

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173*

REVISED DECISION OF THE PLANNING ADMINISTRATOR

CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE NO.: SPR-ADJ24-14

APPLICATION NO.: 24-101905-PLN

NOTICE OF DECISION DATE: ~~June 11,~~ June 12, 2024

REQUEST: A Class 3 Site Plan Review for development of a new building containing an existing general manufacturing use, Naturefts Kick Original Honeystix, with three Class 2 Adjustment requests:

- 1) Reduce the zone-to-zone setback along the eastern property boundary from 30 feet to 11.5 feet (SRC 551.010(b) Table 551-4);
- 2) Eliminate the requirement to provide landscaping within the zone-to-zone setback along the eastern property boundary (SRC 551.010(b) Table 551-4); and
- 3) Eliminate the requirement to provide a pedestrian connection to one adjacent street, 45th Ave NE (SRC 800.065(a)(1));

The subject property is 3.25-acres in size, zoned IC (Industrial Commercial), and located at 1441 45th Avenue NE (Marion County Assessor's Map and Tax lot number: 072W19DB00100).

APPLICANT: BRAND Land Use, on behalf of the owner, Jennie Peters

LOCATION: 1441 45th Ave NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d) – Class 2 Adjustment

FINDINGS: The findings are in the attached Decision dated ~~June 11,~~ June 12, 2024.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review and Class 2 Adjustment Case No. SPR-ADJ24-14 subject to the following conditions of approval:

- Condition 1:** At the time of building permit, the applicant shall show a minimum of four bicycle parking spaces to be installed on the development site in conformance with the requirements of SRC 806.060.
- Condition 2:** At the time of building permit review, the applicant shall provide ~~a full~~ an existing landscape plan demonstrating how the development site meets Type A landscaping, ~~including all new and existing landscaped areas, which includes by providing~~ a minimum of one plant unit per 20 square feet, with 40 percent of the plant units being trees.

Condition 3: At the time of building permit, a minimum of 54 plant units shall be proposed within the flag lot's pole in addition to the existing landscaping.

Condition 4: The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by ~~June 27, June 28, 2028~~, or this approval shall be null and void.

Application Deemed Complete:	<u>April 15, 2024</u>
Notice of Decision Mailing Date:	<u>June 11, June 12, 2024</u>
Decision Effective Date:	<u>June 27, June 28, 2024</u>
State Mandate Date:	<u>August 13, 2024</u>

Case Manager: Jacob Brown, Planner I, jrbrown@cityofsalem.net, 503-540-2347

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., ~~Wednesday, June 26, Thursday, June 27, 2024~~. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 220 and 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

REVISED DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
CLASS 3 SITE PLAN REVIEW)
AND CLASS 2 ADJUSTMENT)
CASE NO. SPR-ADJ24-14)
1441 45TH AVENUE NE) **JUNE 11, June 12, 2024**

In the matter of the application for Class 3 Site Plan Review and Class 2 Adjustment, applications submitted by the applicant, Brand Land Use, on behalf of the property owner, Peters Trust, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: A Class 3 Site Plan Review with Class 2 Adjustments for a proposed storage building.

Request: A Class 3 Site Plan Review for development of a new building containing an existing general manufacturing use, Nature's Kick Original Honeystix, with three Class 2 Adjustment requests:

- 1) Reduce the zone-to-zone setback along the eastern property boundary from 30 feet to 11.5 feet (SRC 551.010(b) Table 551-4);
- 2) Eliminate the requirement to provide landscaping within the zone-to-zone setback along the eastern property boundary (SRC 551.010(b) Table 551-4); and
- 3) Eliminate the requirement to provide a pedestrian connection to one adjacent street, 45th Ave NE (SRC 800.065(a)(1));

The subject property is 3.25-acres in size, zoned IC (Industrial Commercial), and located at 1441 45th Avenue NE (Marion County Assessor's Map and Tax lot number: 072W19DB00100).

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

PROCEDURAL FINDINGS

1. Background

On January 19, 2024, a consolidated application for a Class 3 Site Plan Review and three Class 2 Adjustments were filed for the proposed development. After additional information was provided, the applications were deemed complete for processing on April 15, 2024. The 120-day state mandated decision deadline for this consolidated application is August 13, 2024.

The applicant's development plans are included as **Attachment B** and the applicant's written statement addressing the approval criteria can be found in the record, accessible online as indicated below.

SUBSTANTIVE FINDINGS

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24 101905.

3. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the ~~Southeast Mill Creek Association (SEMCA) Neighborhood Association~~ East Lancaster Neighborhood Association (ELNA).

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On January 2, 2024, the applicant contacted the neighborhood association to provide details about the proposal in accordance with the requirements of the SRC.

Neighborhood Association Comment: Notice of the application was provided to the East Lancaster Neighborhood Association (ELNA) Neighborhood Association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, one comment from the ELNA was received. The comment was received after the end of the comment period indicating concerns regarding the previous agreements discussed during a past zone change application, noxious and invasive vegetation located on the subject property entering neighboring properties, and limited responses from the applicant to ELNA's questions.

Staff Responses: The referenced Comprehensive Plan Map Change, Neighborhood Plan Map Change and Zone Change (CPC-NPC-ZC19-09) was issued on August 21, 2019. The decision list of conditions included restrictions on outdoor storage of materials or equipment within required setbacks and prohibited any placement of structures or additional parking within the 224ft. x 80ft flagpole portion extending from 45th Avenue NE. The CPC-NPC-ZC19-09 does not include any restrictions to the placement of structures outside of the flagpole. Any development is required to meet all applicable standards of the UDC with the applicant seeking a Class 2 Adjustment to reduce the 30-foot zone-to-zone setback along the eastern property boundary. The adjustment criteria are addressed in Section 7 of this report.

In terms of noxious vegetation, SRC 50.705 requires that no owner shall cause or permit noxious vegetation within a premises or right-of-way. As defined under SRC 50.025, noxious vegetation includes weeds more than ten inches in height; grass more than ten inches in height; rank or dead vegetation; poison oak, poison hemlock, poison ivy; hazardous thickets; or other rank, noxious, and dangerous vegetation that is a health hazard, a fire hazard, or a traffic hazard because it impairs the view of a public right-of-way or otherwise makes use of the public right-of-way hazardous. Upon receipt of the comment, the issue was referred to City of Salem Code Compliance which reviews noxious vegetation cases.

As indicated above, on January 2, 2024, the applicant contacted ELNA with the proposed plans as required under SRC 300.310. Although recommended, there is no requirement for applicants to provide further contact with the neighborhood association regarding the project.

Homeowners Association: The subject property is not located within a Homeowners Association.

Public Comment: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, six public comments were received with three comments indicating no concerns and three comments about the proposal. One comment was received indicating an objection to the adjustment for the reduced setback with no details on the reasoning for the objection. Another comment was received regarding the flagpole portion of the site and concerns of a structure being placed within view of the right-of-way. The last comment did not address aspects of the project directly but indicated concerns about the noxious vegetation within the southern portion of the property.

Staff Responses:

Flagpole Comment- As conditioned within CPC-NPC-ZC19-09, no structure is allowed within the flagpole portion of the site. The applicant is proposing the storage structure within an existing surfaced area and is not proposing to eliminate the existing landscaping along the driveway. In addition, the structure will be located outside of the flagpole portion.

Noxious Vegetation Comment: As noted above, SRC 50.705 requires that no owner shall cause or permit noxious vegetation within a premises or right-of-way. As defined under SRC 50.025, noxious vegetation includes weeds more than ten inches in height; grass more than ten inches in height; rank or dead vegetation; poison oak, poison hemlock, poison ivy; hazardous thickets; or other rank, noxious, and dangerous vegetation that is a health hazard, a fire hazard, or a traffic hazard because it impairs the view of a public right-of-way or otherwise makes use of the public right-of-way hazardous. Upon receipt of the comment, the issue was referred to City of Salem Code Compliance which reviews noxious vegetation cases.

4. City Department Comments

Public Works Department: Reviewed the proposal and provided a memo which is included as **Attachment C**.

Building and Safety: Reviewed the proposal and indicated no site concerns.

Fire Department: Reviewed the proposal and indicated that Fire Department access required per OFC 503 and water supply is required per OFC 507.

5. Public Agency Comments

No Public or Private Agency comments were received.

DECISION CRITERIA FINDINGS

6. Analysis of Class 3 Site Plan Review Approval Criteria

Salem Revised Code (SRC) 220.005(f)(3) provides that an application for a Class 3 Site Plan Review shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 220.005(f)(3)(A): The application meets all applicable standards of the UDC

Finding: The proposal includes the development of a storage building for an existing general manufacturing use on a development site 3.25 acres in size and zoned IC (Industrial Commercial). As proposed and conditioned in the findings in this staff report, the development meets all the applicable standards of the UDC as follows.

Use and Development Standards – IC (Industrial Commercial):

SRC 551.005(a) – Uses:

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the IC zone are set forth in Table 551-1.

Finding: The proposal includes development of a new 2,472 square foot storage building for a general manufacturing use. Per Table 551-1, a *general manufacturing* use is a permitted use within the IC zone. This criterion is met.

SRC 551.010(a) – Lot Standards:

Lots within the IC zone shall conform to the standards set forth in Table 551-2.

Finding: The development site is 3.25-acres in size. The development site is generally rectangular in shape measuring 230 by 431 feet and is served off of a flagpole to the east with frontage on 45th Street NE. The subject property is in compliance with the minimum lot standards of the IC zone. This criterion is met.

SRC 551.010(b) – Setbacks:

Setbacks within the IC zone shall be provided as set forth in Table 551-3 and Table 551-4.

Interior Front, Side and Rear

North: Adjacent to the north is an interior lot line abutting a Single Family Residential (RS) zoned property. There is a minimum 30-foot minimum building or accessory structure setback required for an interior property line abutting a residential zoned property. Vehicle use areas require a minimum 30-foot setback with Type C landscaping.

South: Adjacent to the south is an interior lot line abutting a Single Family Residential (RS) zoned property. There is a minimum 30-foot minimum building or accessory structure setback required for an interior property line abutting a residential zoned property. Vehicle use areas require a minimum 30-foot setback with Type C landscaping.

East: Adjacent to the east is an interior lot line abutting a Residential Agriculture (RA) zoned property. There is a minimum 30-foot minimum building or accessory structure setback

required for an interior property line abutting a residential zoned property. Vehicle use areas require a minimum 30-foot setback with Type C landscaping.

West: Adjacent to the west is an interior lot line abutting a Single Family Residential (RS) zoned property. There is a minimum 30-foot minimum building or accessory structure setback required for an interior property line abutting a residential zoned property. Vehicle use areas require a minimum 30-foot setback with Type C landscaping.

Finding: The proposed expansion building is over 30 feet from the west, north, and south property lines, meeting the standard. Along the eastern property line, the structure is proposed to be within the 30-foot setback with an estimated 11.5-foot setback at its nearest point. As such, the applicant is seeking two Class 2 Adjustments to reduce the setback and eliminate the Type C landscaping along the eastern property line. The findings for the Class 2 Adjustments are within the section 7 of this report. The proposal is in compliance with all other applicable setback requirements of the IC zone and SRC Chapter 806.

SRC 551.010(c) – Lot Coverage, Height:

Buildings and accessory structures within the IC zone shall conform to the lot coverage and height standards set forth in Table 551-5.

Finding: There is no maximum lot coverage for buildings and accessory structures, and the allowed maximum building height is 70 feet for all uses. The proposed building is less than 30 feet in height and is in compliance with applicable lot coverage and height standards.

SRC 551.010(d) – Landscaping

- (1) *Setbacks.* Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) *Vehicle Use Areas.* Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.
- (3) *Development Site.* A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicular use areas, may count toward meeting this requirement.

Finding: The subject property is 3.25-acres in size, or 141,570 square feet, requiring a total of 21,235 square feet of landscaping across the development site ($141,570 \times 0.15 = 21,235$). The development plans and written statement indicate that approximately 87,120 square feet of landscaping is located on the development site consisting of landscaped areas and native vegetation. As proposed and addressed in the landscaping findings, the development meets the standards of SRC 551.010(d).

General Development Standards SRC 800

SRC 800.055(a) – Applicability.

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

Finding: The proposed development does not include a new solid waste service area; therefore, this standard does not apply.

SRC 800.065 – Pedestrian Access.

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, two family, three family, four family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section. For purposes of this section development means the construction of, or addition to, a building or accessory structure or the construction of, or alteration or addition to, an off-street parking or vehicle use area. Development does not include construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area.

When a development site is comprised of lots under separate ownership, the pedestrian access standards set forth in this section shall apply only to the lot, or lots, proposed for development, together with any additional contiguous lots within the development site that are under the same ownership as those proposed for development.

Finding: The pedestrian access standards of SRC Chapter 800 apply to the proposed development.

SRC 800.065(a)(1) – Pedestrian Connection Between Entrances and Streets

- (A) A pedestrian connection shall be provided between the primary entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street.
- (B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop.

Finding: The development site is adjacent to 45th Ave NE. The applicant has requested a Class 2 Adjustment to the eliminate the pedestrian connection to 45th Ave NE. Findings for the adjustment are included in Section 7 of this report.

SRC 800.065(a)(2) – Pedestrian Connection Between Buildings on the same Development Site

Where there is more than one building on a development site, a pedestrian connection(s), shall be provided to connect the primary building entrances of all of the buildings.

Finding: The proposed development includes the expansion of an existing building. The proposed development includes two buildings on the site with an existing pedestrian to each building.

SRC 800.065(a)(3) – Pedestrian Connection Through Off-Street Parking Areas.

- (A) *Surface parking areas.* Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance as provided in this subsection.

Finding: The development site does not include any existing or proposed parking areas greater than 25,000 square feet or including four or more consecutive parallel drive aisles; therefore, this standard is not applicable.

(B) Parking structures and parking garages. Where an individual floor of a parking structure or parking garage exceeds 25,000 square feet in size, a pedestrian connection shall be provided through the parking area on that floor to an entrance/exit.

Finding: The development site does not include any existing or proposed parking structures or garages; therefore, this standard is not applicable.

SRC 800.065(a)(4) – Pedestrian Connection to Existing or Planned Paths and Trails.

Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:

- (A)* Be constructed, and a public access easement or dedication provided; or
- (B)* When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.

Finding: There are no planned paths or trails passing through the development site; therefore, this standard is not applicable.

SRC 800.065(a)(5) – Pedestrian Connection to Abutting Properties

Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided.

Finding: The development site does not provide vehicular connectivity to abutting properties; therefore, this standard does not apply.

SRC 800.065(b) – Design and materials

Required pedestrian connections shall be in the form of a walkway or may be in the form of a plaza.

(1) Walkways shall conform to the following:

- (A)* Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards and shall be a minimum of five feet in width.
- (B)* Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.
- (C)* Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping, or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.

(2) Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.

Finding: There are no new proposed internal pedestrian connections, and the applicant is seeking a Class 2 Adjustment to eliminate the required connection to the street; therefore, this standard is not applicable.

SRC 800.065(c) – Lighting.

The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.

Finding: There are no new proposed internal pedestrian connections, and the applicant is seeking a Class 2 Adjustment to eliminate the required connection to the street; therefore, this standard is not applicable.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005(a) – Off-Street Parking; When Required.

Off-street parking shall be provided and maintained as required under SRC Chapter 806 for each proposed new use or activity.

SRC 806.010 – Proximity of Off-Street Parking to Use or Activity Served.

Required off-street parking shall be located on the same development site as the use or activity it serves.

Finding: The proposal does not include the development of a new off-street parking area, thus this standard is not applicable.

Bicycle Parking

SRC 806.045 – General Applicability.

Bicycle parking shall be provided and maintained for each proposed new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity. When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served.

Bicycle parking shall be located on the same development site as the use or activity it serves.

SRC 806.055 – Amount of Bicycle Parking.

Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-9.

Finding: The development includes the development of a new building expansion for *general manufacturing* use; therefore, the bicycle parking standards apply. The minimum required amount of bicycle parking spaces for a *general manufacturing* use is a minimum of four or one per 10,000 square feet, with an allowance of 75% as long-term spaces. The development site contains an estimated 12,333 square feet of floor area dedicated to *general manufacturing* use, requiring four bicycle parking spaces ($12,333 / 10,000 = 1.2$). The applicant's written

statement indicates there will be four bicycle spaces installed on site. As such the following is conditioned to bring the site into conformance with the standard:

Condition 1: At the time of building permit, the applicant shall show a minimum of four bicycle parking spaces to be installed on the development site in conformance with the requirements of SRC 806.060.

SRC 806.060 - Bicycle Parking Development Standards.

Bicycle parking areas shall be developed and maintained as set forth in this section.

- (a) *Location.* Short-term bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
- (b) *Access.* Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area
- (c) *Dimensions.* Except as provided for bicycle lockers, bicycle parking spaces shall be a minimum of 6 feet in length and 2 feet in width, with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side. Bicycle parking spaces shall be served by a minimum 4-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.
- (d) *Surfacing.* Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.
- (e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards:
 - (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
 - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
 - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
 - (4) Racks shall be securely anchored.
 - (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

Finding: The applicant's written statement indicates there will be four bicycle parking spaces installed on site and is conditioned to install four bicycle parking spaces meeting the development standards of SRC 808.060.

Off-Street Loading Areas

SRC 806.065 – General Applicability.

Off-street loading areas shall be provided and maintained for each proposed new use or activity, any change of use or activity, when such a change of use or activity results in a

greater number of required off-street loading spaces than the previous use or activity, or any intensification, expansion, or enlargement of a use or activity.

SRC 806.070 – Proximity of Off-Street Loading Areas to use or Activity Served.

Off-street loading shall be located on the same development site as the use or activity it serves.

SRC 806.075 – Amount of Off-Street Loading.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-11.

Finding: The development includes an expansion of a building; therefore, the off-street loading area standards apply. A *general manufacturing* use requires one off-street loading areas for buildings 5,000 to 100,000 square feet in size. The total floor area of the site following is 12,333 square feet, requiring one off-street loading spaces. Off-street loading spaces shall have a minimum width of 12 feet, minimum depth of 40 feet, and minimum 14 feet of unobstructed vertical clearance. The plans indicate the development will provide one off-street loading space with dimensions that meet the minimum standards. This standard is met.

Landscaping

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

Finding: The development site is 3.25-acres in size, or 141,570 square feet, requiring 15 percent of the total development site be landscaped, or 21,235 square feet ($141,570 \times 0.15 = 21,235$), for a minimum 1,062 plant units ($141,570 / 20 = 1,061.7$ plant units). Of the required 1,062 plant units, 40 percent shall be trees, or 425 plant units ($1,062 \times 0.40 = 424.8$ plant units of trees).

The applicant's plans do not clearly show clear compliance with Type A landscaping standards. As such, the amount of landscaping required to meet the Type A standards will be more than what is provided on the plans. To ensure that the required number of plant units will be provided at the time of building permit review, the following condition applies:

Condition 2: At the time of building permit review, the applicant shall provide ~~a full~~ an existing landscape plan demonstrating how the development site meets Type A landscaping, ~~including all new and existing landscaped areas, which includes~~ by providing a minimum of one plant unit per 20 square feet, with 40 percent of the plant units being trees.

Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

Natural Resources

SRC 601 – Floodplain: Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

Finding: The Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC 808 – Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 20 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

Finding: No trees are proposed for removal; therefore, this standard does not apply.

SRC 809 – Wetlands: Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

Finding: The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

SRC 810 – Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

Finding: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

SRC 220.005(f)(3)(B): The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

Finding: 45th Avenue NE is fully developed and meets the right-of-way width and pavement width standards pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

A condition of approval for a previous Comprehensive Plan Change/Zone change on the property limits the transportation impacts from the site to a maximum cumulative 264 Average Daily Trips (ADTs) (CPC-NPC-ZC19-09). According to the applicant's site plan, there will be a

12,333 square feet of building area dedicated to manufacturing on the development site. The total trips generated by the development site are 59 ADTs per the *ITE Trip Generation Manual*. Therefore, the proposal complies with the trip cap established by CPC-NPC-ZC19-09.

SRC 220.005(f)(3)(C): Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

Finding: The development site is served by an existing driveway approach onto 45th Avenue SE. The existing driveway access onto 45th Avenue NE provides for safe turning movements into and out of the property.

SRC 220.005(f)(3)(D): The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Finding: SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area. The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas; however, the proposal does not include any changes to existing utilities nor proposes any new connections to utilities.

The proposal includes a new 2,472 square foot building that will be placed over an existing asphalt surface. Based on the plans submitted, it is unclear whether or not the existing asphalt will be removed, and a new foundation will be poured for the structure. However, the new or replaced impervious surface for the building subject to this site plan review is less than 10,000 square feet. Therefore, the building addition is in compliance with SRC Chapter 71 because the proposal involves less than 10,000 square feet of new or replaced impervious surface. The applicant shall be required to design and construct a storm drainage system at the time of development. The application shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 71.075.

There is approximately 2,900 square feet of asphalt surface that was added to the subject property without permits between 2022 and 2023 according to aerial imagery. This asphalt surface is within a City-owned maintenance and drainage easement for the West Fork of the Little Pudding River which abuts the northern line of the subject property. Pursuant to SRC 75.050(b)(A) an Erosion Control Permit is required for work that involved disturbance of more than 1,000 square feet of land. It is recommended that at time of Building Permit Review, a retroactive permit for this work be included in the scope of the building permit for civil site work.

Analysis of Class 2 Adjustment Approval Criteria

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 250.005(d)(2)(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.***

Finding: The applicant is requesting three Class 2 Adjustments to:

- 1) Reduce the zone-to-zone setback along the eastern property boundary from 30 feet to 11.5 feet (SRC 551.010(b) Table 551-4);
- 2) Eliminate the requirement to provide landscaping within the zone-to-zone setback along the eastern property boundary (SRC 551.010(b) Table 551-4); and
- 3) Eliminate the requirement to provide a pedestrian connection to one adjacent street, 45th Ave NE (SRC 800.065(a)(1));

To reduce the zone-to-zone setback required between the IC (Industrial Commercial) zone and the abutting residential to the east from 30 feet, per SRC Chapter 551, Table 551-4, to 11.5 feet;

SRC Chapter 551, Table 551-4 provides that there is a minimum 30-foot building and vehicle use area setback required adjacent to a residential zone meeting the Type C screening requirement which includes a minimum of one plant unit per 20 square feet and installation of a minimum 6-foot-tall fence or wall. The applicant is requesting an adjustment to reduce the setback requirement from 30 feet to 11.5 feet for the proposed building addition.

The applicant is seeking the adjustment to allow the building expansion to be located within an existing surfaced area located in the northeast section of the property. The applicant identifies that there is limited area on the site that would allow the proposed expansion without impacting existing vegetation or wetlands. The southern portion of the property is occupied by a wetland with the western and northern property boundary lined by West Fork Little Pudding river. In addition, the existing surfaced area north of the proposed expansion is the flag lot's accessway which under CPC-NPC-ZC19-09 is conditioned to not allow any structures within the accessway. Additionally, there is an existing sight obscuring fence with variable dimensions placed along the eastern property boundary, prior to final occupancy, the existing fence shall be maintained or replaced wherever needed to ensure a minimum six-foot sight obscuring screening along the boundary in compliance with the development standards of SRC Chapter 800 and applicable vision clearance requirements.

As conditioned in below request to eliminate the requirement to provide landscaping within the zone-to-zone setback along eastern property boundary, the adjustment request equally or better meets the stated purpose and intent of this provision, and is therefore in compliance with this criterion.

To eliminate the requirement to provide landscaping between the IC (Industrial Commercial) zone and the abutting residential to the east per SRC Chapter 551, Table 551-4;

As discussed above, SRC Chapter 551, Table 551-4 provides that there is a minimum 30-foot building and vehicle use area setback required adjacent to a residential zone meeting the Type C screening requirement which includes a minimum of one plant unit per 20 square feet and installation of a minimum 6-foot-tall fence or wall. The intent of the standard is to create a

buffer between a development site and adjacent properties, thereby separating uses and residential densities.

The applicant is seeking a Class 2 Adjustment to eliminate the landscaping standard along the property's eastern boundary specifically for the extent of the new addition. The applicant's plans and written statement indicate that the area is currently surfaced and an eight-foot fence lines the eastern boundary screening the neighboring properties. The length of the eastern boundary with the proposed development is approximately 36 feet, requiring a minimum of 198 plant units ($36 \times 30 = 1,080$ sf. $1,080 / 20 = 54$). To retain the existing surfaced area and provide additional landscaping within the most visible portion of the development, the applicant has proposed to install the equivalent amount of plant units within the flag lot's pole. The existing eight-foot fence provides separation of the uses with the proposed landscaping in the flagpole providing extra screening of the activities of the site from the right-of-way. The following condition of approval shall be required to ensure the landscaping is provided within the flagpole portion.

Condition 3: At the time of building permit, a minimum of 54 plant units shall be proposed within the flag lot's pole in addition to the existing landscaping.

As conditioned, the adjustment request equally or better meets the stated purpose and intent of this provision and is therefore in compliance with this criterion.

Eliminate the requirement to provide a pedestrian connection to one adjacent street, 45th Ave NE (SRC 800.065(a)(1));

As previously stated, the applicant is proposing to install new landscaping within the flag pole portion of the site to mitigate the landscaping eliminated within the 30-foot setback along the property's eastern boundary. As such, the applicant has requested a Class 2 Adjustment to eliminate the requirement to provide a pedestrian connection to 45th Ave NE.

The purpose of the standard is to provide pedestrian connectivity throughout the development site and streets for ease of access to off-site locations and transportation routes. The development site is a *general manufacturing* use located within an established residential zoned neighborhood. The use does not provide on-site sales and the applicant has identified that the site is only accessible to employees with all completed products shipped wholesale out of the site by trucks. The pedestrian route would also remove the existing landscaping within the flag pole portion of the site and disturb the critical root zone of a significant 36-inch maple tree located in the northeast corner of the development site.

Staff agrees that the development site does not receive any volume of pedestrian traffic, and does not have adjacent businesses that functionally operate together that would require the ease of connection for employees. The adjustment request equally or better meets the stated purpose and intent of this provision and is therefore in compliance with this criterion.

SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: The subject property is located within a IC (Industrial Commercial) zone; therefore, the criterion is not applicable.

SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Finding: Three separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

Condition 4: The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

7. Conclusion

Based upon review of SRC Chapters 220 and 250, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

Final approval of Class 3 Site Plan Review and Class 2 Adjustment, Case No. SPR-ADJ24-14 is hereby **APPROVED** subject to SRC Chapters 220 and 250, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as **Attachment B**, and the following conditions of approval:

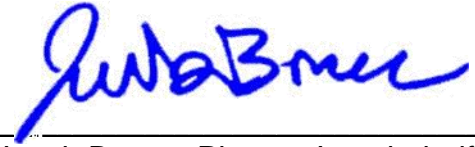
Condition 1: At the time of building permit, the applicant shall show a minimum of four bicycle parking spaces to be installed on the development site in conformance with the requirements of SRC 806.060.

Condition 2: At the time of building permit review, the applicant shall provide a full existing landscape plan demonstrating how the development site meets Type A landscaping, ~~including all new and existing landscaped areas,~~ which includes ~~by providing~~ a minimum of one plant unit per 20 square feet, with 40 percent of the plant units being trees.

Condition 3: At the time of building permit, a minimum of 54 plant units shall be proposed within the flag lot's pole in addition to the existing landscaping.

Condition 4: The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan,

shall conform to all applicable development requirements, unless adjusted through a future land use action.



Jacob Brown, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

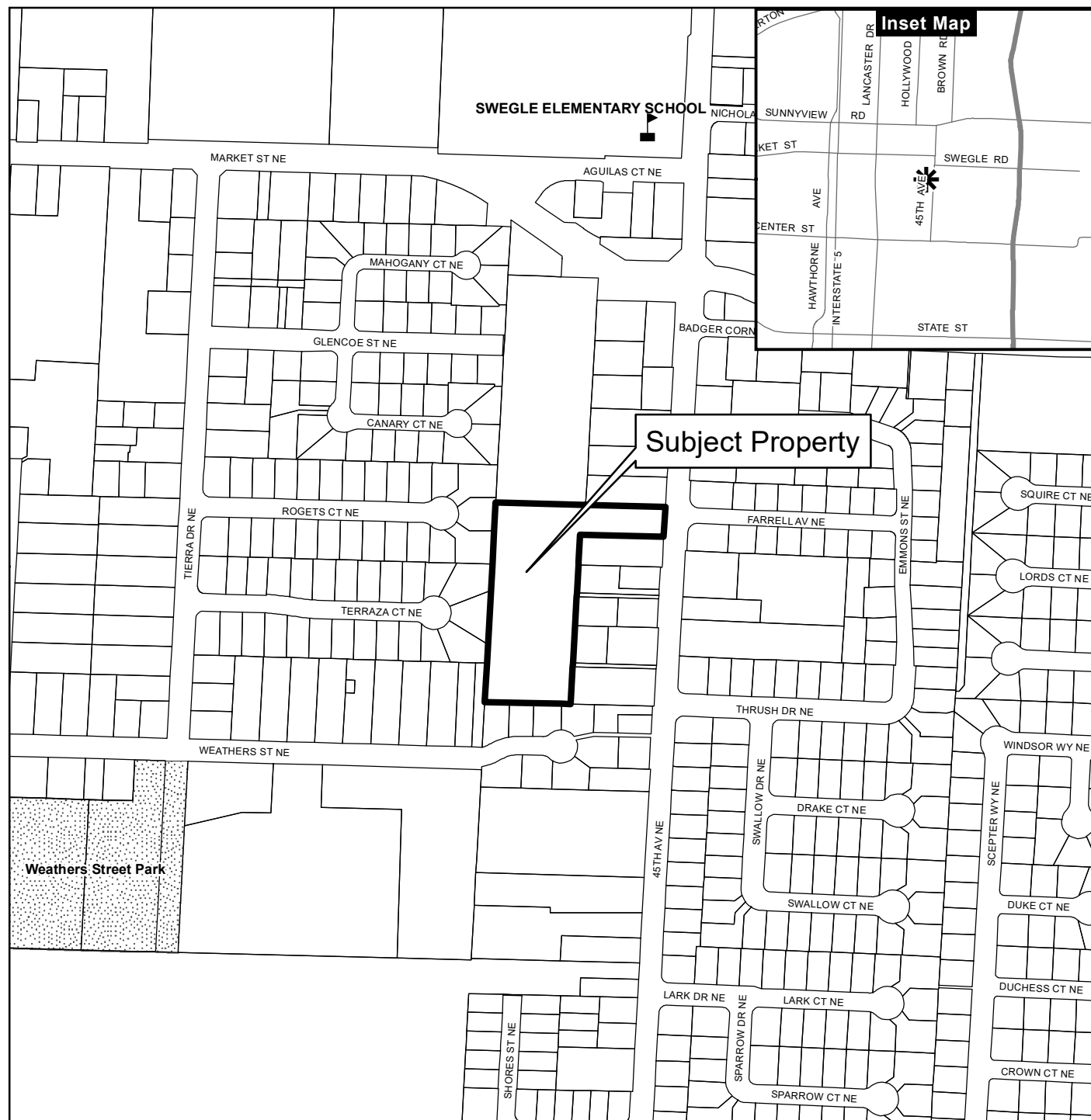
Attachments: A. Vicinity Map
B. Proposed Development Plans
C. Public Works Memo

<http://www.cityofsalem.net/planning>

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Vicinity Map

1441 45th Ave NE



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

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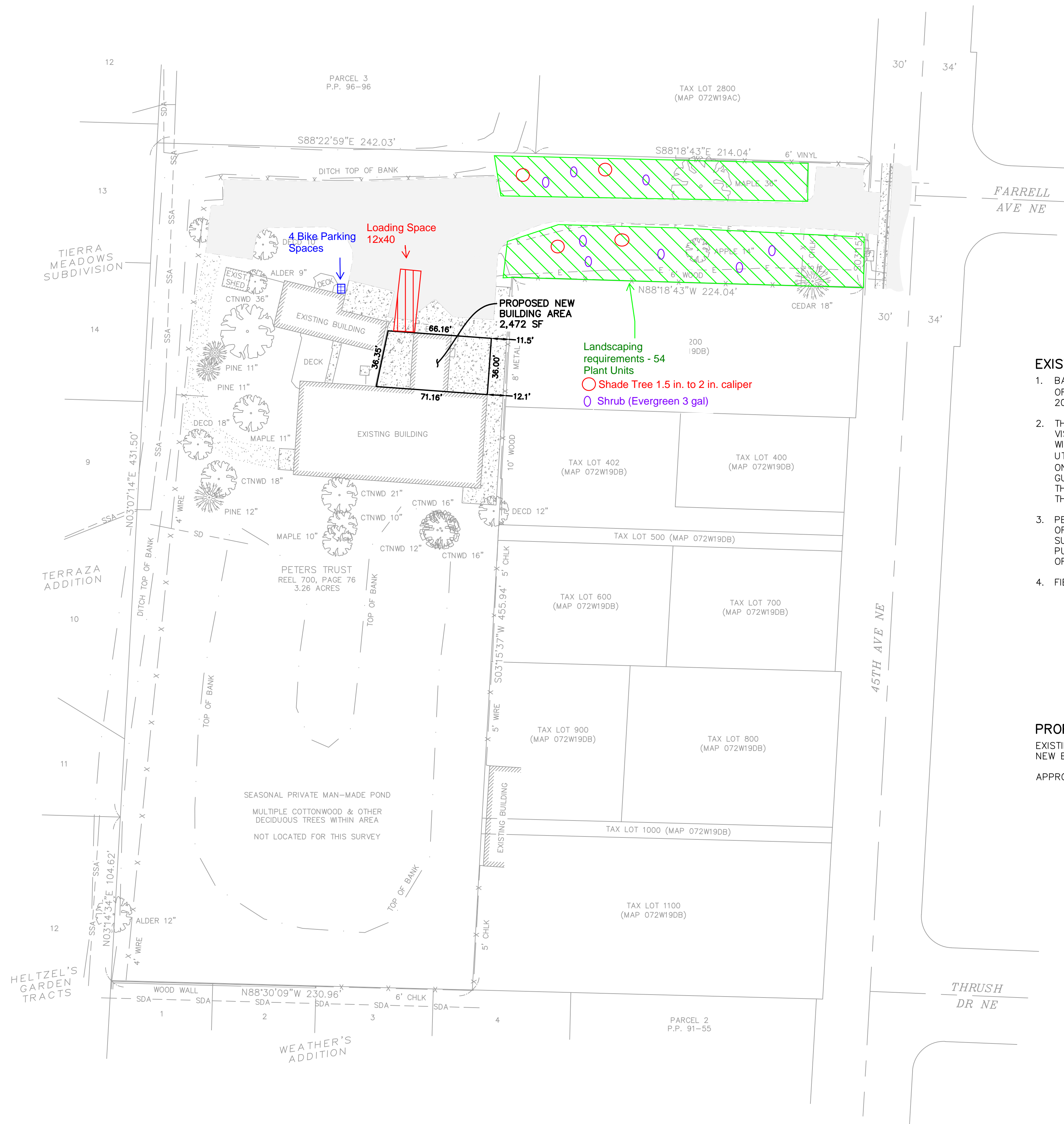
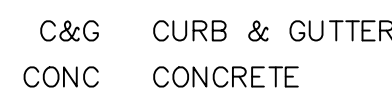
IN THE SE 1/4 OF SECTION 19, T.7S., R.2W., W.M.
CITY OF SALEM, MARION COUNTY, OREGON

[Signature]

NEWS: 6-30-2025

JOB NO. 23-460


SHEET 1 / 1





MEMO

TO: Jacob Brown, Planner I
Community Planning and Development Department

FROM: Robin Dalke, Development Services Operations Manager
Community Planning and Development Department 

DATE: May 29, 2024

SUBJECT: **Infrastructure Memo**
SPR-ADJ24-14 (24-101905-PLN)
1441 45th Avenue NE
New Storage Building

PROPOSAL

A Class 3 Site Plan Review for development of a new building containing an existing general manufacturing use, Nature's Kick Original Honeystix, with three Class 2 Adjustment requests. The subject property is 3.25-acres in size, zoned IC (Industrial Commercial), and located at 1441 45th Avenue NE (Marion County Assessors Map and Tax lot number: 072W19DB00100).

SUMMARY OF FINDINGS

The proposed development meets applicable criteria related to public infrastructure.

FACTS

Streets

1. 45th Avenue NE
 - a. Standard—This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 34-foot improvement within a 64-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).

- a. A 30-inch storm main is located in 45th Avenue NE.
- b. Portions of 12-inch storm mains are located within an easement along the western property line of the subject property.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 12-inch water main is located in 45th Avenue NE.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in 45th Avenue NE.
- b. A 54-inch interceptor main is located within an easement along the western property line of the subject property.

CRITERIA AND FINDINGS—SITE PLAN REVIEW

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

Criteria: SRC 220.005(f)(3)(A) The application meets all applicable standards of the UDC (*Unified Development Code*)

Finding—The subject property meets all applicable standards of the following chapters of the Unified Development Code (UDC): 200 – Urban Growth Management; 601 – Floodplain Development; 802 – Public Improvements; 803 - Street and Right-of-way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; 810 – Landslide Hazards.

SRC Chapter 200 (Urban Growth Management): SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area. The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

SRC Chapter 601 (Floodplain): The Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC 802.030 (Watercourses): A portion of the West Fork Little Pudding River runs along the northern property boundary within an easement.

SRC 804 (Driveway Approaches): The development site is served by an existing driveway approach onto 45th Avenue NE. The existing driveway approach serving the site meets applicable sections of SRC Chapter 804 and does not warrant modification.

SRC 805 (Vision Clearance): The proposal does not cause a vision clearance obstruction per SRC Chapter 805.

SRC Chapter 809 (Wetlands): The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

SRC Chapter 810 (Landslide Hazards): According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

Criteria: SRC 220.005(f)(3)(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately

Finding—45th Avenue NE is fully developed and meets the right-of-way width and pavement width standards pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

A condition of approval for a previous Comprehensive Plan Change/Zone change on the property limits the transportation impacts from the site to a maximum cumulative 264 Average Daily Trips (ADTs) (CPC-NPC-ZC19-09). According to the applicant's site plan, there will be a 12,333 square feet of building area dedicated to manufacturing on the development site. The total trips generated by the development site are 59 ADTs per the *ITE Trip Generation Manual*. Therefore, the proposal complies with the trip cap established by CPC-NPC-ZC19-09.

Criteria: SRC 220.005(f)(3)(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians

Finding—The development site is served by an existing driveway approach onto 45th Avenue SE. The existing driveway access onto 45th Avenue NE provides for safe turning movements into and out of the property.

Criteria: SRC 220.005(f)(3)(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development

Finding—SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area. The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas; however, the proposal does not include any changes to existing utilities nor proposes any new connections to utilities.

The proposal includes a new 2,472 square foot building that will be placed over an existing asphalt surface. Based on the plans submitted, it is unclear whether or not the existing asphalt will be removed, and a new foundation will be poured for the structure. However, the new or replaced impervious surface for the building subject to this site plan review is less than 10,000 square feet. Therefore, the building addition is in compliance with SRC Chapter 71 because the proposal involves less than 10,000 square feet of new or replaced impervious surface. The applicant shall be required to design and construct a storm drainage system at the time of development. The application shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 71.075.

There is approximately 2,900 square feet of asphalt surface that was added to the subject property without permits between 2022 and 2023 according to aerial imagery. This asphalt surface is within a City-owned maintenance and drainage easement for the West Fork of the Little Pudding River which abuts the northern line of the subject property. Pursuant to SRC 75.050(b)(A) an Erosion Control Permit is required for work that involved disturbance of more than 1,000 square feet of land. It is recommended that at time of Building Permit Review, a retroactive permit for this work be included in the scope of the building permit for civil site work.

cc: File