

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

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 2 SITE PLAN REVIEW

APPLICATION NO.: 24-118643-PLN

NOTICE OF DECISION DATE: December 10, 2024

REQUEST: A Class 2 Site Plan Review for development of a Battery Energy Storage System (BESS) and associated site improvements on an existing substation site, for properties totaling approximately 6.45 acres, zoned IG (General Industrial), and located at 1615 22nd Street SE (Marion County Assessor Map and Tax Lot: 073W35AC / 01700 and 01600).

APPLICANT: Britany Randall, BRAND Land Use

LOCATION: 1615 22nd Street SE, Salem, OR 97302

FINDINGS: The findings are in the attached Decision dated December 10, 2024.

DECISION: The **Planning Administrator APPROVED** the application based upon the submitted materials and the findings as presented in the decision.

The rights granted by the attached decision, which are effective as of the date of this decision, must be exercised by December 10, 2028, or this approval shall be null and void.

Case Manager: Quincy Miller, Planner I, gmiller@cityofsalem.net, 503-584-4676

This decision is final; there is no local appeal process. Any person with standing may appeal this decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301, **not later than 21 days after December 10, 2024**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The following items are submitted to the record: 1) All materials and evidence submitted by the applicant, including any applicable professional studies; and 2) All materials, evidence, and comments from City Departments and public agencies. The application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. To view the materials without registering, you may use the search function and enter the permit number listed here: 24 118643.

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
CLASS 2 SITE PLAN REVIEW)
24-118643-PLN)
1615 22ND STREET SE) DECEMBER 10, 2024

In the matter of the application for a Class 2 Site Plan Review, the Planning Administrator, having received and reviewed the evidence and application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

A Class 2 Site Plan Review for development of a Battery Energy Storage System (BESS) and associated site improvements on an existing substation site, for properties totaling approximately 6.45 acres, zoned IG (General Industrial), and located at 1615 22nd Street SE (Marion County Assessor Map and Tax Lot: 073W35AC / 01700 and 01600).

PROCEDURAL FINDINGS

1. On September 3, 2024, an application for a Class 2 Site Plan Review was submitted for property located at 1615 22nd Street SE.
2. After additional requested information was provided by the applicant, the application was deemed complete on November 5, 2024.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed Class 2 Site Plan Review affects properties located on the development site located at 1615 22nd Street SE (**Attachment A**). The Class 2 Site Plan Review proposes development of a BESS, asphalt driveway, and chain-link fence. The proposed development plans are included as **Attachment B**.

2. City Department Comments

Development Services Division – Reviewed the proposal and provided a memo included as **Attachment D**.

Building and Safety Division – Reviewed the proposal and had no comments.

Salem Fire Department – Reviewed the proposal and had no comments.

DECISION CRITERIA FINDINGS

3. Analysis of Class 2 Site Plan Review Approval Criteria

The purpose of Site plan review is to provide a unified, consistent, and efficient means to review for development activity that requires a building permit, to ensure that such development meets all applicable standards of the UDC, including, but not limited to, standards related to access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, landscaping, and transportation and utility infrastructure.

Pursuant to SRC 220.005(b)(2), Class 2 Site Plan Review is required for any development that requires a building permit, other than development subject to Class 1 Site Plan Review, and that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

SRC 220.005(f)(2) provides that an application for Class 2 Site Plan Review shall be granted if:

(a) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.

Finding: Only clear and objective standards apply to the proposed development. Complete findings addressing the proposal's conformance with these standards are included within the findings addressing approval criterion SRC 220.005(f)(2)(B) below. This approval criterion is met.

(b) The application meets all the applicable standards of the UDC.

Finding: The proposal is part of a development site for an existing Portland General Electric (PGE) substation, where an existing energy storage facility and building were previously approved under 11-118000-RP. This proposal includes construction of a BESS, an asphalt driveway connecting to an existing driveway, and fencing. The subject properties are zoned IG (General Industrial); therefore, the proposed development is subject to the use and development standards of the IG Zone, SRC Chapter 554. The following is a summary of the applicable use and development standards of the IG Zone.

Development Standards – IG (General Industrial) Zone

SRC 554.005(a) – Uses:

The permitted, special, conditional, and prohibited uses in the IG zone are set forth in Table 554-1.

Finding: The proposal includes construction of a BESS, which will connect to the existing substation, along with an asphalt driveway and chain-link fence. A BESS is considered a *basic utility* use, which is permitted in the IG zone.

SRC 554.010(a) – Lot Standards:

Lots within the IG zone shall conform to the standards set forth in Table 554-2.

Finding: There is no minimum lot size, lot width, or lot depth for all uses in the IG zone. The

minimum street frontage requirement for *all other uses* (including the *basic utility* use) is 16 feet. The existing lots comply with the minimum lot standards of the IG zone, and no changes to the lot size or dimensions are proposed.

SRC 554.010(b) – Setbacks:

Setbacks within the IG zone shall be provided as set forth in Table 554-3 and Table 554-4.

Abutting Street

Buildings and accessory structures require a minimum five-foot setback, while vehicle use areas require a minimum ten-foot setback when abutting streets.

Interior Front, Side and Rear

Buildings and accessory structures have no required minimum setback when abutting the IG zone. Vehicle use areas, when abutting the IG zone, have a minimum five-foot setback with Type A landscaping.

Finding: The proposed development does not alter the setbacks for the existing building. The proposed development is approximately 100 feet from Oxford Street to the north, 300 feet from the abutting IG zone property to the south, 400 feet from 22nd Street to the east, and 85 feet from the IG zone property the west. The proposed driveway does transverse property lines on the development site; however, the ownership is the same for both properties and a licensing agreement (**Attachment C**) has been created to ensure access. Therefore, this standard is met.

SRC 554.010(c) – Lot Coverage & Height:

Buildings and accessory structures within the IG zone shall conform to the lot coverage and height standards set forth in Table 554-5.

Finding: There is no maximum lot coverage requirement for all uses in the IG zone, and the maximum height allowance for buildings and accessory structures is 70 feet. No structures greater than 70-feet high are proposed, therefore, this standard is met.

SRC 554.010(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.

Finding: There are no landscaping requirements for the proposed development as the BESS and vehicle use area are beyond the minimum setbacks on the development site.

General Development Standards (SRC Chapter 800)

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 development site is comprised of two lots under the same ownership; 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.

Finding: Direct pedestrian access is provided from the existing building to Oxford Street SE. The proposed development is a utility use with no habitable structures proposed, therefore no pedestrian connection is required. This standard is met.

SRC 800.065(a)(2) – Pedestrian Connection Between Buildings on 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 does not include any buildings; therefore, this standard is not applicable.

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 existing off-street parking area is less than 25,000 square feet in size and does not include four or more consecutive parallel drive aisles. No additional off-street parking is proposed. 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. A pedestrian connection is not required, however:

- (a) To abutting properties used for activities falling within the following use classifications, use categories, and uses under SRC chapter 400:
 - (i) Single-family;
 - (ii) Two-family;
 - (iii) Group living;
 - (iv) Industrial;
 - (v) Infrastructure and utilities; and
 - (vi) Natural resources.

Finding: No vehicular connections are provided between the development site and abutting properties; therefore, this standard is not applicable.

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: No new pedestrian connections are proposed; therefore, this standard is not applicable.

Off-Street Parking, Loading, and Driveways (SRC Chapter 806)

SRC 806.015 – Amount Off-Street Parking.

- (a) *Maximum Off-Street Parking.* Except as otherwise provided in this section, and unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-1. For the purposes of calculating the maximum amount of off-street parking allowed, driveways shall not be considered off-street parking spaces.

Finding: No new off-street parking is proposed, therefore, this standard is not applicable.

SRC 806.035 – Off-Street Parking and Vehicle Use Area Development Standards.

- (a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to:
- (1) The development of new off-street parking and vehicle use areas;
 - (2) The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added;
 - (3) The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
 - (4) The paving of an unpaved area.

Finding: The proposal includes a new vehicle use area; therefore, this section is applicable.

- (b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- (c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

Finding: The proposal includes a vehicle use area in the form of a driveway from 22nd Street SE to the proposed BESS. The new vehicle use area crosses the property lines within the development site, however, a licensing agreement (**Attachment C**) has been obtained to ensure access.

- (d) *Interior Landscaping.* Vehicle use areas greater than 5,000 square feet in size require interior landscaping. Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area.

Finding: The proposed vehicle use area is less than 5,000 square feet in size, therefore, this standard is not applicable.

SRC 806.040 – Driveway development standards for uses or activities other than single family, two family, three family, or four family.

- (a) *Access.* Off-street parking and vehicle use areas shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available, or a loop to the single point of access. The driveway approaches to the driveways shall conform to SRC chapter 804.

Finding: The proposed driveway is a single driveway for ingress and egress, with a pull-off area and hammerhead turnaround provided. Therefore, this standard is met.

(b) *Location.* Driveways shall not be located within required setbacks except where:

- (1) The driveway provides direct access to the street, alley, or abutting property.
- (2) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.

Finding: The proposed driveway provides direct access from 22nd Street SE to the proposed development, and while it does transverse the common lot line, the licensing agreement (**Attachment C**) ensures access. Therefore, this standard is met.

(c) *Setbacks and landscaping.*

- (1) *Perimeter setbacks and landscaping, generally.* Perimeter setbacks and landscaping as set forth in this subsection shall be required for driveways abutting streets and abutting interior front, side, and rear property lines; provided, however, perimeter setbacks and landscaping are not required where:
 - (A) The driveway provides direct access to the street, alley, or abutting property.
 - (B) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.
- (2) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, driveways abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setbacks and landscaping standards set forth under SRC 806.035(c)(2).
- (3) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, driveways abutting an interior front, side, or rear property line shall be setback a minimum of five feet. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

Finding: The proposed driveway provides direct access to the street, and while it does cross the interior property lines within the development site, a licensing agreement (**Attachment C**) ensures access. Therefore, this standard is met.

(d) *Dimensions.* Driveways shall conform to the minimum width set forth in Table 806-8.

Finding: The proposed driveway is 20-feet wide, exceeding the minimum width of 12-feet required for one-way driveways. Therefore, this standard is met.

(e) *Surfacing.* All driveways, other than access roads required by the Public Works Design Standards to provide access to City utilities, shall be paved with a hard surface material meeting the Public Works Design Standards. Access roads required by the Public Works Design Standards to provide access to City utilities shall be an all-weather surface material meeting the Public Works Design Standards; provided, however, the first ten feet of the access road leading into the property, as measured from the property line, shall be paved with a hard surface material.

Finding: The proposed driveway will be composed of paved asphalt meeting the public works design standards. The existing gravel driveway providing access to 22nd Street will also be paved, as it is within the first ten feet of the property. Therefore, this standard is met.

- (f) *Drainage*. Driveways shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.
- (g) *"No Parking" signs*. Driveways shall be posted with one "no parking" sign for every 60 feet of driveway length, but in no event shall less than two signs be posted.

Finding: The proposed driveway will be designed for adequate drainage and include at least two "no parking signs" upon building permit issuance.

Bicycle Parking

SRC 806.045 – General Applicability.

- (a) Bicycle parking shall be provided as required under this chapter for each proposed new use or activity; any change of use or activity; or any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to change of use of existing building in Central Business District (CB) zone*. Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB zone shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. If the minimum number of required bicycle parking spaces are not present within the block face, the applicant shall be required to obtain a permit to have the required number of spaces installed. For purposes of this subsection, "block face" means the area within the public street right-of-way located along one side of a block, from intersecting street to intersecting street.
- (c) *Applicability to nonconforming bicycle parking area*. 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: A *basic utility* use requires the greater of four spaces or one per 10,000 square feet. As there is an existing five-space bicycle rack on the development site, no additional bicycle parking is required.

Off-Street Loading Areas

SRC 806.065 – General Applicability.

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

(b) Applicability to nonconforming off-street loading area. When off-street loading is required to be added to an existing off-street loading 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 806.070 – 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: A *basic utility* use does not require any off-street loading spaces. Therefore, this standard is not applicable.

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.

Finding: The subject property is located outside of the Urban Service Area. Because the proposed development does not precede construction of required facilities, an UGA permit is not required.

Public Improvements

Public Improvements (SRC Chapter 802)

Pursuant to SRC 802.015 all development shall be served by city utilities that are designed and constructed according to all applicable provisions of the Salem Revised Code (SRC) and the Public Works Design Standards (PWDS).

Finding: The water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development. At time of building permit review, the applicant shall Design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. Construction plans shall be approved and secured per SRC Chapter 77 prior to building permit issuance, and the improvements shall be completed and accepted to the satisfaction of the Public Works Director prior to occupancy.

Street and Right-of-Way Improvements (SRC Chapter 803)

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a requirement for certain development.

Finding: Oxford Street SE and 22nd Street SE do not meet current standards for their classification of street per the Salem Transportation System Plan for improvement width. The existing street system is adequate to serve the proposed development and the development is not proposing a building addition subject to 803.040(a); therefore, no right-of-way dedication or street improvements are required with this development.

Driveway Approaches (SRC Chapter 804)

Development standards for Driveway Approaches are established in SRC chapter 804 to ensure safe, orderly, and efficient movement of vehicles from the public way to private property.

Finding: The development site is served by an existing driveway approach onto 22nd Street SE. The existing driveway approach serving the site meets applicable sections of SRC Chapter 804 and does not warrant modification.

Vision Clearance (SRC Chapter 805)

SRC Chapter 805 establishes vision clearance standards in order to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

Finding: The proposal does not cause a vision clearance obstruction per SRC Chapter 805.

Natural Resources

Floodplain Overlay Zone (SRC Chapter 601)

There is an existing AE floodway and AE floodplain located on the subject property designated on the Federal Emergency Management floodplain maps. The Floodplain Administrator has reviewed the authoritative Flood Insurance Rate Map dated January 2, 2003, with a revised Letter of Map Revision date of April 30, 2010, and determined that the 100-year base flood elevation (BFE) for the subject property is 179-feet. Pursuant to SRC 601.070(a)(5), electrical equipment shall be elevated one foot above the base flood elevation and shall be designed and installed to prevent water from entering or accumulating within the components, and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. The final design plans shall incorporate details demonstrating the standards of SRC 601.070(a)(5) are met.

Wetlands (SRC Chapter 809)

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 wetlands 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. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

Finding: The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or 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.

Landslide Hazards (SRC Chapter 810)

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

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.

4. Conclusion

Based on the conformance with the preceding requirements the Planning Administrator certifies that the proposed Class 2 Site Plan Review is in conformance with the UDC and the approval criteria provided in SRC 220.005(f)(2), provided compliance occurs with any applicable items noted above.

Please Note: Findings included in this decision by the direction of the Salem Fire Department are based on non-discretionary standards. Fire Code related findings are intended to inform the applicant of the clear and objective Fire Prevention Code standards of SRC Chapter 58 that will apply to this development proposal on application for building permit(s). Additional or different Fire Prevention Code standards may apply based on the actual building permit application submitted.

If a building permit application has not already been submitted for this project, please submit a copy of this decision with your building permit application for the work proposed.

IT IS HEREBY ORDERED

The proposed Class 2 Site Plan Review is consistent with the provisions of SRC Chapter 220 and is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code and the findings contained herein.

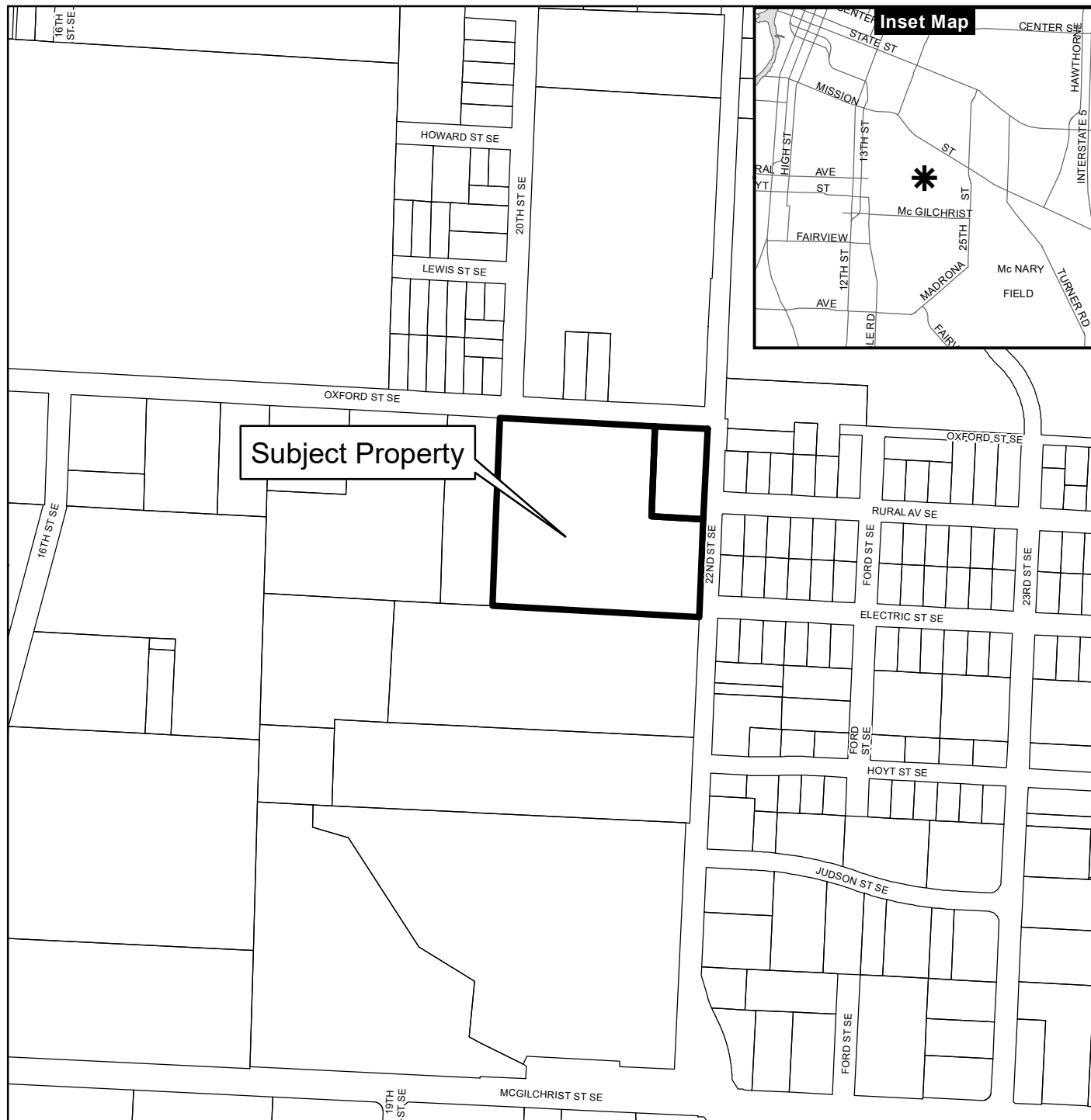


Quincy Miller, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments:

- A. Vicinity Map
- B. Proposed Site Plan
- C. Licensing Agreement
- D. Development Services Memo

Vicinity Map 1615 22nd Street SE



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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0 100 200 400 Feet



CONSTRUCTION NOTES

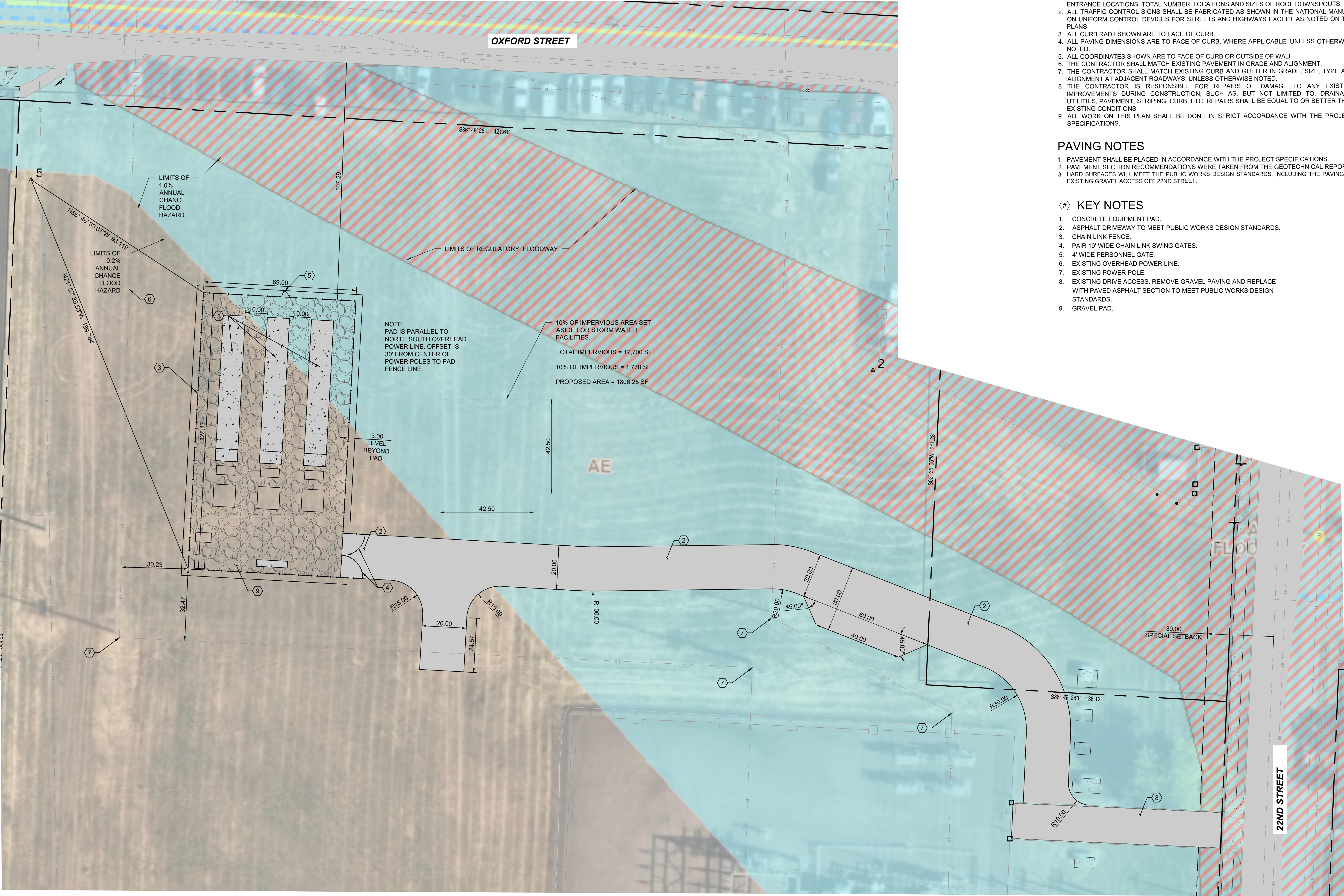
1. THE CONTRACTOR SHALL REFER TO BUILDING PLANS FOR LOCATION AND DIMENSIONS OF SLOPED PAVING, EXIT PORCHES, TRUCK DOCKS, BUILDING DIMENSIONS, BUILDING ENTRANCE LOCATIONS, TOTAL NUMBER, LOCATIONS AND SIZES OF ROOF DOWNSPOUTS.
2. ALL TRAFFIC CONTROL SIGNS SHALL BE FABRICATED AS SHOWN IN THE NATIONAL MANUAL ON UNIFORM CONTROL DEVICES FOR STREETS AND HIGHWAYS EXCEPT AS NOTED ON THE PLANS.
3. ALL CURB RADII SHOWN ARE TO FACE OF CURB.
4. ALL PAVING DIMENSIONS ARE TO FACE OF CURB, WHERE APPLICABLE, UNLESS OTHERWISE NOTED.
5. ALL COORDINATES SHOWN ARE TO FACE OF CURB OR OUTSIDE OF WALL.
6. THE CONTRACTOR SHALL MATCH EXISTING PAVEMENT IN GRADE AND ALIGNMENT.
7. THE CONTRACTOR SHALL MATCH EXISTING CURB AND GUTTER IN GRADE, SIZE, TYPE AND ALIGNMENT AT ADJACENT ROADWAYS, UNLESS OTHERWISE NOTED.
8. THE CONTRACTOR IS RESPONSIBLE FOR REPAIRS OF DAMAGE TO ANY EXISTING IMPROVEMENTS DURING CONSTRUCTION, SUCH AS, BUT NOT LIMITED TO, DRAINAGE, UTILITIES, PAVEMENT, STRIPING, CURB, ETC. REPAIRS SHALL BE EQUAL TO OR BETTER THAN EXISTING CONDITIONS.
9. ALL WORK ON THIS PLAN SHALL BE DONE IN STRICT ACCORDANCE WITH THE PROJECT SPECIFICATIONS.

PAVING NOTES

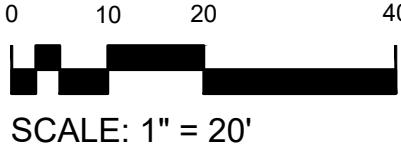
1. PAVEMENT SHALL BE PLACED IN ACCORDANCE WITH THE PROJECT SPECIFICATIONS.
2. PAVEMENT SECTION RECOMMENDATIONS WERE TAKEN FROM THE GEOTECHNICAL REPORT.
3. HARD SURFACES WILL MEET THE PUBLIC WORKS DESIGN STANDARDS, INCLUDING THE PAVING OF EXISTING GRAVEL ACCESS OFF 22ND STREET.

KEY NOTES

1. CONCRETE EQUIPMENT PAD.
2. ASPHALT DRIVEWAY TO MEET PUBLIC WORKS DESIGN STANDARDS.
3. CHAIN LINK FENCE.
4. PAIR 10' WIDE CHAIN LINK SWING GATES.
5. 4' WIDE PERSONNEL GATE.
6. EXISTING OVERHEAD POWER LINE.
7. EXISTING POWER POLE.
8. EXISTING DRIVE ACCESS. REMOVE GRAVEL PAVING AND REPLACE WITH PAVED ASPHALT SECTION TO MEET PUBLIC WORKS DESIGN STANDARDS.
9. GRAVEL PAD.



1 SITE PLAN
C101



NOT FOR CONSTRUCTION - PRELIMINARY DESIGN

SALEM, OREGON
PORTLAND GENERAL ELECTRIC
PGE SALEM BESS

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LAND USE

8.23.2024
PROJ# | PORTGEN_SALEM
DESIGNED BY |
DRAWN BY | MAHONEY
REVIEWED BY | MINNICK
REVISIONS

SITE PLAN

C101

After Recording Return To:

Portland General Electric Company
 121 SW Salmon Street, 1WTC1302
 Portland, OR 97204-9951
 Attn: Meredith Armstrong, PGE PRO

(Space above this line for Recorder's use.)

DECLARATION OF COVENANTS AND RESTRICTIONS

This Declaration of Covenants and Restrictions (this "Deed Restriction") is made effective as of the 13th day of November, 2024, by *PORTLAND GENERAL ELECTRIC COMPANY*, an Oregon Corporation, 121 SW Salmon Street, Portland, Oregon 97204-9951 ("Declarant").

RECITALS

A. Declarant is the owner of the property located generally at 1705 22nd St SE, , Salem, Marion County, Oregon (Parcel No. 073W35AC01700/527837), as more specifically described and depicted in the attached *Exhibit "1"*, upon which Declarant has sited and operates Declarant's Oxford Electrical Substation (the "Oxford Substation Property").

B. Declarant is the owner of the property located generally at 1615 22nd St SE, , Salem, Marion County, Oregon (Parcel No 073W635AC01600/527838 .), as more specifically described and depicted in the attached *Exhibit "2"*, upon which Declarant has sited and operates Declarant's Salem Energy Storage (the "Salem BESS Property").

C. Declarant wishes to identify the specified portions of the respective properties to be utilized for joint and reciprocal access to the properties as depicted in *Exhibit "3"* hereto (the "Joint Access") in accordance with and for the purpose of fulfilling the requirements of the City of Salem Site Plan Review (City Ref No. 24-118643).

D. Declarant has agreed to execute and acknowledge this Deed Restriction and record the same in the Official Records of Marion County, Oregon.

TERMS AND CONDITIONS

1. **Declaration of Restriction.** Declarant hereby declares that the Oxford Substation Property and the Salem BESS Property shall be held, sold, and conveyed in perpetuity subject to the following restrictions and covenants, which shall run with the land, and each and every portion thereof, and shall be binding upon all parties having or acquired any right, title, or interest therein.

2. **Deed restriction.** Declarant establishes a restriction over the specified portions of the Oxford Substation Property and the Salem BESS Property for joint and reciprocal access to the respective properties subject to and in accordance with the terms and conditions set forth herein as depicted in *Exhibit "3"* hereto.

3. **Improvements and Maintenance.** Declarant reserves the right to maintain and to make future modifications and improvements to the respective properties, including but not limited to informational signage, placement of site boundary markers, installation of fences and security features, and

construction, operation, and maintenance of electric power generation facilities and related utility facilities, and the like, if, and to the extent allowed by applicable law.

4. **Conditions.** This Deed Restriction is subject to and conditioned upon each of the following which are for the benefit of Declarant.

4.1 **Conveyance.** In the event all or any portion of the respective properties is conveyed to a party other than Declarant such party shall accept such conveyance subject to all limitations and restrictions included in such conveyance and shall undertake all obligations and assume such liabilities and risk of loss specified therein. In the absence of anything to the contrary contained in such conveyance, the obligations of Declarant and such party shall be as provided in ORS 105.175 in effect as of the time of the conveyance.

4.2 **Condition of Entry.** All persons entering upon the respective properties shall do so on the condition that such individuals assume the sole risk and liability associated with, and release Declarant from and against any damages or liability arising out of or in any way related to such individual's presence and/or activities on the Property and further on the condition that such individuals indemnify, defend and hold Declarant harmless in connection with any damage to the Property, to any person, and/or all other losses, liabilities, costs and expenses arising from or in any way related to such individual's presence and/or activities on the Property.

4.3 **Limitations on Use.** No use of the respective properties shall at any time be incompatible with the safety, security, integrity or efficient operation of Declarant's facilities on the respective properties nor shall Declarant's access to its facilities be interrupted or impeded in any fashion. Declarant reserves the continuing right to provide or adopt security measures regarding any portion of the respective properties or to prevent third parties from accessing any portion of the properties.

4.4 **Limitation of Remedies.** In no event shall Declarant be liable to any person or entity for any special, consequential, incidental, indirect, exemplary or punitive damages, however caused, arising out of or in any way related to the presence and/or activities of any such individual or entity on or about the respective properties, or any portion thereof, regardless of the form of action, whether for breach of contract, breach of warranty, tort, negligence, strict product liability or otherwise, howsoever caused, whether or not arising from the sole, joint or concurrent negligence of Declarant and whether or not a party has been advised of the possibility of such damages.

5. **Effect of This Agreement.** This Deed Restriction shall run with the land as to all property burdened and benefited. The rights, covenants, and obligations contained in this Declaration shall bind, burden, and benefit the successors and assigns of Declarant.

6. **No Public Dedication.** This Deed Restriction may not be construed as a gift or dedication of the Property, or any portion thereof, to the general public, nor as a right of use or access by the general public.

7. **Termination or Amendment.** No part of this Deed Restriction may be terminated, amended, or revoked without the written approval of the Declarant.

8. **Severability.** If any provision of this Deed Restriction is or becomes illegal or unenforceable for any reason, the remaining provisions will remain in full force and effect.

9. **Choice of Law.** The interpretation and performance of this Deed Restriction and each of the terms and conditions hereof shall be governed by the laws of the State of Oregon.

[Signature of Declarant on Following Page]

IN WITNESS WHEREOF, Declarant has executed this Declaration effective as of the date first above written.

DECLARANT:

PORTLAND GENERAL ELECTRIC COMPANY,
an Oregon Corporation

By: _____
Name: Meredith Armstrong
Title: Manager, PGE Property Rights Organization

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me on this ____ day of _____, 2024, by Meredith Armstrong as the Manager, PGE Property Rights Organization and authorized representative of **PORTLAND GENERAL ELECTRIC COMPANY**, an Oregon corporation ("Declarant") on behalf of the corporation.

Notary Public for Oregon

Attachments:

Exhibit "1" - Description and Depiction of Oxford Substation Property
Exhibit "2" - Description and Depiction of Salem BESS Property
Exhibit "3" - Depiction of Joint Access

Exhibit "1" - Description of Oxford Substation Property

Beginning at a point on the South line of Oxford Street which point is 60 feet South $0^{\circ}35'$ East from the Southeast corner of Block 3, Lafky Addition to Salem in Marion County, Oregon; thence South $89^{\circ}02'$ East along the South line of Oxford Street 416.93 feet to the West line of a tract of land reserved in a Deed given by Vera Mack to Warren Northwest, Inc., recorded in Volume 435, page 32, Deed Records for Marion County, Oregon; thence South $0^{\circ}12'$ West 242.26 feet; thence South $89^{\circ}2'$ East 139.76 feet, more or less, to the West line of 22nd Street, S.E., as the same is now located and established; thence South $0^{\circ}26'$ West along the West line of 22nd Street S.E., a distance of 262.90 feet, more or less, to the Westerly projection of the South line of Electric Street; thence North $89^{\circ}02'$ West, parallel with the South line of Oxford Street, 557 feet, more or less, to a point which is South $0^{\circ}35'$ East from the place of beginning; thence North $0^{\circ}35'$ West 505.16 feet, more or less, to the place of beginning.

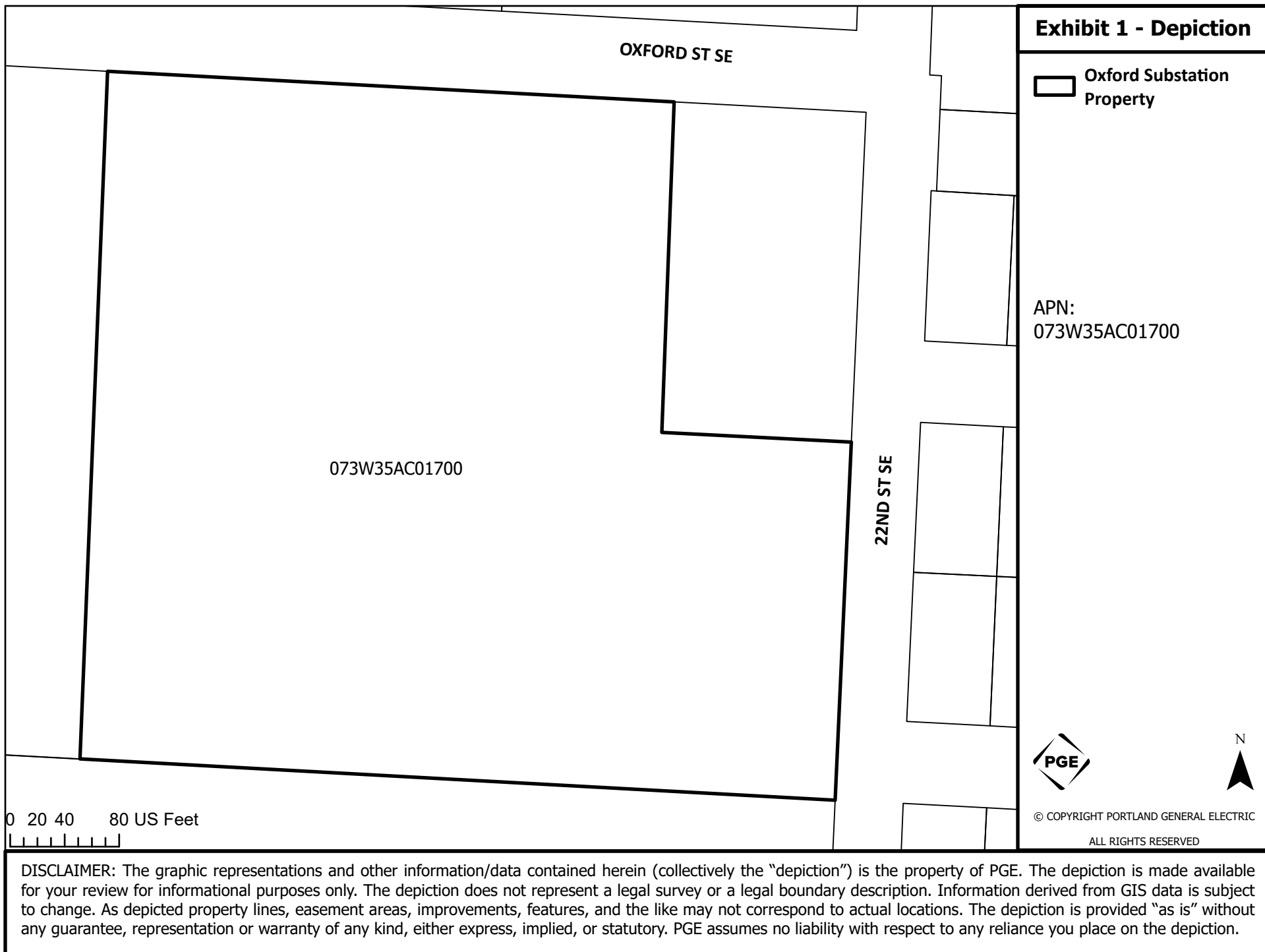


Exhibit "2" - Description of Salem BESS Property

Beginning at a point on the South line of the land formerly owned by Chas. Craft by virtue of a decree of partition made and entered in the Circuit Court of the State of Oregon for the County of Marion in a suit wherein said Chas. Craft was Plaintiff and the widow and Heirs of Joseph Watt, deceased, were Defendants; said point being 2357.80 feet South 89° 2' East from the Southwest corner of said land; thence South 89° 2' East along the South line of said Craft land 161.03 feet to the center of a 60.00 foot road; thence South 0° 28' West along the center of said road, 272.26 feet; thence North 89° 2' West 159.76 feet to an iron pipe; thence North 0° 12' East 272.26 feet to the place of beginning, and being situated in the James Davidson Donation Land Claim in Township 7 South, Range 3 West of the Willamette Meridian in Marion County, Oregon.

Save and Except the rights of the public in and to the North 30' included in Oxford Street and the East 30' included in South 22nd Street.

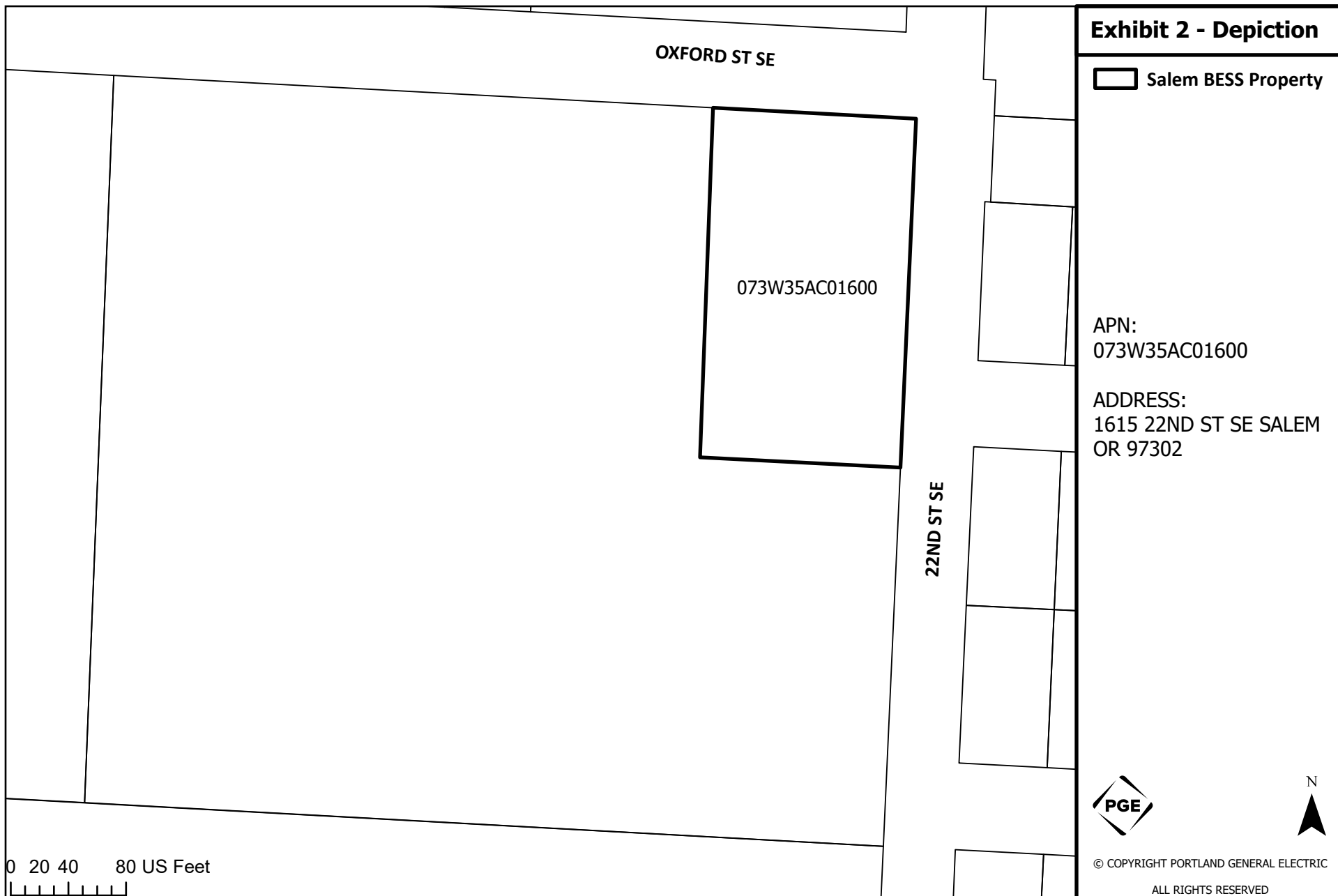


Exhibit 2 - Depiction

 Salem BESS Property

APN:
073W35AC01600

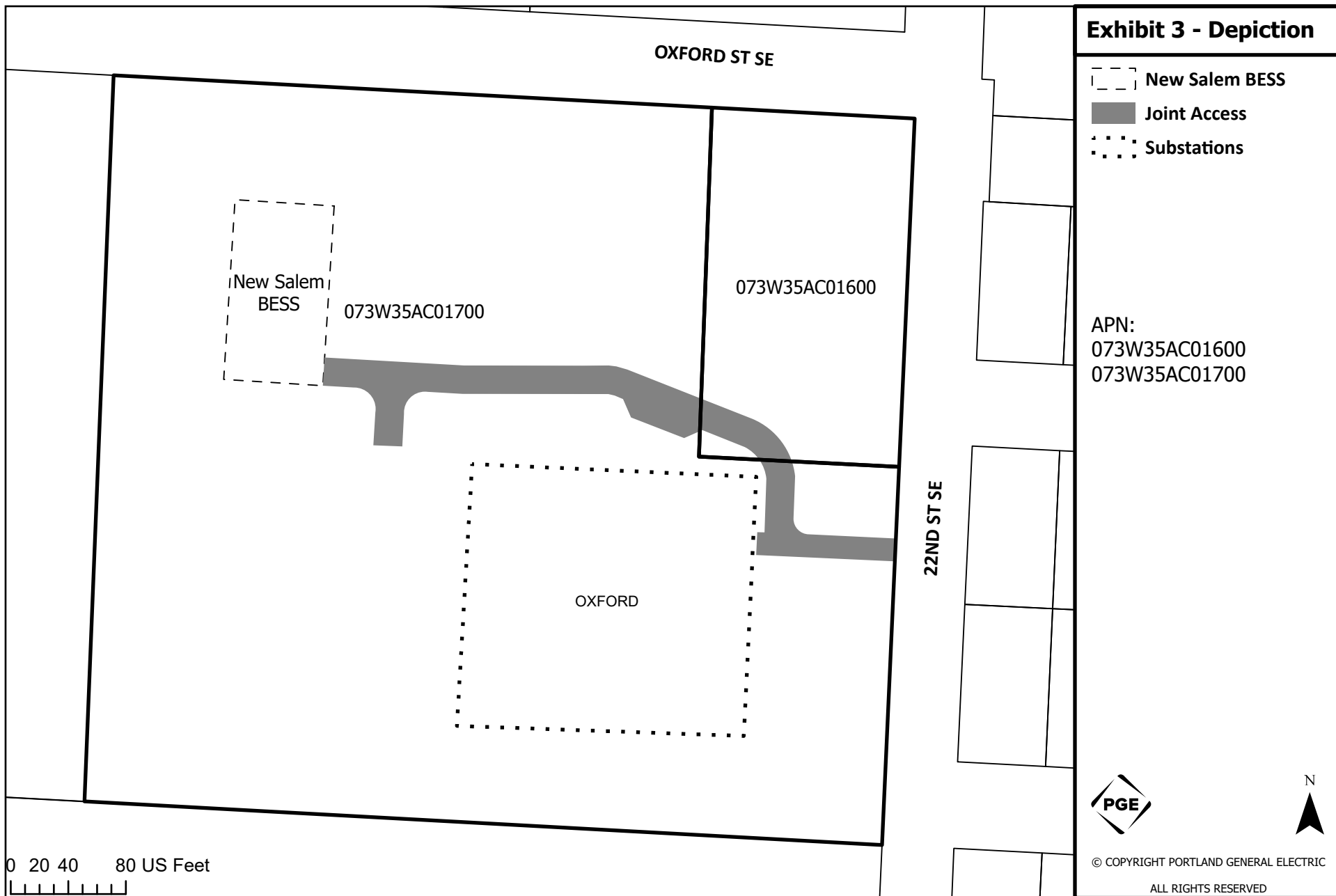
ADDRESS:
1615 22ND ST SE SALEM
OR 97302



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MEMO

TO: Quincy Miller, Planner I
Community Planning and Development Department

FROM: Aaron Panko, Infrastructure Planner III
Community Planning and Development Department

DATE: December 10, 2024

SUBJECT: Infrastructure Memo
CLASS 2 SITE PLAN REVIEW (24-118643-PLN)
1615 22nd Street SE
Battery Storage Site Improvements

PROPOSAL

A Class 2 Site Plan Review for development of a Battery Energy Storage System (BESS) and associated site improvements on an existing substation site, for properties totaling approximately 6.45 acres, zoned IG (General Industrial), and located at 1615 22nd Street SE (Marion County Assessor Map and Tax Lot: 073W35AC / 01700 and 01600).

SUMMARY OF FINDINGS

- Pursuant to SRC Chapter 71:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).
- Pursuant to SRC 601.070:** All new electrical equipment shall be designed and constructed to meet the provisions for flood hazard reduction established in SRC 601.070.

EXISTING CONDITIONS – INFRASTRUCTURE

The existing conditions of streets abutting the subject property are described in the following table:

Streets			
Street Name		Right-of-way Width	Improvement Width
Oxford Street SE	Standard:	60-feet	34-feet

(Collector)	Existing Condition:	60-feet	21-feet
22 nd Street SE (Collector)	Standard:	60-feet	34-feet
	Existing Condition:	60-feet	21-feet

The existing conditions of public utilities available to serve the subject property are described in the following table:

Utilities	
Type	Existing Conditions
Water	Water Service Level: G-0
	A 30-inch water main is located in Oxford Street SE.
	A 12-inch water main is located in 22 nd Street SE.
Sanitary Sewer	An 8-inch sanitary sewer main is located in Oxford Street SE.
	A 15-inch sanitary sewer main is located in 22 nd Street SE.
Storm Drainage	A 54-inch storm main is located in Oxford Street SE.
	A 30-inch storm main is located in 22 nd Street SE.

CRITERIA AND FINDINGS

SRC 220.005 indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 220.005(f)(2)(B): The application meets all applicable standards of the UDC (Unified Development Code)

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.

Finding: The subject property is located outside of the Urban Service Area. Because the proposed development does not precede construction of required facilities, an UGA permit is not required.

SRC Chapter 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: There is an existing AE floodway and AE floodplain located on the subject property designated on the Federal Emergency Management floodplain maps. The

Floodplain Administrator has reviewed the authoritative Flood Insurance Rate Map dated January 2, 2003 with a revised Letter of Map Revision date of April 30, 2010 and determined that the 100-year base flood elevation (BFE) for the subject property is 179-feet. Pursuant to SRC 601.070(a)(5) electrical equipment shall be elevated one foot above the base flood elevation and shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. The final design plans shall incorporate details demonstrating the standards of SRC 601.070(a)(5) are met.

Pursuant to SRC 601.070: All new electrical equipment shall be designed and constructed to meet the provisions for flood hazard reduction established in SRC 601.070.

SRC Chapter 802 (Public Improvements): Pursuant to SRC 802.015 all development shall be served by city utilities that are designed and constructed according to all applicable provisions of the Salem Revised Code (SRC) and the Public Works Design Standards (PWDS).

Finding: The water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development. At time of building permit review, the applicant shall Design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. Construction plans shall be approved and secured per SRC Chapter 77 prior to building permit issuance, and the improvements shall be completed and accepted to the satisfaction of the Public Works Director prior to occupancy.

SRC Chapter 71 – Stormwater: The proposed development is subject to SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least ten percent of the total new impervious surface area for installation of green stormwater infrastructure. The applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

Pursuant to SRC Chapter 71: Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

SRC Chapter 803 (Street and Right-of-way Improvements): Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040

requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a requirement for certain development.

Finding: Oxford Street SE and 22nd Street SE do not meet current standards for their classification of street per the *Salem Transportation System Plan* for improvement width. The existing street system is adequate to serve the proposed development and the development is not proposing a building addition subject to 803.040(a); therefore, no right-of-way dedication or street improvements are required with this development.

SRC 804 (Driveway Approaches): Development standards for Driveway Approaches are established in SRC chapter 804 to ensure safe, orderly, and efficient movement of vehicles from the public way to private property.

Finding: The development site is served by an existing driveway approach onto 22nd Street SE. The existing driveway approach serving the site meets applicable sections of SRC Chapter 804 and does not warrant modification.

SRC 805 (Vision Clearance): SRC Chapter 805 establishes vision clearance standards in order to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

Finding: The proposal does not cause a vision clearance obstruction per SRC Chapter 805.

SRC Chapter 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 wetlands 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. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

Finding: The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or 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): The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

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.

Prepared by: Aaron Panko, Infrastructure Planner III
cc: File