

NOTICE OF DECISION

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

DECISION OF THE HEARINGS OFFICER

**CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT
CASE NO.: CU-SPR-ADJ25-01**

APPLICATION NO.: 24-121452-PLN

NOTICE OF DECISION DATE: March 14, 2025

SUMMARY: Conditional Use for a solid waste transfer station in the IG zone.

REQUEST: A consolidated application for a Conditional Use Permit and Class 3 Site Plan Review to establish a new solid waste transfer station in an existing tenant space, with a Class 2 Adjustment to reduce the required bicycle parking for the development site from nine spaces to four spaces (SRC 806.055(a)), for property 2.35 acres in size, zoned IG (General Industrial), and located at 1450 McDonald St NE (Marion County Assessor's Map and Tax Lot number: 073W14AD / 1400).

APPLICANT: Chad Robinson, Bio Clean Industries

LOCATION: 1450 McDonald St NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 240.005(d) – Conditional Use; 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment

FINDINGS: The findings are in the attached Decision dated March 13, 2025.

DECISION: The **Hearings Officer APPROVED** Conditional Use / Class 3 Site Plan Review / Class 2 Adjustment Case No. CU-SPR-ADJ25-01 subject to the following conditions of approval:

- Condition 1:** Prior to Certificate of Final Occupancy, the applicant shall demonstrate that they have obtained any required franchise agreement(s) prior to operation.
- Condition 2:** The applicant shall replace the chain-link fence along the southwest portion of property line abutting residentially zoned properties with a minimum six-foot-tall sight-obscuring fence or wall, constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials, in conformance with SRC 800.050.
- Condition 3:** All waste treatment shall be conducted entirely within the building. There shall be no outdoor storage of waste on site.
- Condition 4:** Operation of the OMW-1000 shall only occur during normal hours of operation, between the hours of 7 AM and 8 PM; with all doors to the premises closed during its operation, including the loading doors.

- Condition 5:** Noise testing of the residential properties in the area after the machine is installed shall be conducted. If the sample indicates that the noise levels established in Table 51–1 (SRC 51.015) are not met to the extent of the residential zoned properties, then the applicant shall provide additional mitigation measures to reduce the noise levels generated to the ambient daily noise level of the adjacent residentially–zoned property within 60 days. Mitigation measures include, but are not limited to, interior sound proofing of the tenant space.
- Condition 6:** The applicant shall replant trees in the existing planter strip along McDonald Street NE at a density of one plant unit per 20 square feet.
- Condition 7:** At time of Building Permit Review, the applicant shall demonstrate compliance with the Public Works Stormwater Source Control requirements in Public Works Administrative Rule 109-012, where applicable.
- Condition 8:** At the time of building permit review, the applicant shall provide at least two short-term bicycle parking spaces outside of the building, indicating conformance with the applicable standards of SRC 806.060.
- Condition 9:** The adjusted bicycle parking standard, 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 the dates below, or this approval shall be null and void.

Conditional Use:	<u>April 1, 2027</u>
Class 3 Site Plan Review:	<u>April 1, 2029</u>
Class 2 Adjustment:	<u>April 1, 2029</u>
Application Deemed Complete:	<u>January 10, 2025</u>
Public Hearing Date:	<u>February 12, 2025</u>
Notice of Decision Mailing Date:	<u>March 14, 2025</u>
Decision Effective Date:	<u>April 1, 2025</u>
State Mandate Date:	<u>May 10, 2025</u>

Case Manager: Jamie Donaldson, jdonaldson@cityofsalem.net, 503-540-2328

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. Monday, March 31, 2025. 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 Chapter(s) . 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 Planning Commission will review the appeal at a public hearing.

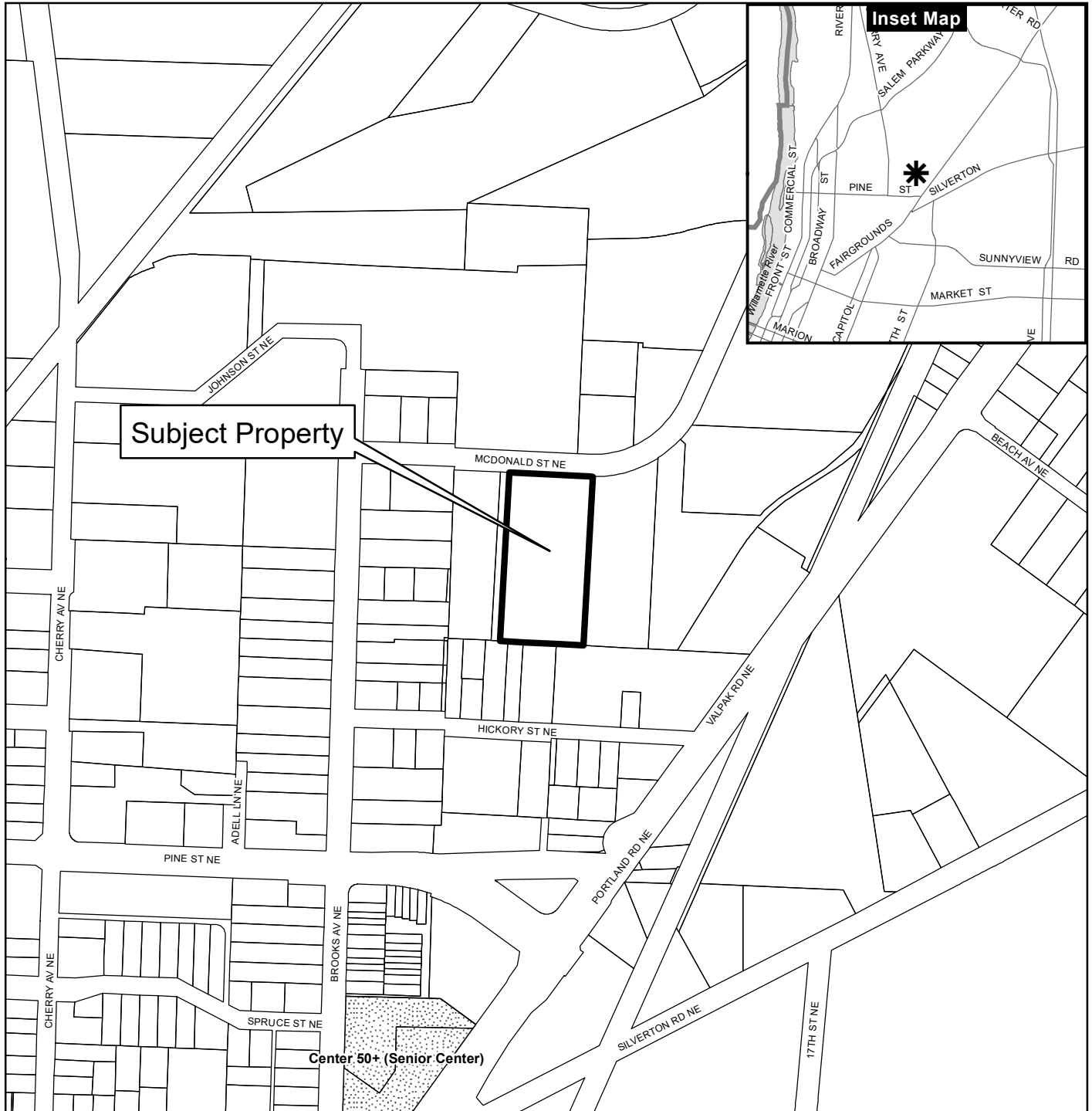
After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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>

Vicinity Map

1450 McDonald Street NE



Legend

- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools
- Parks

0 100 200 400 Feet



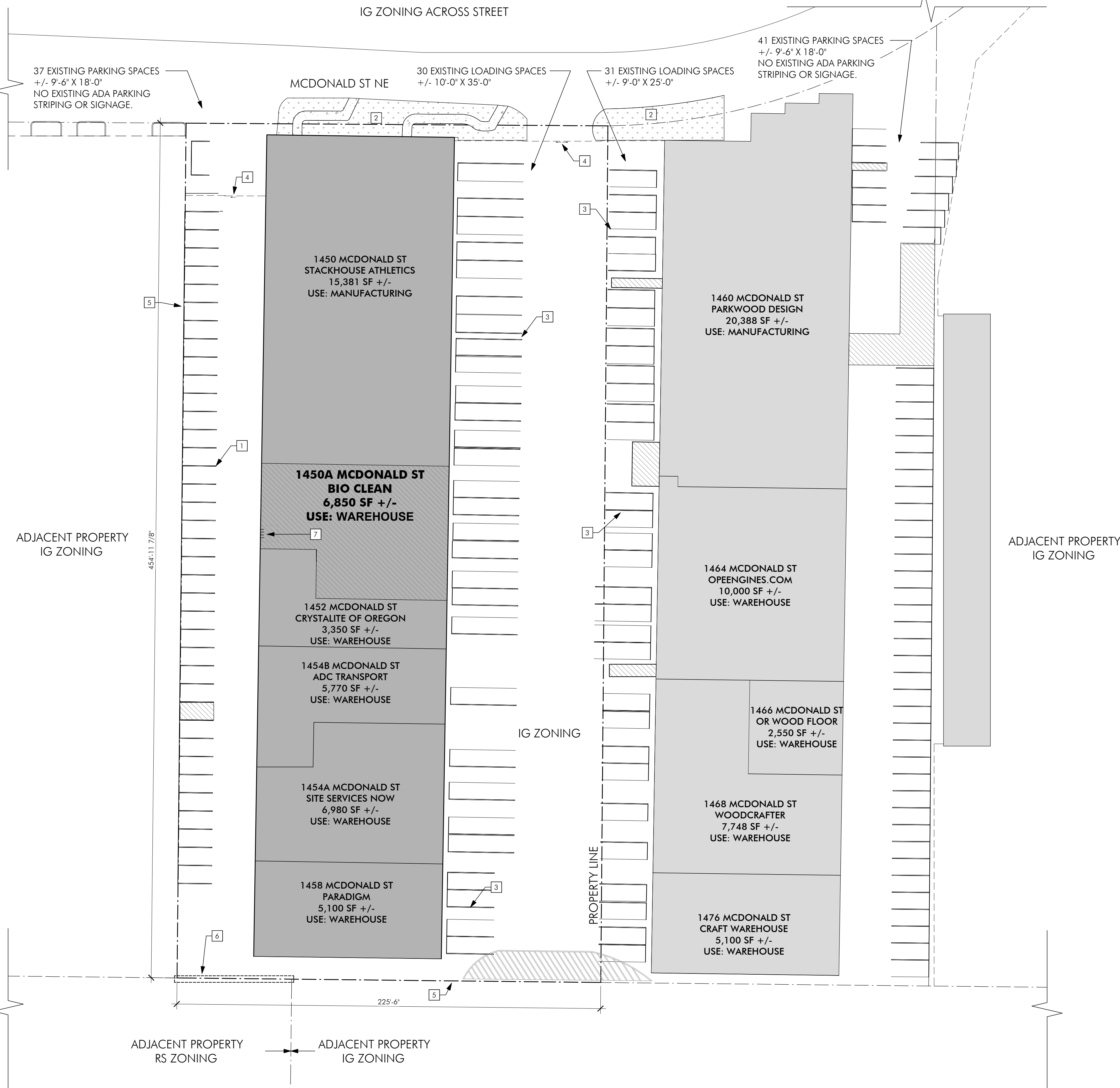
CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

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GENERAL NOTE:
SITE PLAN GENERATED FROM COUNTY TAX
MAPS AND SATELLITE PHOTOS.SITE AREA (1450) = 102,473 SF (+/-)
BUILDING AREA = 43,431 SF (42.4%)
PAVING AREA = 58,150 SF (56.7%)
LANDSCAPED AREA = 892 SF (0.9%)SITE AREA (1460) = 82,798 SF (+/-)
BUILDING AREA = 45,688 SF (55.2%)
PAVING AREA = 36,418 SF (44.0%)
LANDSCAPED AREA = 692 SF (0.8%)TOTAL SITE AREA = 185,271 SF (+/-)
BUILDING AREA = 89,119 SF (48.1%)
PAVING AREA = 94,568 SF (51.0%)
LANDSCAPED AREA = 1,584 SF (0.9%)

SITE PLAN NOTES:

- EXISTING PARKING
- LANDSCAPED AREA
- EXISTING LOADING DOCK SPACES
- EXISTING CHAIN LINK SLIDING GATE. +/- 5-FEET TALL WITH 1-FOOT BARBED WIRE TOP.
- EXISTING CHAIN LINK FENCE WITH PRIVACY SLATS. +/- 5-FEET TALL WITH 1-FOOT BARBED WIRE TOP.
- NEW 6 FOOT SIGHT OBSCURING FENCE AT ADJACENT RESIDENTIAL ZONE.
- SPACE RESERVED ON INTERIOR OF BUILDING FOR REQUIRED 4 BICYCLE PARKING SPACES (WALL MOUNT RACKS)



BEFORE THE HEARINGS OFFICER

CONSOLIDATED APPLICATION FOR A)	
CONDITIONAL USE PERMIT, A CLASS 3)	CU-SPR-ADJ25-01
SITE PLAN REVIEW, AND A CLASS 2)	
ADJUSTMENT FOR A SOLID WASTE)	
TRANSFER STATION AT 1450 MCDONALD)	FINDINGS OF FACT,
STREET NE (MARION COUNTY ASSESSOR)	CONCLUSION AND DECISION
MAP AND TAX NUMBER 073/W14AD /)	
1400)	

DATE AND PLACE OF HEARING:

On February 12th, 2025, at 5:30 p.m., a properly noticed hearing was held before the City of Salem Hearings Officer at Salem City Council Chambers, Room 240, Civic Center, 555 Liberty Street SE, Salem, Oregon.

APPEARANCES:

Staff: Jamie Donaldson, Planner III

Neighborhood Association: Northgate Neighborhood Association

Proponents: Bio Clean Industries, represented by Chad Robinson. Letter of support also were received from the residents of 1459 and 1469 Hickory Street SE and from 1335 and 1450 McDonald Street NE.

Opponents: Bayard and Kaethe Mentrumb; Phyllis Abbott-Cavota; Bill Berry, Leigh Gaynair, representing the Highland Neighborhood Assn., and Veronica Aquilar.

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

On October 18, 2024, the applicant's representative applied for a conditional use permit, a Class 3 Site Plan Review, and a Class 2 Adjustment. The collective applications were deemed complete for processing on January 10, 2025. The 120-day state mandated decision deadline is May 10, 2025, on the consolidated applications.

The Hearing Notice was provided on January 10, 2025, to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) and stated that the date for the hearing was February 12th, 2025.

The property was posted on January 29, 2025, consistent with the requirements of SRC 300.620(b)(3) for a Type III application. The applicant signed a notarized affidavit stating the notice was posted according to those requirements and the record shows a photograph of the posted

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notice. Per SRC 300.620(b)(2), posted notice is deemed to have been provided upon the date that the sign was first posted.

The City of Salem held a duly authorized and noticed public hearing on February 12th, 2025, regarding the Applicant's request. During the hearing, Jamie Donaldson requested that the Staff Report be entered into the Record, and the Hearings Officer granted the request.

FINDINGS OF FACT AND CONCLUSIONS

1. Salem Area Comprehensive Plan (SACP) designation

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Industrial." The subject property is within the Urban Growth Boundary and the Urban Service Area.

2. Zoning and Surrounding Land Uses

The subject property is zoned IG (General Industrial). The zoning and uses of the surrounding properties include:

North: Across McDonald Street NE, the zoning is IG (General Industrial); that support the following uses: Oak Harbor Freight Lines (warehousing), Capital City Metals (warehousing), and Butterfield Color (Manufacturing).

South: IG (General Industrial Zone) and RS (Single Family Residential); that support Northgate Storage (self-service storage) and single-family residences.

East: IG (General Industrial Zone); that supports RV storage and agricultural uses.

West: IG (General Industrial Zone); that supports TRS Towing (vehicle storage), Cravenho Construction & Building (construction contracting).

3. Site Analysis

The proposal is part of a development site consisting of two industrial buildings, on two properties totaling 4.26 acres in size, which share access and vehicle use areas. The proposed use is an approximately 6,850 square-foot tenant space in the west building of the development site, which is on property 2.35 acres in size. The property has approximately 225 feet of frontage along McDonald Street NE to the north, which is designated as a Local Street in the Salem Transportation System Plan (TSP).

4. Neighborhood and Citizen Comments

The subject property is located within the Northgate Neighborhood Association. Pursuant to SRC Chapter 300, the applicant is required to contact the Neighborhood Association prior to submittal

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of this consolidated application. On October 16, 2024, the applicant contacted the Association, meeting the requirements of SRC 300.310(c). Notice was provided to the Northgate Neighborhood Association and to surrounding addresses, property owners, and tenants within 250 feet of the subject property.

The Northgate Neighborhood Association submitted comments as did the Highland Neighborhood Association, which is not directly adjacent to the subject property. Both associations expressed concerns for the residential properties in the area and suggest that the use should be located somewhere else. The Northgate Neighborhood Association expressed concerns about the operation of the proposed use including how the waste is loaded into the machine, time of exposure, where the waste will go once processed, how is the machine to be loaded with the building closed, and how the converting solid waste is typical of waste produced by households. Concerns were also expressed about the potential for inadequate medical waste management and the effect on the environment and human health.

The subject property is not located within a homeowner's association.

At the time of the public hearing, public comments had been received from Leigh Tracey–Gaynair, Bill Berry, Phyllis Abbott–Cavota, Bayard and Kaethe Mentrum,

5. City Department and Public Agency Comments

The Salem Development Services Division reviewed the proposal and provided a memo with findings that were incorporated into the staff report.

The Salem Building and Safety Division reviewed the proposal and indicated no concerns.

The Salem Fire Department reviewed the proposal and indicated that Fire Department access exists as does a water supply.

The Salem Franchise Administrator reviewed the proposal in regard to franchising requirements for solid waste management services and noted that as of January 1, 2025, sharps and non-pathological waste, which accounts for approximately 97% of medical waste produced in Marion County will be transported by truck to Boise, Idaho, where it will be processed and subsequently sent to a landfill. The remaining 3%, pathological waste will be transported to the Portland metro area to be incinerated at a morgue. The Administrator noted that the medical waste processing facility proposed by Bio Clean will allow medical waste collected in Salem and Marion County to be processed locally, reducing the cost of disposal, and reducing the related transportation emissions.

Marion County Environmental Services reviewed the proposal and submitted comments on the process and best practices.

Salem Electric reviewed the proposal and had no concerns.

6. Analysis of Conditional Use Criteria

SRC Chapter 240.005(a)(1) provides that no building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

SRC Chapter 240.005(d) establishes the following approval criteria for a conditional use permit:

Criterion 1 (SRC 240.005(d)(1): *The proposed use is allowed as a conditional use in the zone.*

Finding 1: The subject property is located in the southeast portion of a predominantly industrial area spanning over 200 acres of adjacent IG-zoned properties. As such, the property is almost completely surrounded by other IG-zoned properties on all sides, which are generally comprised of warehouse, storage, and manufacturing uses, except for the southwest corner where approximately 60 feet of the property abuts two RS (Single Family Residential) zoned properties. Typical development standards of the IG zone require landscaped setbacks for all buildings and vehicle use areas when abutting any other zone, with an increase in the size of the setback based on the nature of the abutting zone. The intent of these landscaped setbacks is to buffer the more intense industrial uses of IG-zoned properties from all other types of adjacent uses. In the IG zone, the setback abutting residentially zoned properties for all buildings and vehicle use areas is a minimum of 40 feet with Type E landscaping, which includes increased plant units and a six-foot-tall wall. However, because the proposed use is for an existing tenant space for a property that is already developed, and proposes no exterior changes to the site, it is not feasible to provide the required 40-foot landscaped setback as it would require removal of pavement, parking, and potentially a portion of the building, and is therefore not proportional to the proposal.

The applicant is requesting to establish a new use in an existing tenant space, which will treat non-pathological infectious medical waste with an OMW-1000 machine from Clean Waste Systems. This use is classified as a solid waste transfer station and in the IG zone, solid waste transfer stations require a Conditional Use Permit. The system has been approved by the Oregon Health Authority (OHA) to treat infectious waste, including “biological waste,” “cultures and stocks,” and “sharps.” Information provided regarding this machine indicates that it will generate no toxic emissions or strong odors and that the main by-product of its operation is oxygen released from the breakdown of the ozone sterilization process.

The infectious waste treated by this machine includes “biological waste,” “cultures and stocks,” and “sharps.” Pathological, chemotherapeutic, and radioactive wastes, prions and vaccine vials are not processed. As proposed, the applicant will bring medical waste to the site, sterilize and consolidate it, and then transfer it to a land fill as solid waste. At the source of origin, the waste material is placed in puncture-proof bags. When full, the bags are placed in larger containers that are also puncture-proof. The applicant then transports the material to the subject property. All individuals who handle the waste must have taken OSHA-approved training.

The waste material is contained in puncture-proof containers throughout the process and is not

exposed to the outside environment. The material is transported to the subject property via box trucks and vans owned by the applicant. The vehicles back into the site through loading docks where it is unloaded and brought inside the premises. When it reaches the OMW-1000 machine, it is transferred to a large container that maneuvers the material into the machine where it is shredded within an enclosed environment. After shredding, the material is treated (sterilized) again in an enclosed environment, with oxygen being the by-product expelled from the machine. The OWM-1000 does not require any drainage so that the machine is not connected to the public sewer system.

The machine does not produce any harmful emissions or odors. The sterilized material is suitable for landfill disposal. The proposed use will operate between 8:00 a.m. and 5 p.m. although it is estimated that the machine will only be operated for about three hours per day. During those times the doors to the facility will be closed. Currently, there is an existing chain link fence with privacy slats along the southern property line. To decrease existing aesthetic impacts and to possibly marginally decrease noise generated by the proposed use, the applicant has agreed to improve the fence by constructing a solid, six-foot-tall, sight-obscuring fence or wall.

While the use is allowed in the zone with a Conditional Use Permit, the applicant is still required to comply with the franchising requirements of SRC Chapter 47 for solid waste management in the City of Salem. More specifically, SRC Chapter 47 establishes the City's Code Authority regarding the management of solid waste, indicating that "to protect the public health, safety, and welfare, it is the policy of the City to regulate collection, disposal, recycling and resource recovery of solid waste, and to establish a process for the grant of solid waste management franchises." The City has not yet determined whether the proposal requires a City of Salem Solid Waste Franchise Agreement per SRC 47.080. If the City determines that a Solid Waste Franchise Agreement is required per SRC 47.080 and the definitions established in the chapter, the applicant shall be required to obtain the Franchise Agreement prior to operation of the facility. Therefore, the following condition of approval is required:

Condition 1: Prior to a certificate of final occupancy, the applicant shall demonstrate that they have obtained any required franchise agreement(s) prior to operation.

The Hearings Officer concludes that the proposal meets this criterion as conditioned.

Criterion 2 (SRC 240.005(d)(2): *The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.*

Finding 2: Currently, the applicant occupies the tenant spaces and transfers infectious waste from customers directly to a waste disposal site. At present, it does not store or treat infectious waste. The nature of the proposed use is more intense than the previous use as it will add one box truck in addition to an existing box truck and two sprinter vans already in use. Additionally, it will now treat waste material on-site.

Public comments raised concerns about noise, an increase in traffic, the chance of leakage from machine breakdown, contamination from spills during delivery and the faulty operation of waste system that releases pathogens. It was also suggested that the proposed use would conflict with

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the established land use visions for Highland and Northgate Neighborhood Associations, was incompatible with surrounding businesses and a senior center, and would negatively impact residential areas. Finally, it was questioned as to why it couldn't be placed elsewhere. These issues will be addressed separately as follows:

Noise. The subject property is bordered on three sides by property zoned IG General Industrial. However, some residential-zoned property is located about 200 feet to the southwest of the proposed source of the noise, the OMW-1000 machine. The applicant has provided noise level statistical information for the operation of the machine which indicates that it generates 63 dBA up to 100 feet from the compaction bin of the machine. Based upon statistical extrapolation, the sound generated by the machine will be reduced by one-half at the nearest residentially zoned parcel. This estimate does not factor in the fact that the OMW-1000 will only be operated when the bay door to the tenant space is closed or that the walls of the tenant space will be insulated.

Information provided by Clean Waste Systems, LLC, indicates the noise level from the auger compactor component of the OMW-1000 is 69 dBA at 30 feet and the noise level from the compaction bin of the OMW-1000 is 66 dBA at 50 feet. The opponents have argued that when operating at the same time, the cumulative noise of the two components would be somewhere around 132 dBA, similar to the sound level of a stock car race or a jackhammer. Assuming that both components of the OMW-1000 will be operating at the same time, a fact that is not clear from the record, the fallacy with this argument is that noise levels are not additive but rather measure changes on a logarithmic scale. Thus, when you have two sources with the same acoustic power the sound pressure level (dB) will increase by about a 3dB. Thus, without the proposed mitigation measures, the combined sound source of the two components of the OMW-1000 would be about 69 dBA at 50 feet from the compaction bin, resulting in about 34-35 dBA at the property line at the closest residential property located to the southwest.

Sound readings taken at property line of the nearest residentially-zoned property show that the ambient daytime sound level at this location is slightly less than 54 dBA. Thus, without the proposed mitigation measures, the sound generated by the OMW-1000 will not exceed the normal daily ambient sound in this area. Further, the sound level generated by the machine at this location is also quite a bit lower than the permissible sound levels from an industrial source to a noise sensitive source (residential) during the day. (See Table 51-1 of SRC Chapter 51.)

In conclusion, the sound produced by the OMW-1000 will not increase the ambient noise level at the nearest residentially-zoned property and therefore will not have an adverse effect on this property. However, the applicant has nevertheless agreed to take mitigating measure to assure that noise generated by the proposed use will not adversely affect the neighborhood. These mitigating measures have been integrated into the conditions of approval as follows:

Condition 2: The applicant shall replace the chain-link fence along the southwest portion of property line abutting residentially zoned properties with a minimum six-foot-tall sight-obscuring fence or wall, constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or

other durable materials, in conformance with conformance with SRC 800.050(d)(2)(B)(ii).

- Condition 3:** All waste treatment shall be conducted entirely within the building. There shall be no outdoor storage of waste on site.
- Condition 4:** Operation of the OMW-1000 shall only occur during normal hours of operation, between the hours of 7 AM and 8 PM; with all doors to the premises closed during its operation, including the loading doors.
- Condition 5:** Noise testing of the residential properties in the area after the machine is installed shall be conducted. If the sample indicates that the noise levels established in Table 51-1 (SRC 51.015) are not met to the extent of the residential zoned properties, then the applicant shall provide additional mitigation measures to reduce the noise levels generated to the ambient daily noise level of the adjacent residentially-zoned property within 60 days. Mitigation measures include, but are not limited to, interior sound proofing of the tenant space.

Traffic. The proposed use will utilize two box trucks and two sprinter vans. Currently, the applicant's business consists of using one box truck and the sprinter vans to pick up infectious waste from customers, including medical facilities in Multnomah County, and transport the waste to a waste disposal site. The proposed use will not generate any additional trips than currently generated by its facility on the subject property.

The existing driveway approaches meet applicable sections of the SRC Chapter 804 and do not warrant modification. McDonald Street meets the minimum right-of-way width and pavement standards established in SRC 803.025. The addition of one box truck will not change the traffic pattern in the area and the existing street network surrounding the subject property is adequate to serve the proposed use.

Hazardous Spills or Exposure

Concern has been voiced about accidents during transport of the waste materials to the subject property and during the treatment process. During the last 20 years of the operation there have been no accidents resulting to the spilling of transported materials to the disposal sites and it is uncontested that there have been no reported incidents in the past 35 years. In the present case, the material being transported is contained in puncture-proof bags that are, in turn, placed in larger puncture-proof containers. Pathological, chemotherapeutic, and radioactive wastes, prions and vaccine vials are not processed.

When arriving on-site, and prior to being loaded into the OMW-1000, waste material is contained in a closed container that is then connected directly into the machine, eliminating chance of spillage or leakage. At this stage, safety checks are automatically done. Any potential leak or spillage would

be located within the building and would be cleaned up in accordance with applicable federal, state and local rules governing the type of waste.

After being inserted into the OMW-1000, the receiving container is lifted and then dumped into another sealed container where it is shredded. The shredded material is then deposited into another sealed chamber where it is sterilized through an ozone process. Ozone is a gas composed of three oxygen atoms. The ozone tears down the cell walls of any pathogen, destroying it and releasing a normal oxygen atom in the process. After sterilization, the waste material can be placed in a solid waste disposal site.

All personnel involved in the transport and operation of the OMW-1000 must be OSHA certified. The machine has been approved for the processing of biological waste, cultures and stocks, and sharps by the Public Health Division of the Oregon Health Authority. As a condition of approval, the applicant must also comply with all applicable standards adopted by the Oregon Department of Environmental Quality (DEQ).

Concern was also voiced regarding the chances of the OMW-1000 not working due to overuse. The machine is routinely maintained and serviced. It is recalibrated on a monthly basis and will be subject to quarterly scheduled maintenance.

In conclusion, there is no evidence in the record to suggest that the operation of the proposed use will raise the risk of accident or machine malfunction. The operation of the proposed use will not have a foreseeable adverse effect on the neighborhood due to the delivery or processing of medical waste materials.

Conflict with the established land use visions for Highland and Northgate Neighborhood Associations

There is no neighborhood plan for the Northgate Neighborhood Association nor is there a statement of a land use vision for this area that has been cited in the Salem Comprehensive Plan. While the Highland area does have a neighborhood plan, no specific reference has been made to a provision of that plan that would indicate that the proposed use is inconsistent with any adopted land use vision. In conclusion, the proposed use is not inconsistent with any land use plan that incorporates the subject property or surrounding area.

Negatively affect property values.

There is no evidence in the record regarding the proposed use's effect on surrounding property value. The record does demonstrate that surrounding residential uses are already heavily impacted by the general industrial area within which lies the subject property. The record also indicates that the proposed use will not adversely affect the surrounding traffic patterns, tranquility, or safety of the adjacent neighborhoods. Without the identification of any adverse affects on the surrounding properties, both residentially- and industrially-zoned, there is no basis for a reasonable person to believe that the approval of the proposed use will affect surrounding property values in a negative way.

Why couldn't the proposed use be placed elsewhere?

This isn't a pertinent question regarding the present land use application. First, it is not an issue that is relevant to any of the applicable approval criteria. Second, it is a question that would largely make the quasi-judicial process unworkable as an applicant would have to address an infinite number of alternative locations to answer the question. In the quasi-judicial process the approval criteria must be sufficiently clear so that an applicant knows what is required to gain approval. The current approval standards provide that clarity.

The Hearings Officer concludes that the proposal meets this criterion as conditioned.

Criterion 3 (SRC 240.005(d)(3): *The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.*

Finding 3: The term "livability" is not defined in the Code but a reasonable person would conclude that it describes an environment that is supportive of the land uses that are permitted and existing in the neighborhood. Uses that produce noise at a magnitude or timeframe that are inconsistent with the existing noise levels, that substantially increase traffic, or create an unsafe condition beyond what is normal in the surrounding area would, by definition, not be reasonably compatible with that area. In the present case, the proposed use, prior to mitigating conditions, would not produce noise in excess of what now exists. Further, traffic generated by the proposed use will be negligible and can easily be managed by the existing transportation infrastructure. Finally, the transport and processing of medical waste does not appear to present any significant hazard to surrounding properties, based upon the applicable regulations and regulatory involvement, required operational procedures of the OMW-1000, and transport history of the medical wastes.

As noted above, the subject property is located in a predominantly industrial area spanning over 200 acres of properties also zoned IG (General Industrial) zone. Businesses in the area are generally comprised of warehouse, storage, and manufacturing uses. As the proposed use is located within an existing building it will not trigger any boundary street improvements under per SRC 803.040, because no additional square footage is being added to the structure. The proposal will not have a negative impact to the surrounding transportation system and the Salem Revised Code does not require any transportation improvements for the proposed development.

There is no indication that the proposed use will have an adverse impact on surrounding uses as changes in the use of the existing operation will largely occur within the building. Noise from the proposed use will be of a nature common to an industrial area, and less than that of adjacent residential properties, and the use will not generate odor or a significant use of utilities.

Finally, the applicant will be required to comply with Code sections that relate to the dumping of solid waste (SRC 47.220), regulation of littering (SRC 47.230), and vehicle regulations for vehicles collecting solid waste (SRC 47.110). SRC Chapter 47 also prohibits placement of solid waste in the public right-of-way intentionally or inadvertently, and requires that all solid waste

disposal shall meet the requirements of the Oregon Department of Environmental Quality (DEQ) and other Regulatory Agencies. As part of the application materials, the applicant provided a letter from the Oregon Health Authority which approves the proposed methods for processing certain types of medical waste. The provisions of Chapter 47 will ensure that the proposed solid waste transfer station will have minimal impact on the liability of the surrounding properties by ensuring compliance with Solid Waste Management standards.

As conditioned, the proposed development will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property. This approval criterion is met.

7. Analysis of Class 3 Site Plan 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.

Criterion 1: SRC 220.005(f)(3)(A): The application meets all applicable standards of the UDC.

Finding 4: The proposal is to permit a new solid waste transfer station by allowing the treatment of medical waste to occur on site through the use of the Clean Waste Systems' OMW-1000 medical waste machine. The subject property is zoned IG (General Industrial) and has therefore been reviewed for conformance with the IG zone under SRC Chapter 554. An adjustment has been requested to reduce the bicycle parking required for the development site; findings for the adjustments are included in Section 8 of this decision. The proposed development conforms to SRC Chapter 554 and all other applicable development standards of the UDC and Salem Revised Code as follows:

SRC Chapter 554 – IG (General Industrial) Zone Use and Development Standards

SRC 554.005(a) – Uses

Finding 5: The applicant is requesting to establish a new use in an existing tenant space, which is classified as a solid waste transfer station. In the IG zone, per Table 554-1, the use is conditionally allowed; therefore, a conditional use permit is required to establish the proposed use on the subject property. This standard is met.

SRC 554.010(a) – Lot Standards:

Finding 6: Lots within the IG zone shall conform to the standards set forth in Table 554-2. There is no minimum lot size, lot width or lot depth for all uses in the IG zone. The minimum street frontage requirement for retail use is 16 feet. The existing lot and building comply with the minimum lot standards of the IG zone, and no changes to the lot size or dimensions are proposed. This standard is met.

SRC 554.010(b) – Setbacks:

Setbacks within the IG zone shall be provided as set forth in Table 554— and Table 554-4. Buildings and accessory structures abutting a street require a minimum five-foot setback. Vehicle use areas require a minimum six-to-ten-foot setback per SRC Chapter 806 adjacent to a street.

Finding 7: Adjacent to the north is right-of-way for McDonald Street NE. The proposed development does not include changes to the existing building or vehicle use areas on site. However, because the development site has existed for some time, the existing planter area between the building and the pavement of McDonald appears to have had trees removed and is required to be remedied pursuant to SRC 807.045. As such, the following condition is required as part of the development proposal to provide the landscape buffer to the street, and maintain the landscaping in good condition so as to present a healthy, neat, and orderly appearance:

Condition 6: The applicant shall replant trees in the existing planter strip along McDonald Street NE at a density of one plant unit per 20 square feet.

Finding 8: Adjacent to the east, west, and south are properties zoned IG (General Industrial). In the IG zone, for property abutting IG zoned properties, there is a minimum ten-foot setback for buildings and vehicle use areas, with Type C landscaping. Additionally, adjacent to a portion of the south boundary are properties zoned RS (Single Family Residential). In the IG zone, for property abutting residentially zoned properties, there is a minimum of 40 feet with Type E landscaping for all buildings and vehicle use areas.

The proposed development does not include changes to the existing building or vehicle use areas on site. However, as conditioned with the Conditional Use Permit, the applicant will replace the fence adjacent to the residential properties to the southwest in an effort to meet the intent to buffer industrial uses and come closer to the standard.

SRC 554.010(c) – Lot Coverage, Height

Finding 9: Buildings and accessory structures within the IG zone shall conform to the lot coverage and height standards set forth in Table 554-5. There is no maximum lot coverage requirement for all uses in the IG zone and the maximum building height allowance is 70 feet. The proposal does not include changes to the height or footprint of the existing building; therefore, these standards do not apply.

SRC 554.010(d) – Landscaping:

Finding 10: Required setback must be landscaped according to the standards of SRC Chapter 807. Vehicle use areas also must be landscaped as provided by SRC Chapters 806 and 807. The proposal does not include changes to the existing setbacks of vehicle use areas so that these standards do not apply. Landscape and irrigation plans will be further reviewed for conformance with the requirements of SRC Chapter 807 at the time of building permit review.

SRC CHAPTER 800 – GENERAL DEVELOPMENT STANDARDS

SRC 800.050(a)(1) – Fences and walls.

Finding 11: Fences and walls within residential zones, or on property used for uses falling under household living in other zones, shall not exceed a maximum height of eight feet. Except for fences and walls on property used for uses falling under household living, fences and walls within nonresidential zones shall not exceed a maximum height of 12 feet. The applicant is required to replace the fence abutting the residential property to the southwest with a six-foot-tall fence, meeting the height limitations. This standard is met.

SRC 800.050(d) – Hazardous materials.

Finding 12: Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous material, unless otherwise provided by the Code. The existing fence that is being replaced includes barbed wire along the top of the fence and does not appear to meet the standards for fences with barbed wire in industrial zones. Should the applicant propose to replace the barbed wire on the replacement fence, conformance with SRC 800.050(d)(2)(B)(ii) will be required. Plans for the new fence will be further reviewed for conformance with the requirements of this section at the time of building permit review, as conditioned.

SRC 800.055 Solid waste service areas

Finding 13: 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. Since the applicant's site plan does not propose any new solid waste enclosure this criterion is not applicable.

SRC 800.065 – Pedestrian Access

Finding 14: 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. The proposed development does not include the construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area. The pedestrian access standards of SRC Chapter 800.065 do not apply to the proposed development.

SRC Chapter 806 – Off-Street Parking, Loading, and Driveways

Finding 15: Off-street parking must be provided and maintained as required under SRC Chapter 806 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 spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity. Because the applicant's proposal will result in the intensification of an existing use, the off-street parking, loading, and driveway standards of SRC Chapter 806 apply to the proposed development.

SRC 806.015 – Amount Off-Street Parking.

Finding 16: SRC 806.015(a) provides that except as otherwise provided, off-street parking shall not exceed the amounts set forth in Table 806–1. (For purposes of calculating the maximum amount of off-street parking allowed, driveways shall not be considered off-street parking spaces.) There are no changes proposed for the existing parking lot that would trigger the application of the parking standards.

Finding 17: SRC 806.015(b) provides that up to 75 percent of the minimum off-street parking spaces required may be compact parking spaces. Since the applicant's proposal does not include any changes to the existing parking lot this standard does not apply.

Finding 18: SRC 806.015(c) provides that new development with 60 or more required off-street parking spaces and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking. Since the applicant's proposal does not include any changes to the existing parking lot this criterion does not apply.

Finding 19: SRC 806.015(d) pertains to newly constructed buildings with five or more dwelling units on the same lot. Since the proposal does not change the existing building, this standard is not applicable.

SRC 806.035(a) – Off-Street Parking and Vehicle Use Area Development Standards

Finding 20: This provision applies to the development of new off-street parking and vehicle use areas, the expansion of existing off-street parking and vehicle use areas where additional paving surface is added, the alteration of existing off-street parking and vehicle use areas where the existing paved surface is replaced with a new paved surface; and the paving of an unpaved area. Since the applicant's proposal does not include a new off-street parking and vehicle use area, or any new or replacement pavement, this standard does not apply.

Bicycle Parking

Finding 21: SRC 806.045 through SRC 806.060 address bicycle parking requirements. SRC 806.045(a) provides that bicycle parking is required for each proposed new use or activity, any

change of use or activity, or any intensification, expansion, or enlargement of a use or activity. SRC 806.045(c) addresses bicycle parking requirements to existing bicycle parking areas that have a nonconforming number of spaces.

SRC 806.055 addresses the amount of bicycle parking required (Table 806–9). There are currently no existing bicycle parking on the site. Therefore, the nonconforming number of bike parking spaces on the development site is required to be remedied in addition to the bike parking for the new use.

The proposed use is part of a development site encompassing two properties, including two buildings with 11 total tenants, all warehousing and manufacturing uses, and a combined total floor area of approximately 89,000 square feet. Both warehousing manufacturing uses require the greater of four spaces, or one space per 10,000 square feet of gross floor area for the first 50,000 square feet. For the tenants with manufacturing uses, the combined gross floor area is 36,219 square feet, requiring the greater of four bike parking spaces ($36,219 / 10,000 = 3.6$); for the tenants with warehousing uses, the combined gross floor area is 53,448 square feet, requiring five bike parking spaces ($53,448 / 10,000 = 5.3$); altogether, requiring a minimum of nine bicycle parking spaces. The applicant has requested a Class 2 Adjustment to reduce the required bicycle parking spaces required for the development site from nine total spaces to four; findings for the adjustment are included in the Class 2 Adjustment Criteria findings below.

Finding 22: SRC 806.050 and 806.055 require that bicycle parking must be located on the same development site as the use or activity that it serves and that bicycle parking shall be provided in amounts not less than set forth in Table 806–9. SRC 806.060(a) requires that short-term bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance and not be located more than 50 feet from the primary building entrance. In addition, bicycle parking areas must have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers and meet the dimensional standards of Table 806–10. Where bicycle parking is located outside of a building, the area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or a similar material meeting the PWDS. Finally, SRC 806.060(e) provides standards for bicycle parking racks.

The applicant initially proposed two long-term bicycle parking spaces inside of the building and within 50 feet of a primary entrance, meeting the standard for long-term bicycle parking location. However, based on the adjustment findings below, one short-term bike rack shall be provided for the development site. The bicycle racks will have direct access to the public right-of-way through the proposed pedestrian path and vehicle use areas. They will be located on the existing asphalt pavement or in the building.

Off-Street Loading Areas

Finding 23: SRC 806.065 requires off-street loading areas shall be provided and maintained for each proposed new use or activity. SRC 806.070 provides that off-street loading shall be located on

the same development site as the use that it serves and SRC 806.075 requires that off-street loading meet the requirements set forth in Table 806-11.

Table 806-1 provides that a minimum of one off-street loading space is required for the waste-related facilities use category that includes solid waste transfer station, for buildings with a gross floor area between 5,000–100,000 square feet in size; the space shall be a minimum width of 12 feet, minimum depth of 40 feet, and minimum 14 feet of unobstructed vertical clearance. The development site has a row of 25 loading spaces on the east side of the building, meeting the minimum dimensions, and one smaller loading space on the west side. This standard is met.

SRC Chapter 807 – Landscaping

Finding 24: This section states that the provisions of Chapter 807 apply to all required landscaping and screening under the UDC. The proposed change of use does not alter any setbacks or vehicle use areas that would require conformance with the minimum plant unit requirements. As conditioned above, the applicant shall replace the trees in the landscape planter abutting the street, which can be reviewed at the time of building permit review. This standard is met.

CITY INFRASTRUCTURE STANDARDS

SRC Chapter 200 – Urban Growth Management

Finding 25: SRC 200.010(c) requires that development proposed outside of the Urban Growth Area, and development that precedes city construction of required facilities, must have an urban growth area development permit. This permit is not required as the subject property lies within the urban growth area and all required facilities are present.

SRC Chapter 71 – Stormwater

Finding 26: 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. SRC 71.045 provides, among other things, that Chapter 71 applies to all real property within the corporate limits of Salem. The proposed development is located within Salem but there are no proposed modifications to the existing impervious surface on the subject property. Therefore, this section is not applicable.

It should be noted that there is an existing drainage ditch located along the Turner Road SE frontage. The proposed civil plans indicate the drainage ditch will be removed and a new 24-inch storm main will be installed along the Turner Road SE frontage.

SRC Chapter 802 – Public Improvements

SRC 802.015 – Development to be served by city utilities

Finding 27: This provision requires development to be served by City utilities that are designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS). Public water, sanitary sewer, and stormwater infrastructure are available along the perimeter of the site and appear to be adequate to serve the property.

Based on the machine manufacturer's information in the record, the machine uses water to create ozone and sterilize medical waste. However, it is unclear from the information submitted whether or not the proposed facility will create additional discharges into the wastewater system which are subject to the Public Works Source Control Standards established in Administrative Rule 109-012. The Public Works Source Control Standards provide requirements that ensure pollutant control for all property. It is recommended that to ensure compliance with the Public Works Design Standards, the following condition be placed on the application:

Condition 7: At time of Building Permit Review, the applicant shall demonstrate compliance with the Public Works Stormwater Source Control requirements in Public Works Administrative Rule 109-012, where applicable.

SRC Chapter 803 – Street and Right-of-way Improvements

SRC 803.024 – Right-of-way and pavement widths.

Finding 28: Except as otherwise provided, right-of-way widths for streets and alleys must conform to the standards in Tables 803–1 and 803–2. McDonald Street NE abuts the subject property and is classified as a local street according to the Salem Transportation System Plan (TSP). It has a right-of-way width of 60–feet and an existing improvement width of 30–feet; consistent with the standards of Tables 803–1 and 803–2. Because the proposal does not involve a new building or building addition subject to boundary street improvements established in SRC 803.040(a), no right-of-way dedication or street improvements are required as a condition of development.

SRC Chapter 804 – Driveway Approaches

Finding 29: SRC 804.015(a) requires a driveway approach permit prior to constructing, relocating, reconstructing, enlarging or altering any driveway approach. the development site is served by existing driveway approaches onto McDonald Street NE. The existing driveway approaches serving the site meets applicable sections of SRC Chapter 804 and does not warrant modification.

NATURAL RESOURCES

SRC Chapter 601 – Floodplain

SRC 601.001 – Lands to which this chapter applies.

Finding 30: Chapter 601 applies to all special flood hazard areas (SFHA) and interim flood hazard areas within the jurisdiction of the City of Salem. SRC 601.045(a) requires that a

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development permit shall be obtained before construction or development begins within any area horizontally within the SFHA or within the interim flood hazard area. The permit is required for all structures, including manufactured dwellings, and for all other development, as defined in SRC 601.005, including fill and other development activities. An examination of the Flood Insurance Study and Flood Insurance Rate Maps indicate that no floodplain or floodway areas exist on the subject property.

SRC Chapter 808 – Preservation of Trees and Vegetation

Finding 31: This section provides that no person shall remove a significant tree, unless the removal is undertaken pursuant to a tree and vegetation removal permit, an approved tree conservation plan, or a tree variance. *SRC 808.020* provides that no person may remove any tree in a riparian corridor unless the removal is undertaken pursuant to a tree and vegetation removal permit, an approved tree conservation plan, or a tree variance

There are no heritage, significant, or riparian trees identified on the subject property, and no trees proposed for removal. The proposal is in conformance with the preservation of trees under SRC Chapter 808.

SRC Chapter 809 – Wetlands

SRC 809.020 – Notification of identification; request for redesignations; delineations.

Finding 32: This provision requires notification of the Division of State Lands (DSL) when an application for development is received in an area designated as a wetland on the official wetlands map. The Salem-Keizer Local Wetland Inventory (LWI) indicates that the subject property does not contain any wetland areas or hydric soils.

SRC Chapter 810 – Landscape Hazards

SRC 810.020 – Landscape hazard construction permit.

Finding 33: SRC 810.020(a)(1)(A) provides that subject to certain exceptions, no person shall engage in excavation or fill, as independent activity, exceeding two feet in depth or 25 cubic yards of volume. The City's adopted landslide hazard maps show there are 2-point landslide hazards along the southern boundary of the subject property. SRC 810.020 requires a geological assessment or report when regulated activity is proposed in a mapped landslide hazard area. As the applicant's proposal does not disturb any portion of a mapped landslide hazard area; no geological assessment is required.

Criterion 2: *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 34: Access to the proposed development will be provided by the network of existing public streets that surround the property. As conditioned, the required improvements will ensure that the street system in and adjacent to the development will provide for the safe, orderly, and efficient circulation of traffic to and from the development. This criterion is met.

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

Finding 35: As shown on the applicant's site plan, the development site is served by existing driveway approaches onto McDonald Street NE. The existing driveway accesses onto McDonald Street NE provide for safe turning movements into and out of the property and modifications are not warranted per SRC Chapter 804 (Driveway Approaches). No changes are proposed or required for the existing vehicle use areas or to encourage pedestrian access to the industrial uses. The applicant is providing bicycle parking on site, which are proposed in locations which facilitate safe and efficient movement through the site. This criterion is met.

8. 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.

Criterion 1: SRC 250.005(d)(2): The purpose underlying the specific development standard proposed for adjustment is:

(A) The purpose underlying the specific development standard proposed for adjustment is:

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

Finding 36: The proposal includes a change of use for the solid waste transfer station, which is part of development site that is nonconforming for the number of bicycle parking spaces required for all of the uses on site and is therefore required to add the total number of bicycle parking spaces required to remedy the deficiency. The applicant has requested a Class 2 Adjustment to reduce the requirement of nine bike parking spaces for the site to four spaces.

The purpose of the bicycle parking requirement is to encourage alternate modes of transportation for visitors to a site. The proposed solid waste transfer station will not have any visitors to the specific facility location other than the employees operating the machine and driving the trucks. In addition, the facility is located in a tenant space for a development site with other industrial uses that generally have few visitors to the site. The applicant has proposed to meet the bicycle parking requirement of four spaces for the requested change of use; however, all four spaces were initially proposed as long-term parking located within the building. Given that the requirement is to remedy the deficient bike parking for the whole development site, and because the proposed use will likely not use all four bike spaces within their tenant space, it is reasonable to require that the applicant

place at least half of the bicycle parking spaces provided, or two spaces which can be provided on one bike rack, outside of the building to be shared with other tenant spaces and their employees or minimal visitors. As such, the following condition is recommended:

Condition 8: At the time of building permit review, the applicant shall provide at least two short-term bicycle parking spaces outside of the building, indicating conformance with the applicable standards of SRC 806.060.

With Condition of Approval #8, the proposed development is consistent with SRC 250.005(d)(2)(A)(ii).

Criterion 2: *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 37 The subject property is located in an industrially-zoned area and therefore this criterion is inapplicable.

Criterion 3: *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 38: Only one adjustment has been requested with this development. Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development requirements of the zoning code, unless adjusted through a future land use action:

Condition 9: The adjusted bicycle parking standard, 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.

DECISION

Based upon the Facts and Findings herein, the Hearings Officer **APPROVES** the collective applications for a Conditional Use / Class 3 Site Plan Review / Class 2 Adjustment application for the proposed to allow a solid waste transfer station, located at 1450 McDonald Street NE, subject to the following conditions of approval:

Condition 1: Prior to Certificate of Final Occupancy, the applicant shall demonstrate that they have obtained any required franchise agreement(s) prior to operation.

Condition 2: The applicant shall replace the chain-link fence along the southwest portion of property line abutting residentially zoned properties with a minimum six-foot-tall sight-obscuring fence or wall, constructed of materials commonly used in the

construction of fences and walls, such as wood, stone, rock, brick, or other durable materials, in conformance with SRC 800.050.

- Condition 3:** All waste treatment shall be conducted entirely within the building. There shall be no outdoor storage of waste on site.
- Condition 4:** Operation of the OMW-1000 shall only occur during normal hours of operation, between the hours of 7 AM and 8 PM; with all doors to the premises closed during its operation, including the loading doors.
- Condition 5:** Noise testing of the residential properties in the area after the machine is installed shall be conducted. If the sample indicates that the noise levels established in Table 51-1 (SRC 51.015) are not met to the extent of the residential zoned properties, then the applicant shall provide additional mitigation measures to reduce the noise levels generated to the ambient daily noise level of the adjacent residentially-zoned property within 60 days. Mitigation measures include, but are not limited to, interior sound proofing of the tenant space.
- Condition 6:** The applicant shall replant trees in the existing planter strip along McDonald Street NE at a density of one plant unit per 20 square feet.
- Condition 7:** At time of Building Permit Review, the applicant shall demonstrate compliance with the *Public Works Stormwater Source Control* requirements in *Public Works Administrative Rule* 109-012, where applicable.
- Condition 8:** At the time of building permit review, the applicant shall provide at least two short-term bicycle parking spaces outside of the building, indicating conformance with the applicable standards of SRC 806.060.
- Condition 9:** The adjusted bicycle parking standard, 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.

DATED: March 13, 2025


Gary Darnielle, Hearings Officer