work.

(E) A conditional use may have annual reviews conducted by County Planning to ensure compliance with the conditions of approval. Annual review fees may be assessed. The

Umatilla County Planning Commission finds that the applicant is aware that annual reviews of this application may be required, along with applicable review fees.

§ 152.615 ADDITIONAL CONDITIONAL USE PERMIT RESTRICTIONS.

In addition to the requirements and criteria listed in this subchapter, the Hearings Officer, Planning Director or the appropriate planning authority may impose the following conditions upon a finding that circumstances warrant such additional restrictions:

(A) Limiting the manner in which the use is conducted, including restricting hours of operation and restraints to minimize such an environmental effects as noise, vibration, air pollution, water pollution, glare or odor; The Umatilla County Planning Commission finds that there is no restrictions placed on the proposed use. There are no adverse effects that are known at this time. Further restrictions may be necessary if more information comes forward.

(B) Establishing a special yard, other open space or lot area or dimension; The Umatilla County Planning Commission finds that there is no requirement for a special yard or lot area. This criterion is not applicable.

The applicant does not believe that there are any requirements for a special yard or lot area. All improvements will conform, pursuant to a zoning permit, with respect to their location use on an individual tax lot. It is important to note that the significant size of this site will enable ample room for the placement of vehicles for sale together with ample parking for cars awaiting service. The size of the property will also enable new vehicle deliveries to enter and exit off of Hwy. 395 or Klaus Road without blockage or delay to traffic on either Hwy. 395 or Klaus Road.

(C) Limiting the height, size or location of a building or other structure; The Umatilla County Planning Commission finds that there are no special requirements of limiting the height of buildings in this zone at this location. This criterion is not applicable.

(D) Designating the size, number, location and nature of vehicle access points; The Umatilla County Planning Commissions finds that this standard has been met. The applicant has provided proof of access permits issued by the Oregon Department of Transportation (ODOT). The applicant is working with ODOT to coordinate the best plan for traffic flow in and out of the site. Because the property has direct access from Klaus Road as well as four existing approved approaches to Hwy. 395 this criteria will be satisfied.

(E) Increasing the required street dedication, roadway width or improvements within the street right of way; The Umatilla County Planning Commission finds that there is no need or requirement to increase the road dedication or improvement. OR Highway 395 N is a State roadway and is maintained for public use transportation. This criterion is not applicable.

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The applicant believes there is no need or requirement to increase the road dedication with respect to state Hwy. 395. Klaus Road is an existing dedicated public road (with a width of 80-feet) along the southerly boundary of the site. The applicant anticipates little use of Klaus Road as the facility is designed to service customers, at either the sales showroom area and maintenance center, with close proximity to the Hwy. 395 frontage.

(F) Designating the size, location, screening, drainage, surfacing or other improvement of a parking or loading area. The Umatilla County Planning Commission finds that the public parking area will be able to accommodate several vehicles. The parking surface must be at least gravel or pavement, and must have bumper rails to designate the location of the parking spaces.

The site plan submitted with the application indicates the anticipated areas for public parking and pedestrian uses. As indicated, certain portions will be asphalted and general parking areas will be graveled where such areas are used for parking. Both the maintenance building as well as the office showroom area will comply with all applicable building codes with respect to handicap parking and pedestrian access.

(G) Limiting or otherwise designating the number, size, location, height and lighting of signs; The Umatilla County Planning Commission finds that there are a number of sign types available in the Light Industrial Zone. Any signs installed must meet the sign requirements and receive a zoning permit.

(H) Limiting the location and intensity of outdoor lighting and requiring its shielding; The Umatilla County Planning Commission finds that any outdoor lighting must be shielded to prevent glare onto adjacent property and roadways.

(I) Requiring diking, screening, landscaping or other methods to protect adjacent or nearby property and designating standards for installation and maintenance. The Umatilla County Planning Commission finds that this standard is not applicable. The vehicles being displayed have to be visible from the public roadways.

The applicant is unaware of any special steps taken to protect adjacent or nearby properties. The site by its very nature is required to be attractive at all times and laid out in a manner which is functional, safe, and customer friendly. It is buffered both Hwy. 395 and Klaus Road.

(J) Designating the size, height, location and materials for a fence; The Umatilla County Planning Commission finds that fencing is not required and for this use. Fencing is not anticipated, however, there may be certain portions of the property secured for safety purposes and the protection of vehicles awaiting service.

(K) Protecting and preserving existing trees, vegetation, water resources, air resources, wildlife habitat, or other natural resources; The Umatilla County Planning Commission finds that there is no vegetation to preserve on this site. Because of the historical uses of

the property and, the fact that a large share of it has previously been graveled there is very little existing vegetation.

(L) Parking area requirements as listed in §§ 152.560 through 152.562 of this chapter. The site plan outlines the required off street parking spaces for the showroom office, building, and service maintenance building, which comply with the appropriate number of parking spaces as set forth in the zoning code.

§ 152.616 STANDARDS FOR REVIEW OF CONDITIONAL USES AND LAND USE DECISIONS.

The following standards shall apply for review by the Planning Director or designated planning authority of the specific conditional uses and land use decisions listed below:

(VV) Retail and service commercial.

(1) The activity is compatible with existing adjacent land uses; The Umatilla County Planning Commission finds that the proposed use is compatible with the surrounding land uses. The property all around the subject property is zoned either Light Industrial or Retail Service Commercial. Thus, similar uses of car sales lots can and are present in the general area.

The applicant believes that the proposed use is compatible with the surrounding land uses. The property and most surrounding property (up and down Hwy. 395 and on both sides) is zoned Rural Service Commercial. Thus, similar uses as requested by applicant regarding vehicle sales and maintenance are present in the general area. Applicant notes the recent approval for "other uses similar" to establish a vehicle sales lot for cars, boats, trucks, RVs, etc., outlined and issued under Conditional Permit Request #C-1216-13 covering property near the corner of Highway 395 and Baggett Lane. The applicant is requesting a similar approval.

(2) The activity will relate to the needs of the residents living in the area and will be of a scale to serve them. Large commercial activities catering to regional needs shall not be allowed; The Umatilla County Planning Commission finds that the proposed uses will serve the local area with new and used cars and trucks. The activity will relate to the needs of the residents living in the area and will be of a scale to serve them. Large commercial activities catering to regional needs shall not be allowed. The proposed use is for a new motor vehicle dealership. One which is no longer present in the West Umatilla County area. At present, the local area's nearest dealership of this type is in the Tri-Cities. The applicant anticipates much interest in the new dealership, which will provide significant savings in time, transportation cost, and over all convenience to those in the West County area who choose to visit the dealership.

(3) The site has direct access to a dedicated public or county road or a state highway; The Umatilla County Planning Commission finds that the subject property has direct access

onto Highway 395 North and thus meets this criterion.

(4) Fencing or landscaping to screen the activity from other adjacent land uses may be required; The Umatilla County Planning Commission finds that the requirement of a fence or other screening will not be a condition of approval. The applicant does have the option of constructing a security fence, but that is a decision of the applicant and not a requirement of this decision.

(5) Complies with other conditions as deemed necessary provided in § 152.615. The Umatilla County Planning Commission has reviewed the criteria found in 152.615 (see above).

PRELIMINARY DECISION: THIS CONDITIONAL USE PERMIT REQUEST TO ESTABLISH A SALES LOT (AS DESCRIBED) COMPLIES WITH THE STANDARDS OF THE UMATILLA COUNTY DEVELOPMENT CODE, SUBJECT TO THE FOLLOWING CONDITIONS:

Precedent Conditions: The following precedent conditions must be fulfilled prior to final approval of this request:

1. Pay notice costs as invoiced by the County Planning Department.

Subsequent Conditions: The following subsequent conditions must be fulfilled following final approval of this request Umatilla County:

2. Obtain a Zoning Permit from the Umatilla County Planning Department for the Sales Lot and indicate the placement of any structures and signage. The zoning permit should include an approved site plan showing structure locations, signage locations and size, setbacks, etc.
3. Any lighting used for the operation must be shielded to prevent glare onto adjacent property.
4. Obtain all other Federal and State permits necessary for development. Provide copies of these permit approvals to the County Planning Department.
5. A review of the permit will be completed one year from the approval date to ensure that the conditions listed above and the criteria for establishing this use in the LI Zone are being met with subsequent yearly reviews. Annual reviews fees will be assessed.

UMATILLA COUNTY PLANNING COMMISSION

Randy Randall, *Planning Commission Chair*

Date

PROPERTY OWNERS WITHIN 250'
NOTICE AREA OF SUBJECT PARCELS

MAP 5N2827A

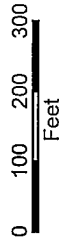
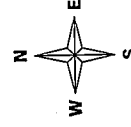
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MAP 5N2827CA

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C/O THOMSON REUTERS
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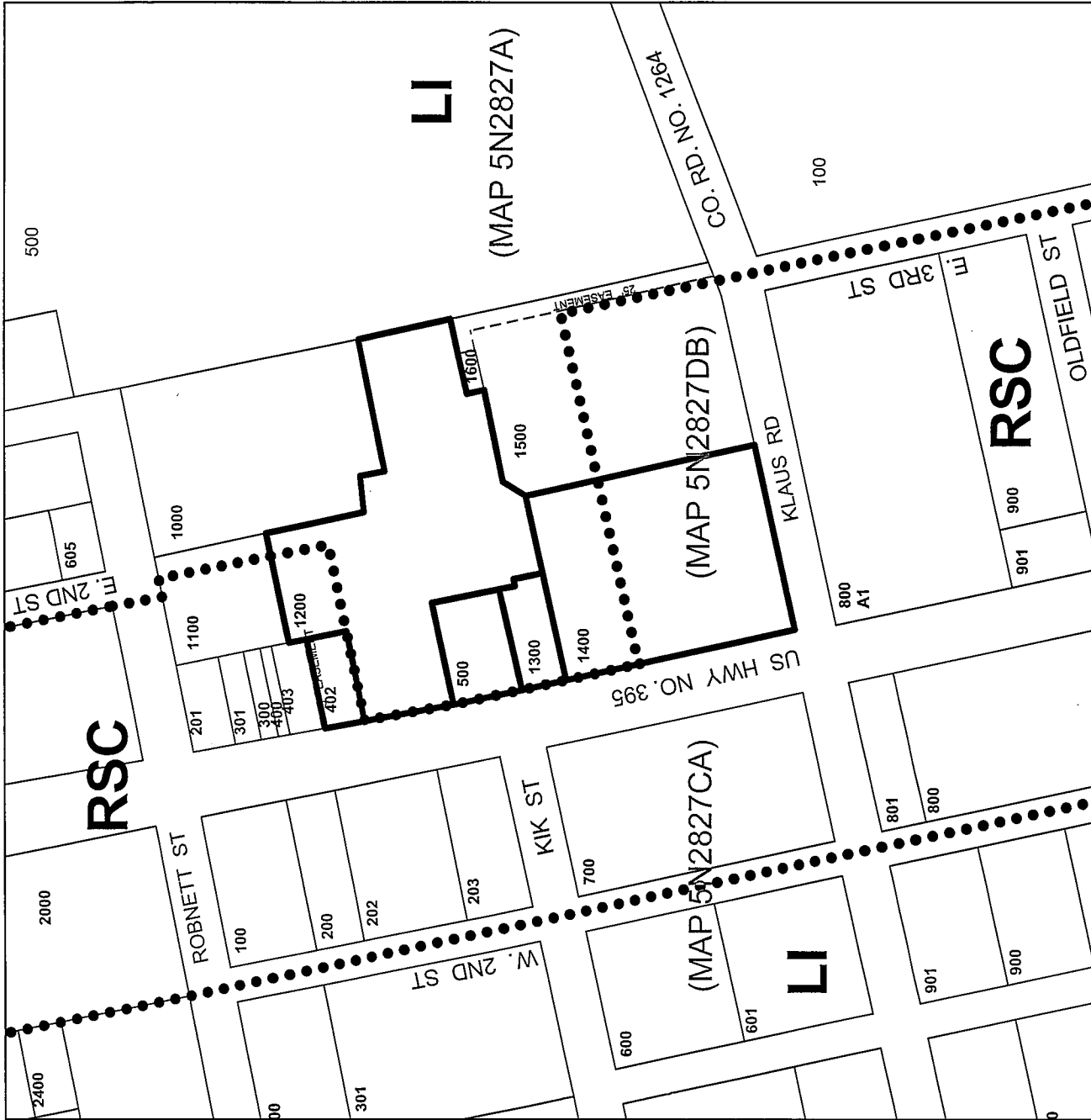
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301 WILSON GEORGE ET AL
C/O MECHANIX INC
400 WILSON KENNETH & JOANNE
402 HEADING DAN
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800A1 GONZALEZ JUAN D & ROMERO JOANNA (AGT)
R ZUKIN CORP
1000 DBA MEADOW OUTDOOR ADVERTISING
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1200 HEADING DAN
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C/O CHARLES TRACTS WATER CO INC, KIK BILL




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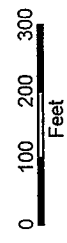
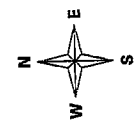
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ROHRMAN MOTOR CO/TOM DENCHEL, APPLICANT/OWNER
MAP 5N2827DB, TAX LOTS 402, 500, 1200, 1300 & 1400

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PROPERTY OWNERS WITHIN 250'
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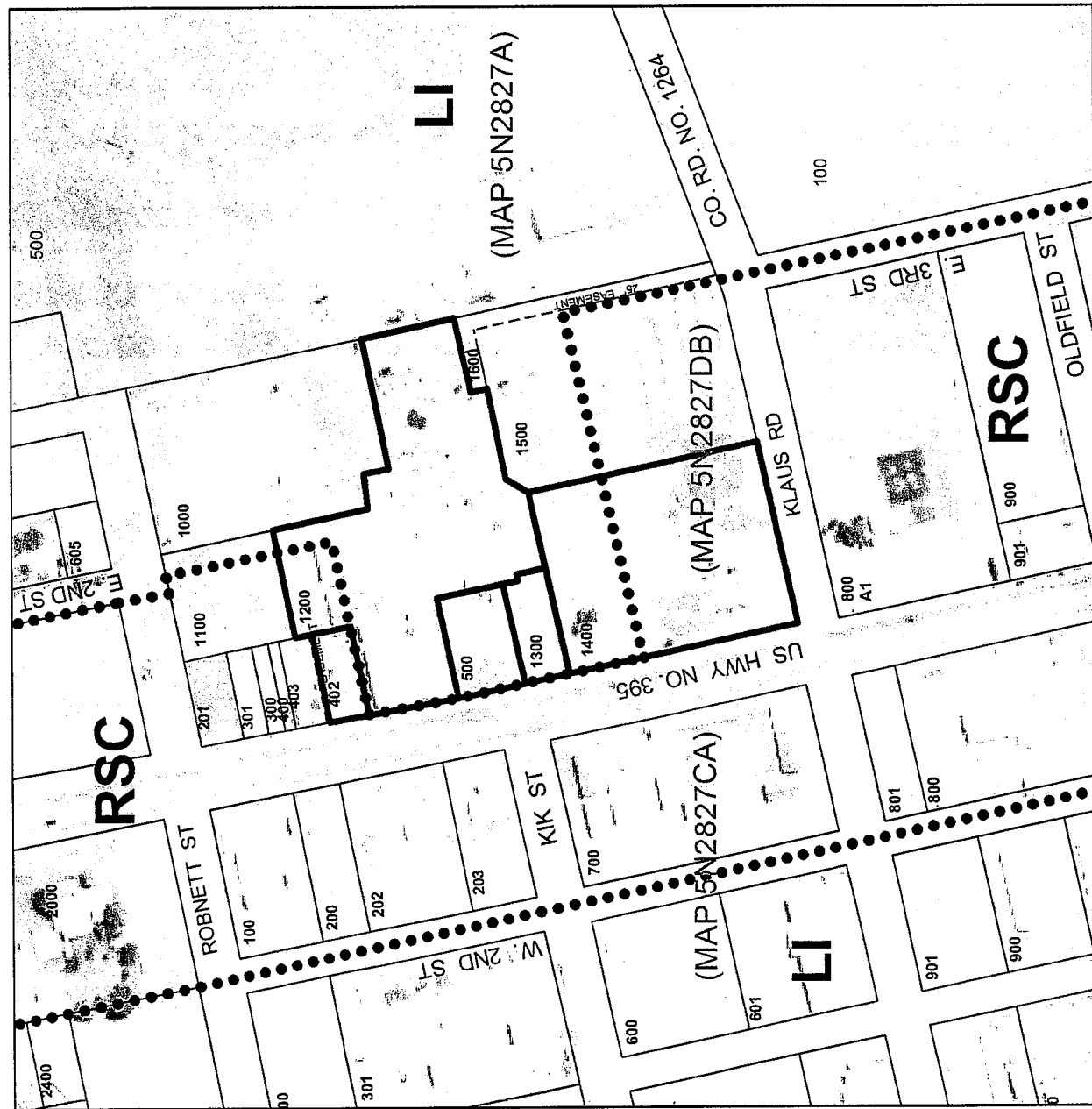
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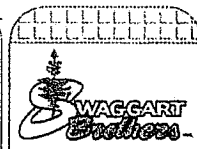
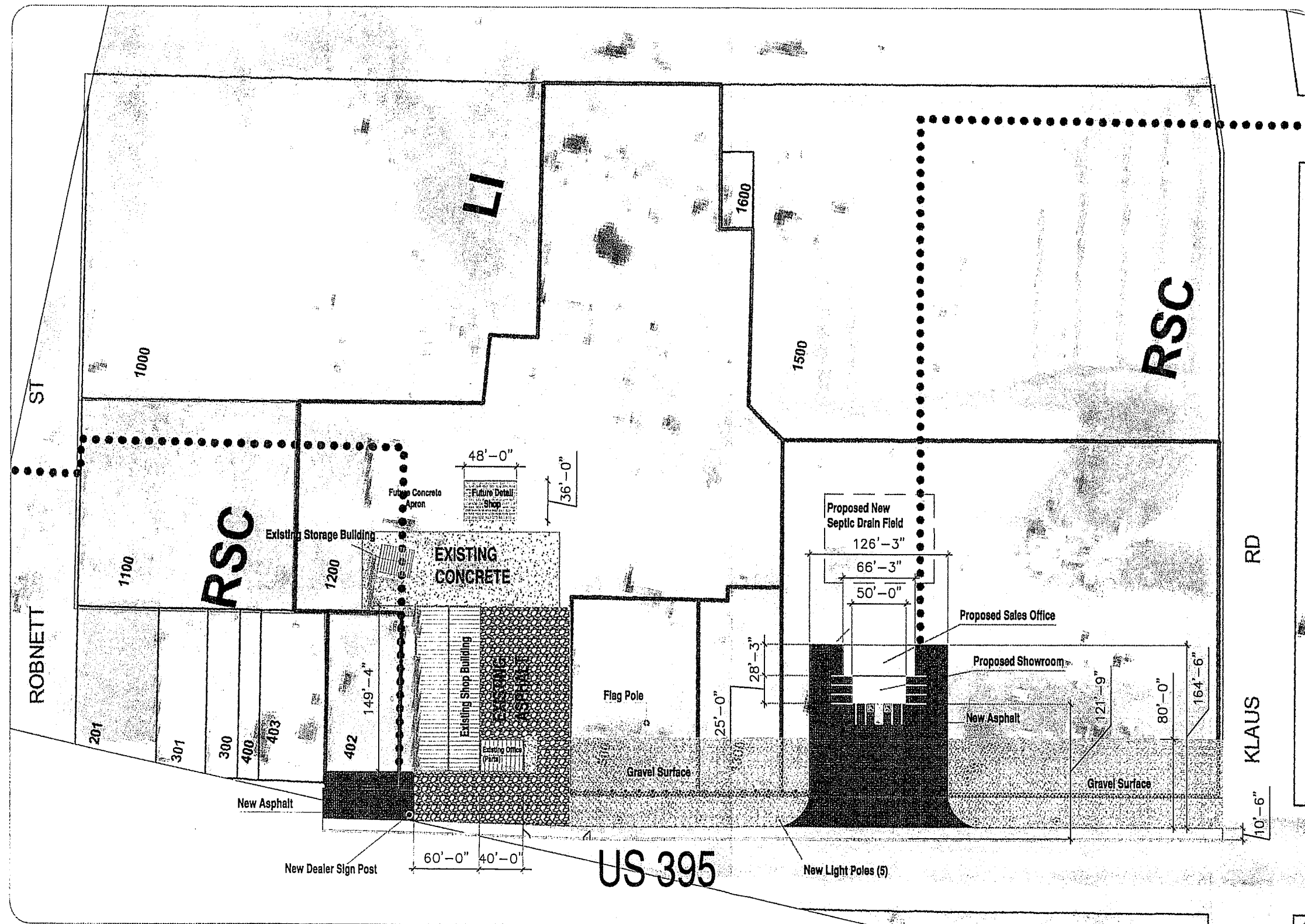
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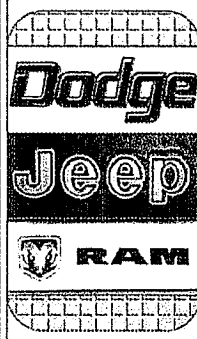
2012 AERIAL PHOTO

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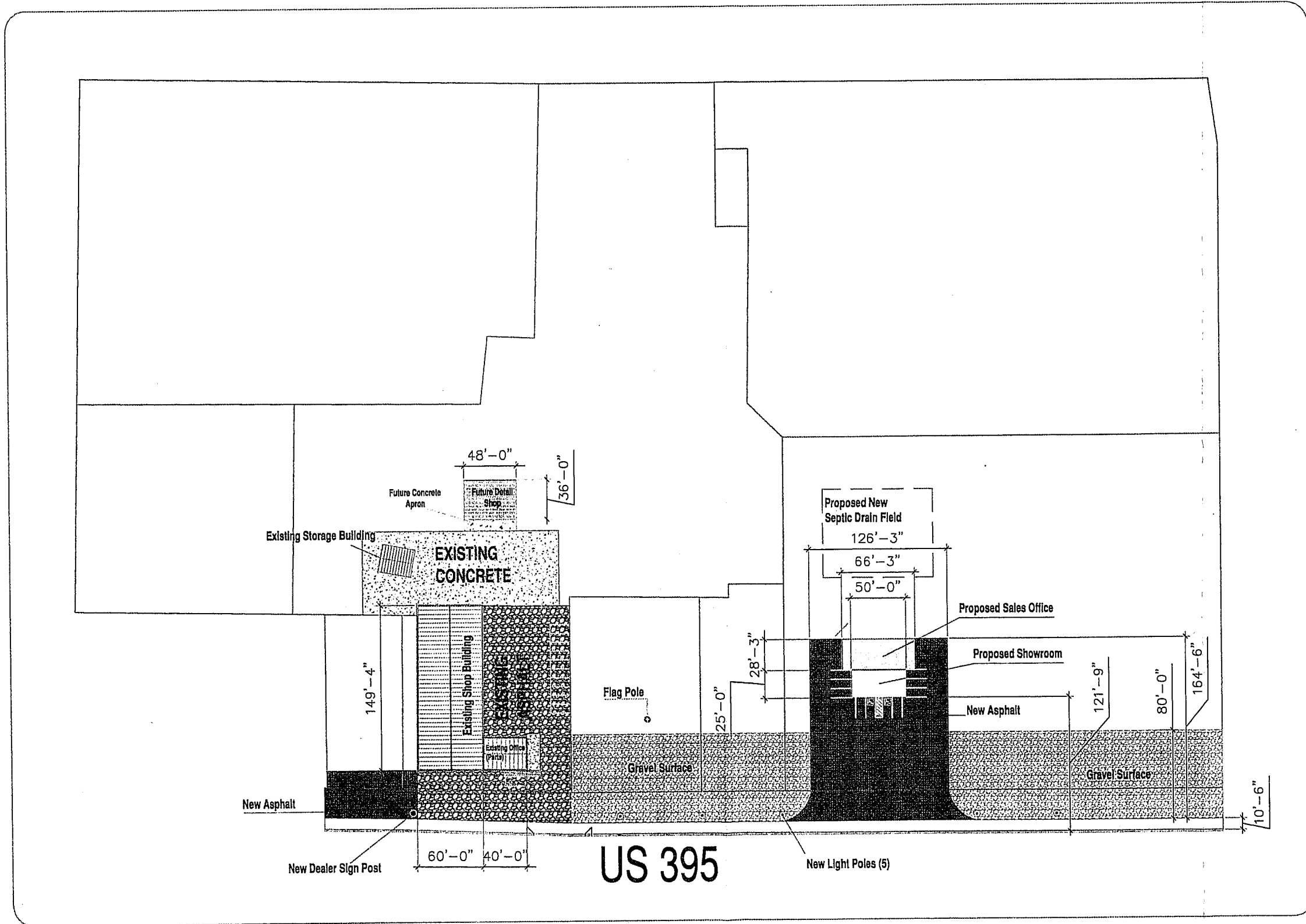
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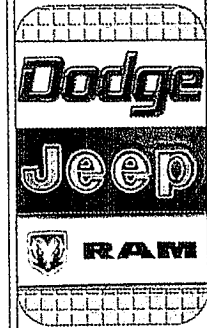
GENERAL CONTRACTOR
 PO BOX 49
 HERMISTON, OR 97838
 PH: (541) 564-9000
 FAX: (541) 567-3524



DENCHEL TLC
 08/22/2013
 DRAWN BY: RAD



WAGGART Brothers
 GENERAL CONTRACTOR
 PO BOX 49
 HERMISTON, OR 97038
 PH: (541) 564-9000
 FAX: (541) 567-3524



DENCHEL TLC
 08/22/2013
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US 395

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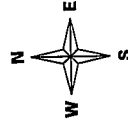
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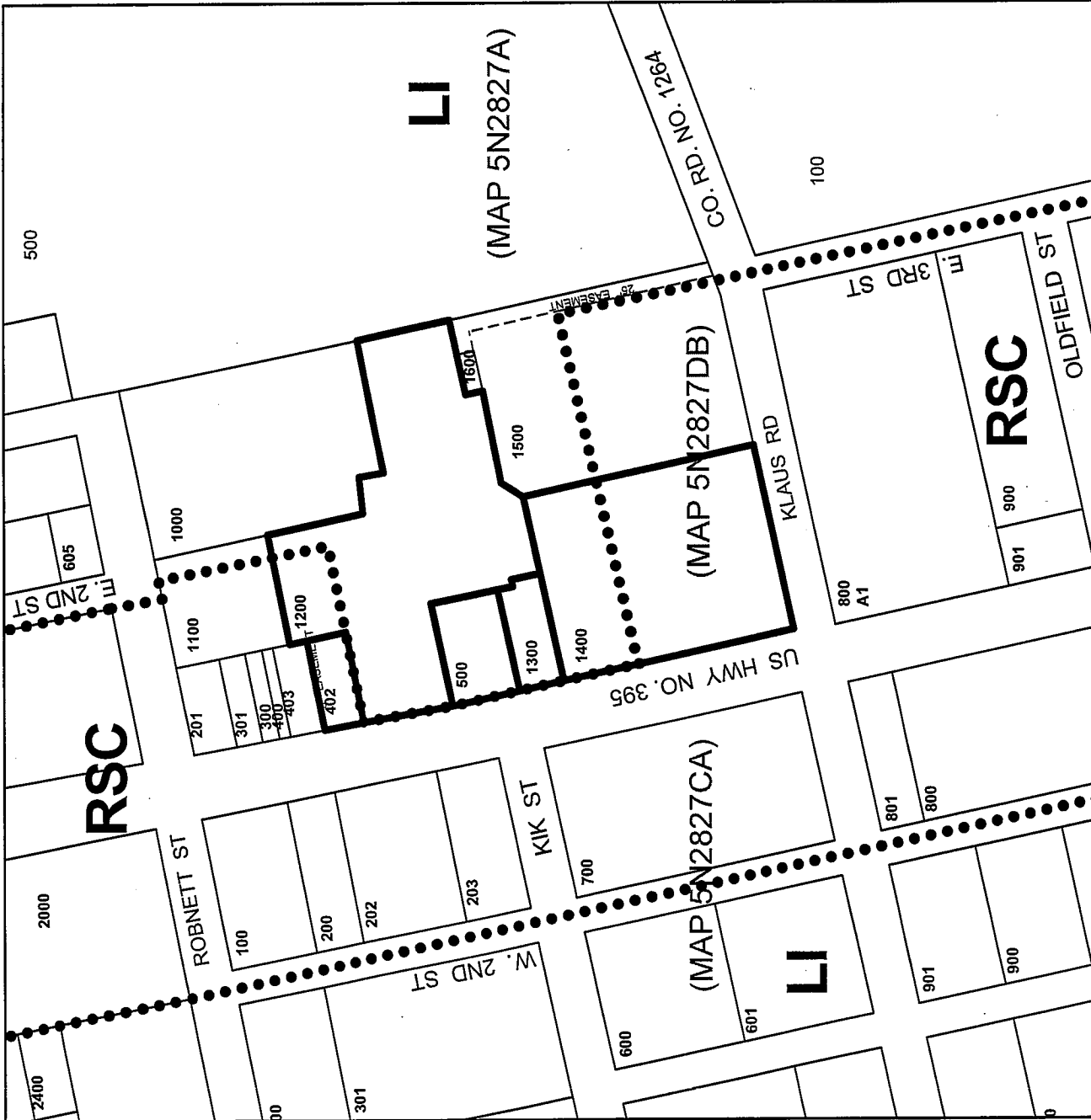
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