

# BRAND

## **Incomplete Application Response**

24-101905-PLN | 1441 45<sup>th</sup> Ave NE

This letter shall serve as the applicant's response to an incomplete application notice received on February 7, 2024. This response is organized by item in the same order as the incomplete letter.

### Item 1: Site Plan.

**Applicant's Response:** *The applicant's parking and loading area has never been striped or indicated on the site. The submitted site plan does provide the location of one loading space as required by SRC 806. The required bike parking is located on the submitted site plan and provides 4 spaces, per SRC 806.060. The existing buildings are used for office, dwelling and storage/warehousing where the honey sticks are manufactured, processed, and shipped out. This has been depicted on the site plan. This item is resolved.*

### Item 2: Preliminary Grading Plan.

**Applicant's Response:** *The applicant is not proposing any grading; therefore, a grading plan is not necessary. The location of the proposed addition is already developed with impervious surfaces, a mix of concrete and asphalt. This item is resolved.*

### Item 3: Adjustment Findings.

**Applicant's Response:** *The applicant requested two adjustments, one for the reduction of setbacks so the prefabricated building can fit in the designated area and one to eliminate the setback landscaping due to existing development and impervious surfaces. The applicant's representative met with staff to discuss the alternative options for these adjustments. It was agreed upon that the applicant provide an alternative to the landscaping standards, however the proposal still required an adjustment as stated below. The mitigation for the requested adjustment proposes that in lieu of Type C landscaping (required by (Table 807-1), in the proposed setback location, the applicant will place the required number of plant units in the section of the parcel that would be considered the flag (as depicted on the amended site plan). They will plant the required number of plant units for the area of development. The total number of required plant units (P/Us) would be the*

length of the proposed structure by the 30-foot setback requirement;  $(30 \times 36 = 1,080) - (1,080 / 20 = 54 \text{ P/Us})$ . Type C Landscaping also requires a minimum 6-foot-tall fence or wall; however, the eastern property line has an existing 8-foot-tall sight obscuring fence. By moving the required P/Us from the setback area the applicant is able to enhance the existing landscape areas while still reaching the development goal of adding onto the existing development. The applicant has provided a markup of the proposed location of P/Us, which is attached to this document. This item is resolved.

#### Item 4: Pedestrian Access.

**Applicant's Response:** The applicant understands the requirement for pedestrian access. However, the placement of a pedestrian accessway will require the removal of existing landscaping, including trees and shrubs. The installation of a pedestrian connection would be approximately 335 feet from the primary building which would result in the proposal becoming cost prohibitive. The applicant is seeking an adjustment to this standard.

An application for a Class 2 adjustment shall be granted if all of the following criteria are met: A. The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or
- (ii) Equally or better met by the proposed development.

The applicant is requesting to adjust out of the pedestrian connection entirely to preserve the established landscaping. The applicant asserts this standard is inapplicable to the proposed addition due to the manner in which the site is used and the existing nonconforming development. The existing configuration of the site appears residential with a large shop building. For this reason, it is unrealistic and out of place to install pedestrian connections from the proposed addition to the street. In addition to honoring the existing nonconforming development, the installation of pedestrian connections meeting the requirements of the standard is not proportional to the applicant's proposal. The site does not permit pedestrians to access the business because retail sales of honey sticks does not take place at this location. The site, by design, is only accessible by employees. Completed products are packaged and loaded into small trucks to be sold wholesale to retail vendors off site. In discussions with planning staff, they stated that they were supportive of adjustment due to the existing site development.

Item 5: Bicycle Parking.

**Applicant's Response:** The applicant has shown the required bicycle parking which is based on the new addition to the existing structure. This addition is approximately 2,472 square feet which falls under the 15,000 square feet listed in Table 806-8 and only requires one space. This is articulated on the site plan. This item is resolved.

Item 6: Loading Zones.

**Applicant's Response:** The applicant has altered the plans to show the loading zone as requested. Although the loading zone was never striped or indicated prior to this application the applicant utilizes the area where the proposed addition will be located, thus pushing out the loading zone to what is dictated on the submitted plan. This item is resolved.

Item 7: Historic and Cultural Resources Protection Zone.

**Applicant's Response:** The applicant is aware that portions of the parcel are located within the Historic and Cultural Resources Protection Zone. However, there is no site excavation or grading proposed, at such time the applicant will adhere to the requirements in SRC. This item is resolved.

Item 8: Utility Plan.

**Applicant's Response:** The applicant will submit a utility plan for any connections to the proposed addition at the time of building permit. There are no other proposals to connect to utilities currently as the existing building already has power. This item is resolved.

Item 9: Easements.

**Applicant's Response:** The applicant has provided easement documents which are located on the property but are not in the immediate vicinity of the proposal. This item is resolved.

Item 10: Existing Conditions Plan.

**Applicant's Response:** The applicant has provided an existing conditions plan. There was an overlay of pavement placed over the existing driveway. In meetings with staff, it was indicated that this was acceptable if any new pavement did not exceed 2,000 square feet. Based on measurements by

applicant and staff the additional pavement does NOT exceed the maximum 2,000 square feet. Therefore, no permit was required. This item is resolved.

#### Item 11: Stormwater Management.

**Applicants Response:** The applicant does not meet the definition of a large project, as the pavement is not a replacement per Chapter 70 definitions: "Replaced impervious surface means the removal of impervious surface down to earth material and replacement with new impervious surface." No new impervious surfaces exceeding 10,000 square feet were installed. According to the definition of "Large project" it means a project including 10,000 square feet or more of new pervious surface, new impervious surface, or replaced impervious surface. Since the proposal and the overlay of pavement do not meet the definition of a "Large Project" a storm water management plan is not required. This item is resolved.

#### Item 12: Wetlands and Hydric Soils

**Applicant's Response:** The applicant has clarified with city staff that the city will send notice to DSL and that it is ultimately the applicant's responsibility to ensure compliance with DSL. There is no further action needed by the applicant on this matter. This item is resolved.

**Summary:** The applicant believes that they have addressed and met all items noted in the incomplete letter. Additionally, the applicant has summarized the adjustments requested below.

#### **Adjustment 1 – Adjustment of the SRC 551.010, Table 551-4 Zone to Zone Setback.**

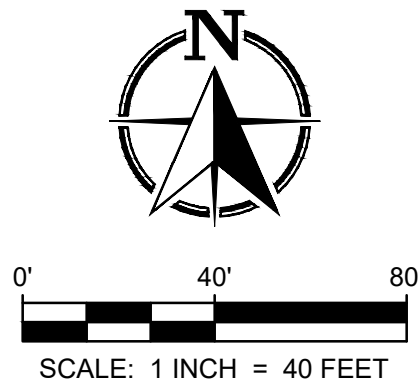
The applicant believes that the reduction in the zone-to-zone setback will allow them to obtain compliance with the conditions of approval pursuant to ZC19-19. The applicant has shown that through landscaping, existing development, and other adjustments that the adjustment meets all the applicable criteria.

#### **Adjustment 2 – Adjustment of SRC 551.010, Table 551-4 Landscaping and screening.**

The applicant requested the elimination of the landscape screening but has adjusted the request to allow the landscaping and required plant units to be placed at an alternate location on the site. The applicant demonstrates on the attached site plan the number of units required and approximate location. With this the applicant believes that all applicable criteria have been met for this adjustment.

**Adjustment 3 – Adjustment of SRC 800.065, Pedestrian Access.** The applicant has requested an adjustment to remove the requirement for a pedestrian connection from the existing and proposed structures to 45<sup>th</sup> Street. The applicant believes that

*this would have a significant impact on the existing landscaping and vegetation. The applicant has also given a reason as to why the connection is unnecessary for the existing use. The applicant believes that all applicable criteria have been met for this adjustment.*

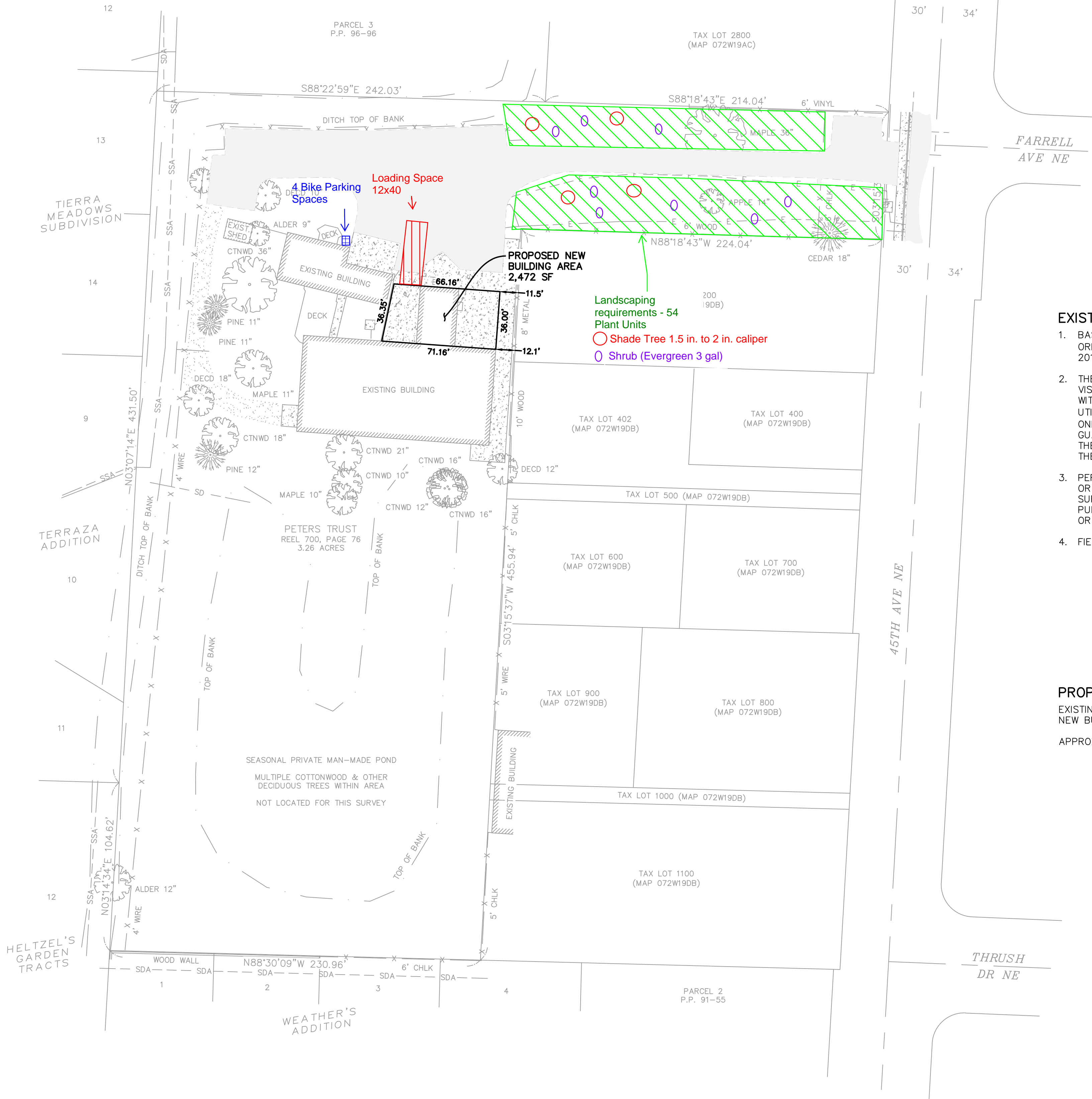


LEGEND

- FOUND MONUMENT
- SBX STORM JUNCTION BOX
- > CULVERT
- SANITARY SEWER MANHOLE
- CO CLEANOUT
- WM WATER METER
- EB ELECTRICAL BOX
- PM POWER METER
- TFM ELECTRICAL TRANSFORMER
- UTILITY POLE
- GUY WIRE
- UTILITY STUB UP
- UVT UTILITY VAULT
- ACU AIR CONDITIONING UNIT
- CR COMMUNICATION RISER
- POST MISC. POST
- GTP GATE POST
- GLM GAS LINE MARKER
- CONCRETE
- GRAVEL
- ASPHALT
- # DECIDUOUS TREE & TRUNK SIZE
- # CONIFEROUS TREE & TRUNK SIZE

- SD STORM LINE UNDERGROUND
- G GAS LINE UNDERGROUND
- E ELECTRICAL LINE UNDERGROUND
- OH OVERHEAD POWER LINE
- X FENCE LINE
- SDA STORM LINE ASBUILT DATA
- SSA SEWER LINE ASBUILT DATA

- C&G CURB & GUTTER
- CONC CONCRETE



EXISTING CONDITIONS NOTES

1. BASIS OF BEARINGS AND COORDINATE SYSTEM IS BASED ON OREGON STATE PLANE NORTH ZONE 3601, NAD83(2011), EPOCH 2010.00. ALL DISTANCES SHOWN HEREON ARE GROUND DISTANCES.
2. THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED VISIBLE EVIDENCE OF ABOVE GROUND APPURTENANCES ALONG WITH SURFACE UTILITY MARKINGS BY OTHERS. ALL UNDERGROUND UTILITIES SHOWN WERE MARKED ON THE SURFACE BY AN "OREGON ONE-CALL NOTIFICATION CENTER" REQUEST. SURVEYOR MAKES NO GUARANTEE AS TO THE ACCURACY OF SAID MARKINGS, HOWEVER, THEY ARE LOCATED AS ACCURATELY AS THEY ARE MARKED ON THE GROUND.
3. PER ORS 209.150, ANY SURVEY MONUMENT REMOVED, DISTURBED OR DESTROYED SHALL BE REPLACED BY A PROFESSIONAL LAND SURVEYOR WITHIN 90 DAYS AT THE EXPENSE OF THE PERSON OR PUBLIC AGENCY RESPONSIBLE FOR SAID REMOVAL, DISTURBANCE OR DESTRUCTION.
4. FIELD SURVEYED OCTOBER, 2023.

PROPOSED CONDITIONS NOTES

EXISTING BUILDING AREA: 9,861 SF  
NEW BUILDING AREA: 2,472 SF  
APPROXIMATE LANDSCAPING: 11,662 SF

FFN SURVEYING



7230 3rd Street SE #145, Turner, OR 97392  
P: (503) 558-3330 E: info@ffnsurveying.com

PROPOSED IMPROVEMENTS  
FOR: NATURE'S KICK CORP.

IN THE SE 1/4 OF SECTION 19, T.7S., R.2W., W.M.  
CITY OF SALEM, MARION COUNTY, OREGON

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
SEPTEMBER 12, 2017  
STEVEN  
91569

RENEWS: 6-30-2025

REVISIONS

NO.	DATE	DESCRIPTION
0	22NOV23	INITIAL RELEASE

JOB NO. 23-460

SHEET 1/1



