

# NOTICE OF DECISION

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

## **REVISED DECISION OF THE PLANNING ADMINISTRATOR**

**URBAN GROWTH PRELIMINARY DECLARATION / CLASS 3 SITE PLAN  
REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT  
/ TREE REGULATION VARIANCE CASE NO.: UGA-SPR-ADJ-DAP-TRV22-01**

**APPLICATION NO.: 22-104268-LD / 22-104269-RP / 22-104271-ZO /  
22-109908-ZO / 22-110432-NR**

**NOTICE OF DECISION DATE:** August 31, 2022

**SUMMARY:** Development of a new industrial use building with associated site work.

**REQUEST:** A consolidated application including an Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Tree Regulation Variance for development of a new ~~208,000~~ 193,758 square foot industrial building with associated site improvements, and a Class 2 Adjustment to reduce the required distance between driveway approaches along a Minor Arterial from ~~370 feet to 280 feet (approximately 24.3 percent)~~. The subject property is approximately 10 acres in size, is zoned IG (General Industrial) and located in the 4400 Block of Turner Rd SE (Marion County Assessor's Map and Tax Lot No: 082W07C / 200).

**APPLICANT:** AAI Engineering

**LOCATION:** 4400 Block of Turner Rd SE

**CRITERIA:** Salem Revised Code (SRC) Chapters 200.025(d) & (e) – Urban Growth Preliminary Declaration; 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment; 804.025(d) – Class 2 Driveway Approach Permit; 808.045(d) – Tree Regulation Variance

**FINDINGS:** The findings are in the attached revised Decision dated August 31, 2022.

**DECISION:** The **Planning Administrator APPROVED** Urban Growth Preliminary Declaration / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit / Tree Regulation Variance Case No. UGA-SPR-ADJ-DAP-TRV22-01 subject to the following conditions of approval:

- Condition 1:** At the time of building permit review, the applicant shall provide plans showing Fire Department access, fire hydrant locations, and Fire Department Connection as required.
- Condition 2:** At the time of building permit review, the applicant shall demonstrate that all required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b)(1) and 800.065(c).

- Condition 3:** At the time of building permit, the applicant shall adjust the parking area to include only the 67 parking spaces allowed by the maximum parking requirement.
- Condition 4:** At the time of building permit review, the applicant shall provide bumper guards or wheel barriers for the parking spaces adjacent to a walkway only five feet in width to prevent parked vehicles from encroaching into the pedestrian accessway.
- Condition 5:** Construct all new structures a minimum of one foot above the base flood elevation pursuant to SRC 601.075.
- Condition 6:** Provide an engineered overland flow analysis to ensure that the proposed development does not cause the base flood elevation to be increased in a manner that causes localized flooding during major flood events. Ensure that base flood flows are conveyed around or through the site pursuant to PWDS.
- ~~**Condition 7:** Construct a half-width turnpike improvement along the development side of Kuebler Boulevard SE from 1,200 feet south of Aumsville Highway SE to the Mill Creek Bridge.~~
- Condition 8 7:** Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Turner Road SE.
- Condition 9 8:** Along the property frontage, and along the frontage of 4375 Turner Road SE (taxlot # 082W07C000101), construct a half-street improvement to Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The configuration of the improvement shall accommodate the following traffic mitigation measures:
- a. Design and construct a left-turn lane and tapers within Turner Road SE to serve the southern driveway access.
  - b. Design and construct a left-turn lane and tapers within Turner Road SE to serve the northern driveway access. As required by the TIA the driveway shall be restricted to right-in, right-out, and left-turn-in movements. A raised median must be constructed on Turner Road SE to prohibit the left-turn-out movement. The driveway and median design must accommodate the large truck turning movements.
  - c. Minimize street tree installation as needed to provide adequate site distance as required in the TIA.
- Condition 9:** 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).
- Condition 10:** The adjusted development standard 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

standards of the Unified Development Code, unless adjusted through a future land use action.

**Condition 11:** Two significant trees, a split trunk Oregon White Oak with the largest measurement of 28 inches dbh (Tree No. 12673) and a 30-inch dbh Oregon White Oak (Tree No. 12741), shall be retained and preserved on site, with the required protection measures provided for significant trees during construction (SRC 808.046). At the time of building permit review, the applicant shall provide updated landscaping indicating the critical root zone of these trees and all protection measures, and updated plans reducing the trailer parking area to ensure protection of these trees.

**Condition 12:** Tree No. 12742, a split trunk Oregon White Oak with the largest measurement of 15-inch dbh, shall also be retained and preserved on site, with the required protection measures provided for significant trees during construction (SRC 808.046).

The rights granted by the attached decision must be exercised, or an extension granted, by the dates listed below, or this approval shall be null and void.

<u>Class 3 Site Plan Review</u>	<u>September 15 16, 2026</u>
<u>All other Case Types</u>	<u>September 15 16, 2024</u>

Application Deemed Complete:	<u>June 16, 2022</u>
Notice of <i>Revised</i> Decision Mailing Date:	<u>August 31, 2022</u>
Decision Effective Date:	<u>September 15 16, 2022</u>
State Mandate Date:	<u>November 5, 2022</u>

Case Manager: Jamie Donaldson, Planner II, [jdonaldson@cityofsalem.net](mailto: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](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Thursday, September 15, 2022. 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) 200, 220, 250, 804, and 808. 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 City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

## BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

### REVISED DECISION

IN THE MATTER OF APPROVAL OF	) FINDINGS AND ORDER
URBAN GROWTH PRELIMINARY	)
DECLARATION, CLASS 3 SITE PLAN	)
REVIEW, CLASS 2 ADJUSTMENT,	)
CLASS 2 DRIVEWAY APPROACH PERMIT	)
AND TREE REGULATION VARIANCE	)
CASE NO. UGA-SPR-ADJ-DAP-TRV22-01	)
4400 BLOCK OF TURNER ROAD SE	) August 31, 2022

In the matter of the application for an Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Tree Regulation Variance submitted by Beth Zauner (AAI Engineering, Inc.), on behalf of the previous property owners Phelan MJD2 LLC and Neliton Investments LLC, and the new property owner CRP/PDC Salem Turner Road Owner LLC, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

### REQUEST

**Summary:** Development of a new industrial use building with associated site work.

**Request:** A consolidated application including an Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Tree Regulation Variance for development of a new ~~208,000~~ 193,758 square foot industrial building with associated site improvements, and a Class 2 Adjustment to reduce the required distance between driveway approaches along a Minor Arterial ~~from 370 feet to 280 feet (approximately 24.3 percent)~~. The subject property is approximately 10 acres in size, is zoned IG (General Industrial) and located in the 4400 Block of Turner Rd SE (Marion County Assessor's Map and Tax Lot No: 082W07C / 200).

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

### PROCEDURAL FINDINGS

#### **1. Background**

On February 23, 2022, a consolidated application for Urban Growth Preliminary Declaration, Class 3 Site Plan Review, and Class 2 Driveway Approach Permit, was filed for the proposed development. After additional information was provided, including submission of a Class 2 Adjustment and Tree Regulation Variance on May 2, 2022, the applications were deemed complete for processing on June 16, 2022. The 120-day state mandated decision deadline for this consolidated application is October 14, 2022. At the request of the applicant, the 120-day State mandated deadline was extended by 22 days to November 5, 2022.

After notice was sent, the applicant proposed minor changes to the site plan, including a request to remove additional trees under the Tree Regulation Variance. Only the trees that were requested for removal at the time of noticing are evaluated with the decision, as discussed in Section 10 of this report.

The applicant's proposed site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria is included as **Attachment C**.

## **SUBSTANTIVE FINDINGS**

### **2. Summary of Record**

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 22 104268.

### **3. Neighborhood and Public Comments**

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

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On November 4, 2021, the applicant's representative contacted the SEMCA Neighborhood Association to provide details about the proposal.

Neighborhood Association Comment: Notice of the application was provided to the SEMCA Neighborhood Association pursuant to SRC 300.620(b)(2)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

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

Public Comment: Notice was also provided, pursuant to SRC 300.620(b)(2)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, one comment was received from the surrounding property owners and tenants which indicated general support of the project review, but with concerns over traffic impacts, impacts from an unspecified use, and inaccurate information for the property owner.

**Staff Response:** A Traffic Impact Analysis (TIA) was submitted as part of the application packet pursuant to SRC 803.015. The Assistant City Traffic Engineer has reviewed the TIA and recommends mitigation be included in the conditions of approval. In addition, the Public Works Department have reviewed the proposed driveway approaches and associated adjustment to spacing for adequate traffic circulation to the site. Findings for these standards can be found in Section 8 and 9 of this report.

The applicant has indicated a general office use and general warehousing and distribution use for the proposed building. Both of these uses are outright permitted within the IG (General Industrial) zone, and typically do not require additional mitigation to the abutting IG-zoned properties other than the required setbacks and landscaping already imposed. Should the applicant propose any specific use which does not fall within these categories, a Class 1 Site Plan Review would be required for evaluation of a new use or change of use for the site.

Lastly, it was determined that the property owner changed while the application was still in review. The applicant has since submitted the information for the new property owner, which has been updated in the record materials and included in this report.

#### **4. City Department Comments**

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

Building and Safety: Review the proposal and indicated no concerns.

Fire Department: Reviewed the proposal and indicated that the drive aisle around the site will need to comply with Fire Department access; aerial fire department access will be required if the building height exceeds 30 feet per the Oregon fire code; fire flow will be required per OFC Appendix B; and fire hydrants will be required so all portions of the building are within 600 feet (400 if not sprinkled). The FDC shall be in an approved location and within 100 feet of a fire hydrant; all measurements are made along an approved route as determined by the Fire Code Official.

**Staff Response:** The applicant is responsible for addressing these comments during the building permit process. The configuration of the buildings and parking area may be modified, if necessary, to meet the Fire Department standards, provided that the modifications meet applicable development standards, design standards, and conditions of approval. To ensure these standards are met, the following condition applies:

**Condition 1:** At the time of building permit review, the applicant shall provide plans showing Fire Department access, fire hydrant locations, and Fire Department Connection as required.

#### **5. Public and Private Agency Comments**

No Public or Private Agency comments were received.

## **DECISION CRITERIA FINDINGS**

### **6. Analysis of Urban Growth Preliminary Declaration**

Salem Revised Code (SRC) 200.025(d) & (e) set forth the applicable criteria that must be met before an Urban Growth Preliminary Declaration may be issued. The following subsections are organized with approval criteria followed by findings identifying those public facilities that are currently in place and those that must be constructed as a condition of the Urban Growth Preliminary Declaration in order to fully serve the development in conformance with the City's adopted Master Plans and Area Facility Plans.

*A. SRC 200.0025(d): The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the Master Plans and the Area Facility Plans and determine:*

*(1) The required facilities necessary to fully serve the development;*

*(2) The extent to which the required facilities are in place or fully committed.*

*B. SRC 200.025(e): The Urban Growth Preliminary Declaration shall list all required facilities necessary to fully serve the development and their timing and phasing which the developer must construct as conditions of any subsequent land use approval for the development.*

An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities. Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 is as follows:

#### **SRC 200.055 – Standards for Street Improvements**

**Finding:** An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for local streets or a minimum 34-foot improvement for major streets (SRC 200.055(b)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

Turner Road SE southeast of the subject property meets current standards. Turner Road SE northwest of the subject property does not meet current standards. Street improvements are required along the property frontage of Turner Road SE. Pursuant to SRC 200.035(a)(4), this improvement shall extend northwest along the property frontage of 4375 Turner Road SE (taxlot # 082W07C000101). Street improvements and conditions of approval are discussed further below.

#### **SRC 200.060 – Standards for Sewer Improvements**

**Finding:** The proposed development shall be linked to adequate facilities by the

construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest available sewer facility appears to be located in in Turner Road SE abutting the subject property. The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under 200.005(a).

#### **SRC 200.065 – Standards for Storm Drainage Improvements**

**Finding:** The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The nearest available public storm system appears to be located in Turner Road SE abutting the subject property. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

#### **SRC 200.070 – Standards for Water Improvements**

**Finding:** The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The applicant shall provide linking water mains consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards.

#### **SRC 200.075 – Standards for Park Sites**

**Finding:** New parks are not required for non-residential development.

### **7. Analysis of Class 3 Site Plan Review Approval Criteria**

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

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

**Finding:** The applicant is requesting approval for construction of new shell building, approximately 193,758 square feet in size, with off-street parking and vehicle storage areas and a new driveway approach for large vehicle maneuvering. An adjustment has been requested to the driveway spacing standards.

#### **Development Standards – IG (General Industrial) Zone:**

*SRC 554.005(a) – Uses:*

Table 554-1 lists permitted uses in the IG Zone.



**Finding:** The proposed development includes construction of a new shell building with no uses proposed at this time. The applicant indicates that the anticipated uses for the building will likely be a mix of office and general warehousing type uses. A Class 1 Site Plan Review will be required to establish future occupancy for the building.

*SRC 554.010(a) – Lot Standards:*

There are no minimum lot area or dimension requirements in the IG Zone. The minimum street frontage requirement is 16 feet for all uses other than Single Family.

**Finding:** The existing lot complies with the minimum lot standards of the IG zone and no change to the lot size or dimensions is 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*

**Northeast:** The subject property is adjacent to Turner Road SE to the northeast. Buildings and accessory structures shall be setback a minimum of five feet adjacent to a street, and vehicle use areas are required to have a minimum 6-to-10-foot setback per SRC Chapter 806.035(c).

**Finding:** The proposed building and vehicle use areas show a setback of at least 45 feet to the northeast property line, exceeding the minimum requirements. The proposed development meets the standard.

*Interior Side and Rear*

**Southwest:** The subject property is adjacent to railroad right-of-way to the southwest. Where the required interior setback abutting an interstate freeway or railroad right-of-way is a zone-to-zone setback, the minimum required in interior setback shall be five feet in-lieu of the zone-to-zone setback, per SRC Chapter 800.035(d)(2).

**Southeast:** The subject property is adjacent to an IG zone to the southeast. For interior property lines, there is no minimum setback for buildings and accessory structures, and a minimum zone-to-zone setback of five feet with Type A landscaping for vehicle use areas.

**Northwest:** The subject property is adjacent to an IG zone to the northwest. For interior property lines, there is no minimum setback for buildings and accessory structures, and a minimum zone-to-zone setback of five feet with Type A landscaping for vehicle use areas.

**Finding:** The site plan shows a setback of at least five feet with Type A landscaping for vehicle use areas abutting all property lines. The proposed development complies with all applicable setbacks of the IG Zone and SRC Chapter 806.

*SRC 554.010(c) – Lot Coverage; Height:*

There is no maximum lot coverage requirement for all uses in the IG zone; the maximum height of buildings and accessory structures for all uses in 70 feet.

**Finding:** The proposed development meets applicable lot coverage standards, as there is no maximum lot coverage standard in the IG zone. In addition, the proposed height of the building is approximately 43 feet. This standard is met.

*SRC 554.010(d) – Landscaping:*

(A) *Setbacks.* Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

(B) *Vehicle Use Areas.* Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

**Finding:** Adherence to requirements related to interior landscaping for vehicle use areas are addressed under the Off-Street Parking and Vehicle Use Area Development Standards subsection below. Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

*SRC 554.010(e) – Industrial Performance Standards:*

Within the IG Zone, no land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality (DEQ), including the holding of all licenses and permits required by DEQ regulation, local ordinance, and state and federal law.

**Finding:** The proposed development is required to comply with all applicable state and federal regulations, including any licenses and permits that may be required by DEQ.

**General Development Standards SRC 800**

*SRC 800.055(a) – Applicability.*

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

**Finding:** The site plan indicates one new solid waste enclosure with receptacles greater than one cubic yard in size are proposed.

*SRC 800.055(b) – Solid Waste Receptacle Placement Standards.*

All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of 4 inches thick, or on an asphalt pad that is a minimum of 6 inches thick. The pad shall have a slope of no more than 3 percent and shall be designed to discharge stormwater runoff.

(1) *Pad area.* In determining the total concrete pad area for any solid waste service area:

(a) The pad area shall extend a minimum of 1-foot beyond the sides and rear of the receptacle.

- (b) The pad area shall extend a minimum 3 feet beyond the front of the receptacle.
- (c) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

**Finding:** The pad area meets the minimum area requirements of this section.

(2) Minimum Separation.

- (a) A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.
- (b) A minimum separation of 5 feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

**Finding:** Adequate separation distance is provided within the enclosure. Receptacles will not be placed within 5 feet of a building or structure.

(3) Vertical Clearance.

- (a) Receptacles 2 cubic yards or less in size shall be provided with a minimum of 8 feet of unobstructed overhead or vertical clearance for servicing.
- (b) Receptacles greater than 2 cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for serving.

**Finding:** No cover is proposed for this enclosure; therefore, this standard is not applicable.

*SRC 800.055(d) – Solid Waste Service Area Screening Standards.*

- (1) Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property.
- (2) Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.

**Finding:** The subject property does not abut residential zoned property or residential uses. An enclosure is provided for the solid waste service area that is proposed to be constructed with a solid CMU wall which screens the solid waste service area from abutting properties and streets consistent with this requirement.

*SRC 800.055(e) – Solid Waste Service Area Enclosure Standards.*

When enclosures are used for required screening or aesthetics, such enclosure shall conform to the following standards:

- (1) *Front Opening of Enclosure.* The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.

**Finding:** The width of the proposed front opening for all enclosures is approximately 20 feet, exceeding the minimum standard.

(2) *Measures to Prevent Damage to Enclosure.* Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.

**Finding:** The trash enclosure plans indicate that a wheel stop is provided 18 inches inside the perimeter of the enclosure walls to prevent damage from receptacle impacts consistent with this standard.

(3) *Enclosure Gates.* Any gate across the front opening of an enclosure shall swing freely without obstructions. For any opening with an unobstructed width of 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.

**Finding:** The proposed gates can swing to 90 degrees in compliance with this provision.

*SRC 800.055(f) – Solid Waste Service Area Vehicle Access.*

(1) *Vehicle Operation Area.* A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 15 feet in width. Vehicle operation areas shall be made available in front of every receptacle.

**Finding:** The proposed vehicle operation area meets the minimum dimensional requirements for service vehicle access.

*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.

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

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

(A) A pedestrian connection shall be provided between the primary entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street.

**Finding:** A direct pedestrian access is provided from the primary entrance of the proposed building to Turner Road SE.

(B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop.

**Finding:** There is no transit route or planned transit stop abutting the development site; therefore, this standard is not applicable.

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

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

**Finding:** There are no other buildings proposed on site; 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 development site does not include any existing or proposed parking areas greater than 25,000 square feet; 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 is not a planned path or trail that passes through the development site; therefore, this standard is not applicable.

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

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

**Finding:** The development site does not include any vehicular connections to an abutting property; 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:** The proposed pedestrian connection is at least five feet in width in all locations. The type of material proposed for the pedestrian connections is not listed in the application materials. At the time of building permit, the applicant shall demonstrate that all applicable standards of this section are met. To ensure that the proposed pedestrian walkway meets the design and material standards, including where walkway passes driveways and drive-aisles, the following condition applies:

**Condition 2:** At the time of building permit review, the applicant shall demonstrate that all required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b)(1) and 800.065(c).

*SRC 800.065(c) – Lighting.*

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

**Finding:** The application materials do not provide sufficient detail to determine compliance with this development standard. Per Condition 2 above, at the time of building permit review, the plans will be reviewed for conformance with applicable exterior lighting development standards.

## Off-Street Parking, Loading, and Driveways SRC 806

### *SRC 806.005 - Off-Street Parking; When Required.*

Off-street parking shall be provided and maintained for each proposed new use or activity.

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

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

### *SRC 806.015 - Amount of Off-Street Parking.*

- (a) *Minimum Required Off-Street Parking.* The applicant indicates that they anticipate a mix of office and general warehousing type uses for the development. A minimum of 1 space per 350 square feet of floor area is required for office uses. A minimum of 1 space per 15,000 square feet is required for general warehousing uses greater than 100,000 square feet of gross floor area.
- (b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- (c) *Carpool and Vanpool Parking.* New developments 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.
- (d) *Maximum Off-Street Parking.* Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

**Finding:** The following is a summary of the parking requirements for the development site:

Use	Floor Area	Parking Ratio	Minimum Parking
General Office	9,000 SF	1/350 SF	25.7
General Warehousing	184,758SF	1/15,000 SF	12.3
<b>Total</b>			<b>38 Spaces</b>

A minimum of 38 off-street parking spaces are required for the development site, with a maximum allowance of 67 spaces. A minimum of 10 of the off-street parking spaces must be standard sized spaces, the remaining spaces may be compact spaces. A minimum of 2 ( $38 \times .05 = 1.9$ ) carpool/vanpool spaces are required for the proposed development.

Carpool and vanpool parking shall be located so it is the closest employee parking to the building entrance normally used by employees; provided, however, it shall not be located closer than any parking designated for disabled parking.

The proposed site plan indicates that 69 parking spaces will be provided on site, 4 carpool/vanpool parking spaces are indicated on the site plan, and no compact spaces

are proposed. The applicant has proposed two more parking spaces than allowed by the maximum parking calculation ( $38 \times 1.75 = 66.5$ ). As such, the following condition applies:

**Condition 3:** At the time of building permit, the applicant shall adjust the parking area to include only the 67 parking spaces allowed by the maximum parking requirement.

As conditioned, the proposed off-street parking area meets the requirements this section.

***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 the development of new off-street parking and vehicle use areas.
- (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:** site plan indicates the development site is in compliance with setbacks and landscaping requirements for the vehicle use areas abutting IG zoned properties, as well as setbacks adjacent to buildings and structures; therefore, this standard is met.

Landscaping will be evaluated for compliance with Type A Standards at the time of building permit review.

- (d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For parking areas less than 50,000 square feet in size, a minimum of five percent of the interior parking area shall be landscaped. A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area.

**Finding:** The applicant's summary table indicates the proposed off-street parking area is approximately 29,918 square feet in size, requiring a minimum of 1,496 square feet of interior parking lot landscape area ( $29,918 \times 0.05 = 1,495.9$ ), and a minimum of six trees are required ( $67 / 12 = 5.58$ ). The applicant's summary table indicates that approximately 4,547 square feet (15 percent) of interior parking lot landscaping and nine trees will be provided, which exceeds the minimum interior parking lot landscaping requirements.

- (e) *Off-Street Parking Area Dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6.

**Finding:** The proposed parking spaces, driveway and drive aisle for the off-street parking area meet the minimum dimensional requirements of SRC Chapter 806.

- (f) *Additional Off-Street Parking Development Standards 806.035(f)-(m).*



**Finding:** The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. The parking area striping, marking, signage, and lighting shall comply with SRC 806.035, and will be evaluated at the time of building permit review. Off-street parking and vehicle use areas shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into pedestrian accessways. To ensure compliance, the following condition applies:

**Condition 4:** At the time of building permit review, the applicant shall provide bumper guards or wheel barriers for the parking spaces adjacent to a walkway only five feet in width to prevent parked vehicles from encroaching into the pedestrian accessway.

### **Bicycle Parking**

*SRC 806.045 - General Applicability.*

Bicycle parking shall be provided and maintained for any intensification, expansion, or enlargement of a use or activity.

*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.*

Per SRC Chapter 806, Table 806-8, uses in the general office use category require 1 space per 3,500 square feet of floor area for the first 50,000 square feet, plus 1 space per 7,000 square feet of floor area for 50,000 to 100,000 square feet.

Uses in the general warehousing category require a minimum of 1 space per 10,000 square feet of floor area for the first 50,000 square feet, plus 1 space per 20,000 square feet of floor area for 50,000 to 100,000 square feet.

**Finding:** The following is a summary of the bicycle parking requirements for the development site:

<b>Use</b>	<b>Floor Area</b>	<b>Parking Ratio</b>	<b>Minimum Parking</b>
General Office	9,000 SF	1/3,500 SF (50,000 SF)	2.6
General Warehousing	184,758SF	1/10,000 SF (50,000 SF), plus, 1/20,000 SF (50-100,000 SF), plus 1/30,000 SF (remaining 84,758 SF)	5 +2.5 + 2.8
<b>Total</b>			<b>13 Spaces</b>

A minimum of 13 bicycle parking spaces are required for the development site. The applicant's summary table indicates that 14 bicycle parking spaces are proposed for the site, exceeding the minimum requirements.

### ***SRC 806.060 – Bicycle Parking Development Standards***

Unless otherwise provided under the UDC, bicycle parking areas shall be developed and maintained as set forth in this section.

- a) ***Location.*** Bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.
- b) ***Access.*** Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance.
- c) ***Dimensions.*** Bicycle parking spaces shall be a minimum of 6 feet by 2 feet, and shall be served by a minimum 4-foot-wide access aisle.
- d) ***Bicycle Racks.*** Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall accommodate the bicyclist's own locking device.

**Finding:** At the time of building permit review, the bicycle parking details will be reviewed for conformance with SRC Chapter 806.

### **Off-Street Loading Areas**

#### ***SRC 806.065 - General Applicability.***

Off-street loading areas shall be provided and maintained for each proposed new use or activity.

#### ***SRC 806.075 - Amount of Off-Street Loading.***

A general office use (Business and Professional Services) is required to have a minimum of one off-street loading space for building area between 5,000 to 60,000 square feet.

A general warehousing use (Wholesale Sales, Storage, and Distribution) is required to have a minimum of three off-street loading space for building area between 100,001 to 240,000 square feet.

**Finding:** The proposed development requires a minimum of three off-street loading spaces. A loading area is provided on the north side of the proposed building with additional trailer vehicle storage areas at the north end of the property. The loading spaces proposed exceed the minimum dimension and quantity requirements of Chapter 806.

### **Landscaping**

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

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

**Finding:** The applicant has submitted plans that indicate Type A landscaping for all required setbacks and vehicle use areas. Landscape and irrigation plans will be more closely reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

### **Natural Resources and Hazards**

*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:** The subject property is designated on the Federal Emergency Management Agency floodplain maps as a Zone “AE” floodplain. Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined the 100-year base flood elevation for the subject development is 230-feet. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. An Elevation Certificate is required to verify the new structure’s elevation. The Elevation Certificates shall be submitted to the City to verify each structure’s elevation prior to pouring building foundations and again prior to final occupancy.

**Condition 5:** Construct all new structures a minimum of one foot above the base flood elevation pursuant to SRC 601.075.

The proposed development is located in a Special Flood Hazard Area where flood flows are conveyed overland across the subject property. By elevating the site through the use of fill materials, the overland flow patterns will be obstructed, causing flood waters to be redirected into areas where they have not flowed in the past. As a result, an engineered flow analysis is needed to determine the nature of the new flood flows directed around or through the site, including mitigation measures as needed to ensure that localized flooding is not caused by the proposed development.

**Condition 6:** Provide an engineered overland flow analysis to ensure that the proposed development does not cause the base flood elevation to be increased in a manner that causes localized flooding during major flood events. Ensure that base flood flows are conveyed around or through the site pursuant to PWDS.

*SRC 808 - Preservation of Trees and Vegetation:* The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 20 inches in diameter-at-breast height (dbh), or any other tree with a dbh of 30 inches or greater) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d),

undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

**Finding:** The applicant has proposed removal of two significant trees on site which are not excepted under SRC 808.030(a)(2), and do not meet the criteria for a tree removal permit under SRC 808.030(d); therefore, an application for a Tree Regulation Variance has been submitted pursuant to SRC 808.045. Findings for the Tree Regulation Variance can be found in Section 10 of this report.

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

**Finding:** The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/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). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

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

**Finding:** According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point landslide hazard areas on the subject property. The proposed activity of an industrial building adds 3 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by Geotech Solutions, Inc. and dated November 2, 2021, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by implementing recommendations in the report.

*SRC 802 - Public Improvements, SRC 803 - Streets and Right-of-Way Improvements, SRC 804 - Driveway Approaches, and SRC 805 - Vision Clearance:* With completion of the conditions required by Public Works, the subject property meets all applicable standards of these chapters of the UDC.

***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:** The existing condition of Turner Road SE along the property frontage does not meet current standards for its classification of street per the *Salem Transportation System Plan*. Turner Road SE southeast of the subject property meets current standards for a "linking street". Turner Road SE northwest of the subject property does

not meet current standards for a “linking street”. Along the property frontage, the applicant shall convey for dedication a half-width right-of-way up to 36-feet and construct a half-street improvement to Minor Arterial street standards as specified in the Public Works Design Standards and based on a rational nexus calculation. Street improvements are required along the property frontage of Turner Road SE. Pursuant to SRC 200.035(a)(4), this improvement shall extend northwest along the property frontage of 4375 Turner Road SE (taxlot # 082W07C000101).

A Traffic Impact Analysis (TIA) was submitted as part of the application packet pursuant to SRC 803.015. A sight distance analysis for the proposed driveways was included within the TIA. The TIA concludes that a left-turn lane is warranted at the southern driveway. Additionally, the TIA concludes that the northern driveway access shall be restricted to right-turns only to allow for adequate sight distance. Because the northern driveway will be restricted to right-turns, a turn lane and median to restrict left-out movements is required. The Assistant City Traffic Engineer has reviewed the TIA and recommends mitigation be included in the conditions of approval.

The sight distance analysis submitted finds that adequate sight distance is only provided where plantings are maintained at a height of 30 inches or less. Pursuant to SRC 86.015(e) applicant is required to install new street trees to the maximum extent feasible. Staff find that in order to provide adequate sight distance, it is not feasible to require new street trees along Turner Road SE. The applicant is advised to plant low growing native shrubbery in the planter strip that will not exceed 30 inches in height in accordance with the Applicants TIA. As such, the following conditions apply:

- Condition 7:** Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Turner Road SE.
- Condition 8:** Along the property frontage, and along the frontage of 4375 Turner Road SE (taxlot # 082W07C000101), construct a half-street improvement to Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The configuration of the improvement shall accommodate the following traffic mitigation measures:
- a. Design and construct a left-turn lane and tapers within Turner Road SE to serve the southern driveway access.
  - b. Design and construct a left-turn lane and tapers within Turner Road SE to serve the northern driveway access. As required by the TIA the driveway shall be restricted to right-in, right-out, and left-turn-in movements. A raised median must be constructed on Turner Road SE to prohibit the left-turn-out movement. The driveway and median design must accommodate the large truck turning movements.
  - c. Minimize street tree installation as needed to provide adequate site distance as required in the TIA.

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

**Finding:** As discussed above, the applicant submitted a TIA and sight distance analysis which demonstrates that with recommended conditions, the proposed driveway access onto Turner Road SE provides for safe turning movements into and out of the property.

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

**Finding:** The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible.

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.

**Condition 9:** 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).

## **8. Analysis of Class 2 Adjustment Criteria**

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

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

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

**Finding:** The applicant is requesting a Class 2 adjustment to allow for reduced spacing between driveways less than the standard of 370 feet. The development is proposing two driveways. One existing driveway is located near the northern corner of the subject property along Turner Road SE and will be relocated 200 feet south. The new driveway is located at the southern corner of the property along Turner Road SE. Locations of the driveways minimizes conflicts with the intersection of Turner Road SE and 37<sup>th</sup> Avenue SE. The proposed driveway configuration meets the adjustment criteria by

allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard.

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

**Finding:** The subject property is not located within a residential zone; therefore, this criterion is not applicable.

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

**Finding:** Only one adjustment has been requested. To ensure that all future development proposed at this development site shall be subject to the applicable development standards of the Salem Revised Code, the following condition applies:

**Condition 10:** The adjusted development standard 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 standards of the Unified Development Code, unless adjusted through a future land use action.

## **9. Analysis of Class 2 Driveway Approach Permit Criteria**

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

***SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.***

**Finding:** The proposed driveway is located less than 370 feet from adjacent driveways; therefore, a Class 2 adjustment is required for driveway spacing as described below. Otherwise, the proposed driveway meets the standards for SRC 804 and PWDS.

***SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.***

**Finding:** There are no site conditions prohibiting the location of the proposed driveways.

***SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.***

**Finding:** The applicant proposes one new driveway onto an arterial street; there is one existing driveway near the northwestern property line that will be relocated and continue to serve the proposed development. The project site has approximately 750-feet of frontage on Turner Road and is therefore granted two driveways.

**SRC 804.025(d)(4): The proposed driveway approach, where possible:**

**(A) Is shared with an adjacent property; or**

**(B) Takes access from the lowest classification of street abutting the property**

**Finding:** The subject property only has frontage on an arterial street and therefore takes access from the lowest classification of street abutting the property.

**SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.**

**Finding:** The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

**SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.**

**Finding:** No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. With recommended conditions listed above, the proposed driveway will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

**SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity.**

**Finding:** Staff analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets.

**SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.**

**Finding:** The proposed driveway approaches are located on a minor arterial street and minimize the impact to adjacent streets and intersections.

**SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.**

**Finding:** The proposed driveway approach is not located in the vicinity of a residentially zoned area. The driveway will not have an effect on the functionality of the adjacent streets.



## 10. Analysis of Tree Removal Variance Approval Criteria

Salem Revised Code (SRC) 808.045(d) sets forth the following criteria that must be met before approval can be granted to a request for a Tree Regulation Variance. In this case, the applicant has requested to address the hardship criteria in SRC 808.045(d)(1).

***SRC 808.045(d)(1)(a): There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance.***

**Finding:** The applicant submitted a tree plan in conjunction with the proposal identifying a total of four significant trees (Oregon White Oak greater than 20 inches in diameter-at-breast height (dbh), or any other tree with a dbh of 30 inches or greater) on the property. In the written statement for the Tree Variance, the applicant requests to remove all four significant trees due to their locations severely limiting the development of the site. However, the applicant proposed minor changes to the site plan after the application was deemed complete and notice was sent, including a request to remove two additional trees under this Tree Variance to accommodate an expanded vehicle use area not required by code; the initial proposal requested removal of only two significant trees. As such, Staff finds that the two additional trees requested for removal do not meet the criteria for hardship, as the site is able to be developed without their removal, as evident with the initial proposal for the development. In addition, the location of the two trees in question, Tree No. 12673 and Tree No. 12741, would only limit the development of an expanded large-vehicle trailer parking or storage area, which is not considered required parking under the Salem Revised Code. The development is still able to provide a separate area of fifteen trailer parking spaces, and an additional eight spaces does not render the development unusable or create an unreasonable hardship. As such, the following condition applies:

**Condition 11:** Two significant trees, a split trunk Oregon White Oak with the largest measurement of 28 inches dbh (Tree No. 12673) and a 30-inch dbh Oregon White Oak (Tree No. 12741), shall be retained and preserved on site, with the required protection measures provided for significant trees during construction (SRC 808.046). At the time of building permit review, the applicant shall provide updated landscaping indicating the critical root zone of these trees and all protection measures, and updated plans reducing the trailer parking area to ensure protection of these trees.

In addition, because Tree No. 12741 is conditioned to be preserved and due to the close proximity of Tree No. 12742, a split trunk Oregon White Oak with the largest measurement of 15 inches dbh, Staff finds that the preservation of the non-significant Tree No. 12742 is necessary to ensure the survival of Tree No. 12741. As such, the following condition applies:

**Condition 12:** Tree No. 12742, a split trunk Oregon White Oak with the largest measurement of 15 inches dbh, shall also be retained and preserved

on site, with the required protection measures provided for significant trees during construction (SRC 808.046).

The two trees originally proposed for removal and evaluated under this Tree Regulation Variance include: Tree No. 10272 – a split trunk Oregon White Oak with the largest measurement of 22-inch dbh; and Tree No. 12545 – a 30-inch dbh Oregon White Oak. Because both trees have a dbh of 20 inches or greater, they meet the SRC 808.005 definition of a significant tree according to amendments effective March 16, 2022. Significant trees may be removed under a tree and vegetation removal permit issued under SRC 808.030, a tree conservation plan approved under SRC 808.035, or a tree variance granted under SRC 808.045. Because the trees are not hazardous and do not meet criteria for a tree removal permit, this practical difficulty can be most effectively relieved by a variance.

The request to remove these two significant trees is directly related to the need to provide stormwater facilities on site. The trees are located within the proposed stormwater facility area and would interfere with providing the necessary infrastructure to meet standards. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible and demonstrates compliance with Stormwater PWDS Appendix 004-E(4) and SRC Chapter 71. There are no other options to provide the required stormwater facilities on site; retaining the trees creates an unreasonable hardship that can most effectively be relieved by approval of the variance.

Staff finds that there are special conditions that apply to the property which create reasonable hardships or practical difficulties which can be most effectively relieved by a variance, and the conditions above limit the removal of significant trees on site. As conditioned, the proposal meets this criterion.

***SRC 808.045(d)(1)(b): The proposed variance is the minimum necessary to allow the otherwise lawful proposed development of activity.***

**Finding:** No other options exist to provide the required stormwater facility on site. The conditions above limit the number of significant trees removed on site to only two, which is the minimum necessary to allow for the lawful development of the subject property. Therefore, this criterion is met

## **11. Conclusion**

Based upon review of SRC Chapters 205, 220, 250, 804, and 808 the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

### **IT IS HEREBY ORDERED**

Final approval of Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Tree Regulation Variance Case No. UGA-SPR-ADJ-DAP-TRV22-01 is hereby **APPROVED** subject to SRC

Chapter 205, 220, 250, 804, and 808, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as **Attachment B**, and the following conditions of approval:

- Condition 1:** At the time of building permit review, the applicant shall provide plans showing Fire Department access, fire hydrant locations, and Fire Department Connection as required.
- Condition 2:** At the time of building permit review, the applicant shall demonstrate that all required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b)(1) and 800.065(c).
- Condition 3:** At the time of building permit, the applicant shall adjust the parking area to include only the 67 parking spaces allowed by the maximum parking requirement.
- Condition 4:** At the time of building permit review, the applicant shall provide bumper guards or wheel barriers for the parking spaces adjacent to a walkway only five feet in width to prevent parked vehicles from encroaching into the pedestrian accessway.
- Condition 5:** Construct all new structures a minimum of one foot above the base flood elevation pursuant to SRC 601.075.
- Condition 6:** Provide an engineered overland flow analysis to ensure that the proposed development does not cause the base flood elevation to be increased in a manner that causes localized flooding during major flood events. Ensure that base flood flows are conveyed around or through the site pursuant to PWDS.
- ~~**Condition 7:** Construct a half-width turnpike improvement along the development side of Kuebler Boulevard SE from 1,200 feet south of Aumsville Highway SE to the Mill Creek Bridge.~~
- Condition 8 7:** Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Turner Road SE.
- Condition 9 8:** Along the property frontage, and along the frontage of 4375 Turner Road SE (taxlot # 082W07C000101), construct a half-street improvement to Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The configuration of the improvement shall accommodate the following traffic mitigation measures:
- a. Design and construct a left-turn lane and tapers within Turner Road SE to serve the southern driveway access.

- b. Design and construct a left-turn lane and tapers within Turner Road SE to serve the northern driveway access. As required by the TIA the driveway shall be restricted to right-in, right-out, and left-turn-in movements. A raised median must be constructed on Turner Road SE to prohibit the left-turn-out movement. The driveway and median design must accommodate the large truck turning movements.
- c. Minimize street tree installation as needed to provide adequate site distance as required in the TIA.

**Condition 9:** 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).

**Condition 10:** The adjusted development standard 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 standards of the Unified Development Code, unless adjusted through a future land use action.

**Condition 11:** Two significant trees, a split trunk Oregon White Oak with the largest measurement of 28 inches dbh (Tree No. 12673) and a 30-inch dbh Oregon White Oak (Tree No. 12741), shall be retained and preserved on site, with the required protection measures provided for significant trees during construction (SRC 808.046). At the time of building permit review, the applicant shall provide updated landscaping indicating the critical root zone of these trees and all protection measures, and updated plans reducing the trailer parking area to ensure protection of these trees.

**Condition 12:** Tree No. 12742, a split trunk Oregon White Oak with the largest measurement of 15-inch dbh, shall also be retained and preserved on site, with the required protection measures provided for significant trees during construction (SRC 808.046).



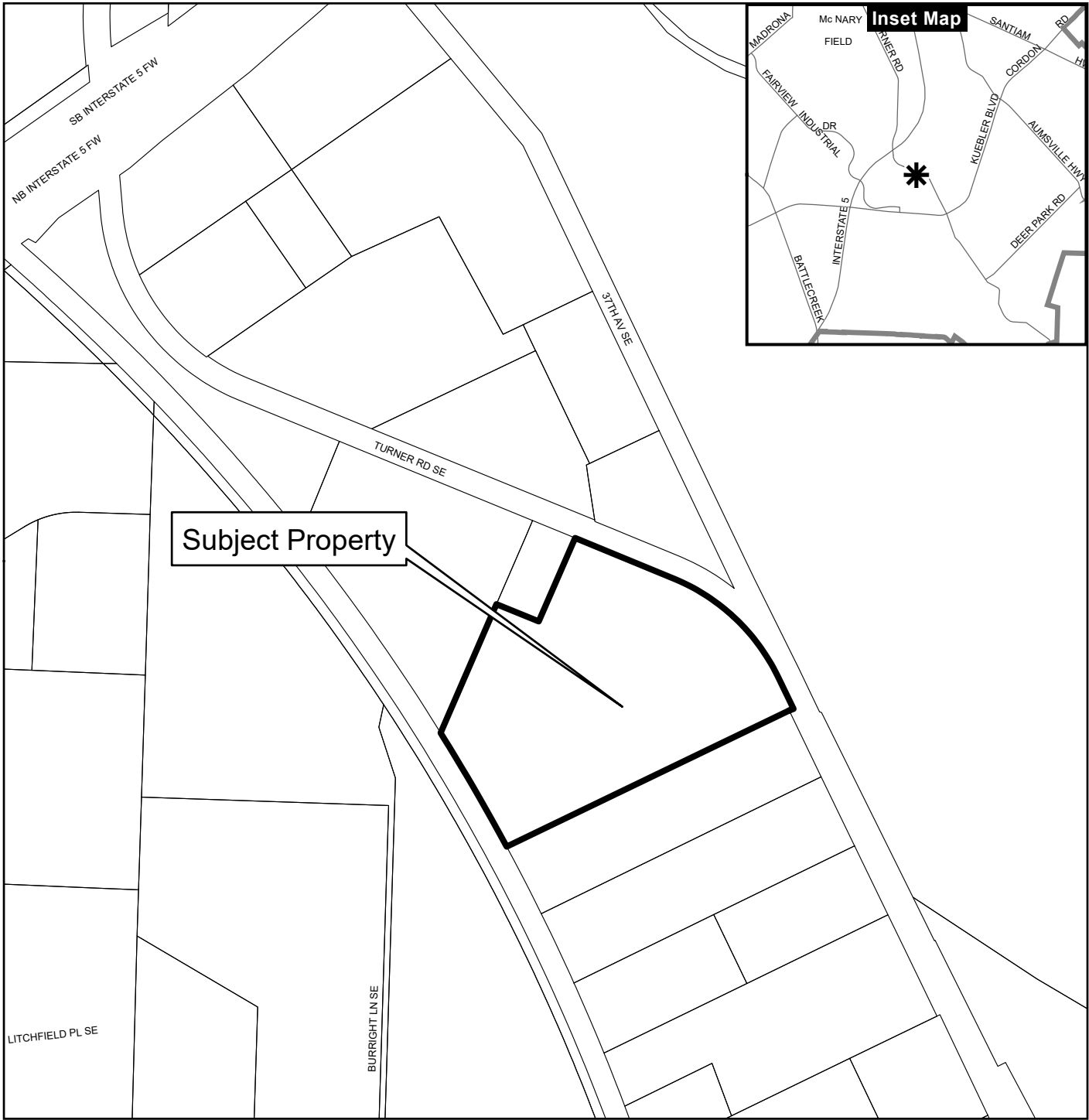
Jamie Donaldson, Planner II, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Attachments: A. Vicinity Map  
B. Proposed Development Plans  
C. Applicant's Written Statement  
D. Public Works Department Memo

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

# Vicinity Map

## 4400 Block Turner Road SE



### Legend

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

Parks

CITY OF *Salem*  
AT YOUR SERVICE  
Community Development Dept.

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0 100 200 400 Feet



# Turner Road Salem, Oregon

14 JUNE 2022

-----	PROPERTY LINE
-----	LINE OF SOFFIT OR ELEMENT ABOVE
-----	CENTER LINE
-----	COLUMN GRID LINE

LEGEND

ARCHITECTURAL  
A-1 COVER SHEET  
A-2 PRELIMINARY SITE PLAN  
A-3 FLOOR PLAN  
A-4 EXTERIOR ELEVATIONS  
A-5 SITE DETAILS

CIVIL  
C2.0 GRADING PLAN  
C3.0 UTILITY PLAN

LANDSCAPE  
L1.0 TREE REMOVAL & PROTECTION PLAN  
L1.1 OVERALL LANDSCAPE & TREE PLAN  
L1.2 ENLARGED LANDSCAPE PLAN  
L1.3 ENLARGED LANDSCAPE PLAN  
L1.4 ENLARGED LANDSCAPE PLAN  
L1.5 ENLARGED LANDSCAPE PLAN  
L1.6 PLANTING LEGEND

ALL CONSTRUCTION SHALL CONFORM WITH ALL APPLICABLE  
LOCAL STATE AND FEDERAL CODES REGULATION AND LAWS,  
INCLUDING, BUT NOT LIMITED TO:

BUILDING	2019 OREGON STRUCTURAL SPECIALTY CODE
MECHANICAL	2019 OREGON MECHANICAL SPECIALTY CODE
PLUMBING	2017 OREGON PLUMBING SPECIALTY CODE
ELECTRICAL	2017 OREGON ELECTRICAL SPECIALTY CODE
FIRE	2014 OREGON FIRE CODE
ACCESSIBILITY	2009 ICC / ANSI A117.1 ACCESSIBILITY CODE
ENERGY	2019 OREGON ZERO ENERGY READY COMMERCIAL CODE

CURRENT ZONING USE: IG - GENERAL INDUSTRIAL  
PROPOSED ZONING USE: IG - GENERAL INDUSTRIAL

OCCUPANCY GROUP: S-1 / B

CONSTRUCTION TYPE: V-B

ASSESSOR'S PARCEL NUMBER: 082W07C00200

GROSS LOT AREA:	± 440,696
	10.12 acres
NET LOT AREA:	± 436,039
	10.01 acres

BUILDING AREA:	193,758 sf
OFFICE:	9,000 sf
WAREHOUSE:	184,758 sf
SITE COVERAGE (FROM NET):	44.44%
DOCK DOOR RATIO:	1 / 6,459 sf
PARKING REQUIRED:	39 spaces
OFFICE (1 / 350 sf)	26 spaces
WAREHOUSE (1 / 15,000 sf)	13 spaces
MAXIMUM PARKING:	69 spaces
PARKING PROVIDED:	69 spaces

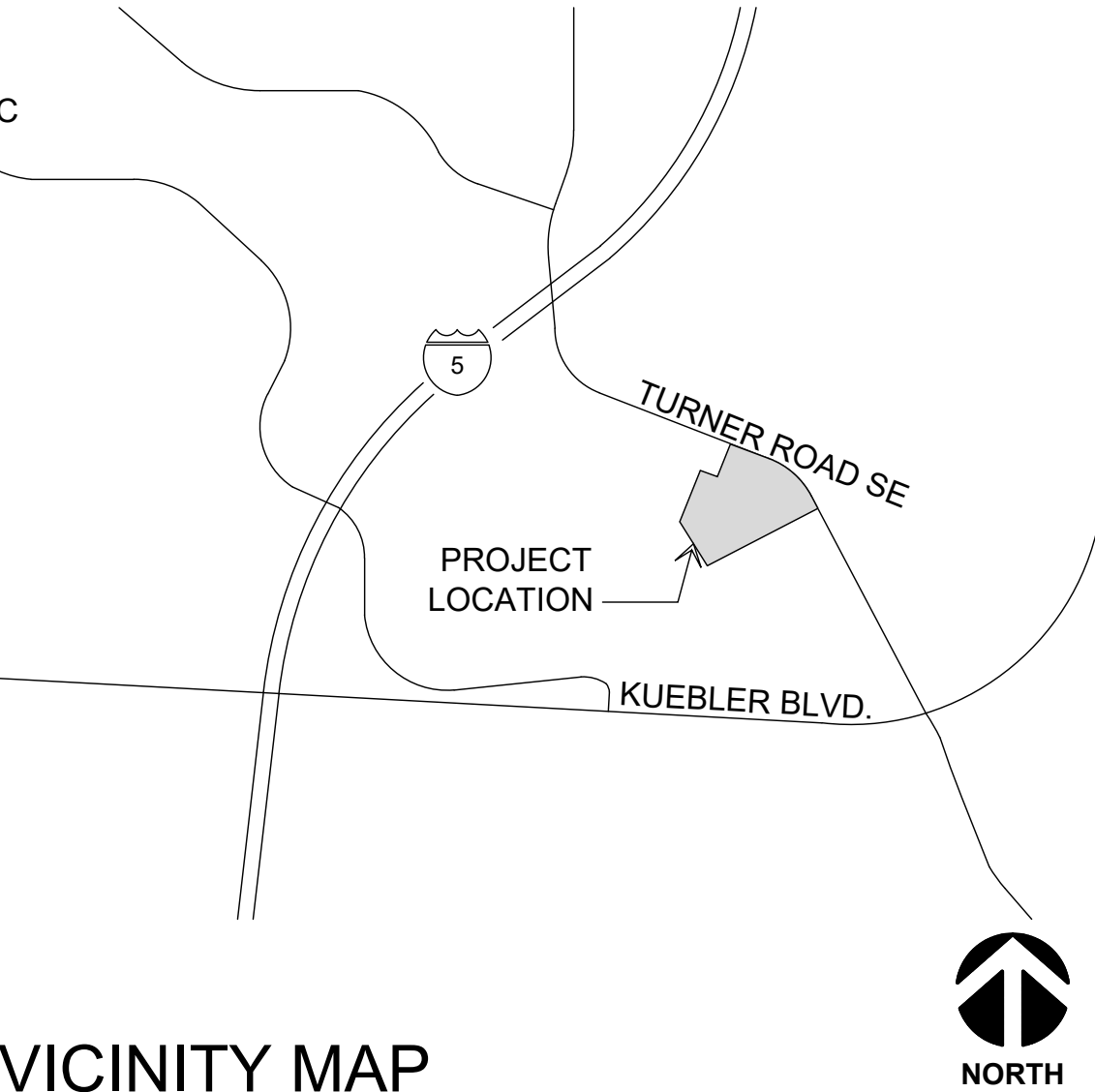
OWNER / DEVELOPER  
PHELAN DEVELOPMENT COMPANY  
450 NEWPORT CENTER DRIVE, SUITE 405  
NEWPORT BEACH, CA 92660  
(949) 720-8050

APPLICANT  
MICHAEL DEARMEY  
PHELAN DEVELOPMENT COMPANY  
450 NEWPORT CENTER DRIVE, SUITE 405  
NEWPORT BEACH, CA 92660  
(949) 720-8050

ARCHITECT  
CALVIN J. COATSWORTH ARCHITECTS, PC  
1574 GULF ROAD  
PMB 212  
POINT ROBERTS, WA 98281  
PHONE: (949) 833-1930

CIVIL ENGINEER  
CRAIG HARRIS  
AAI ENGINEERING  
4875 SW GRIFFITH DRIVE, SUITE 300  
BEAVERTON, OR 97005  
PHONE: (503) 352-3030

LANDSCAPE  
TERESA LONG, PLA  
AAI ENGINEERING  
4875 SW GRIFFITH DRIVE, SUITE 100  
BEAVERTON, OR 97005  
PHONE: (503) 352-3030



SHEET INDEX

APPLICABLE CODES

PROJECT SUMMARY

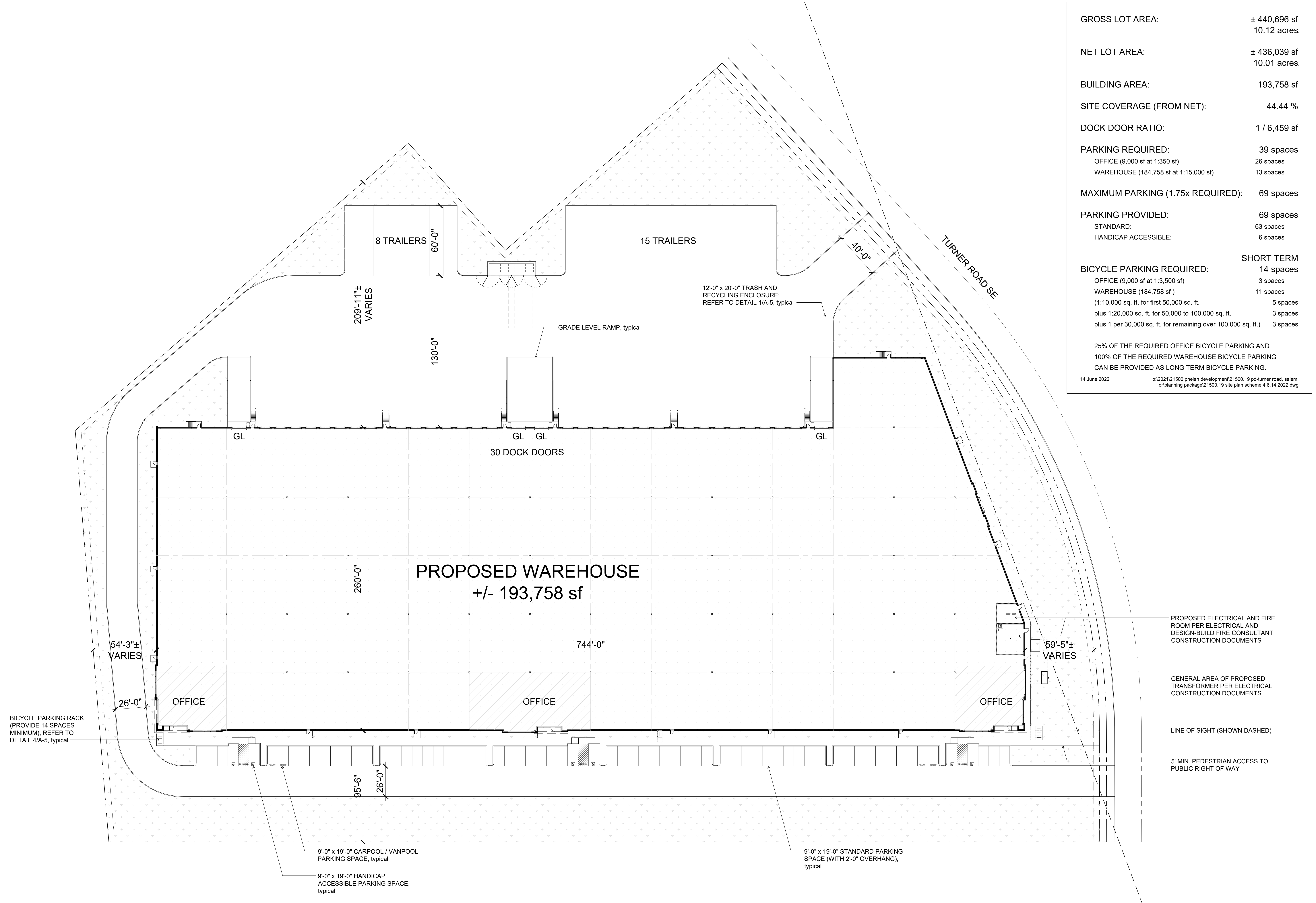
PROJECT TEAM

VICINITY MAP

SCALE: NOT TO SCALE



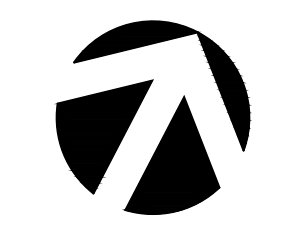
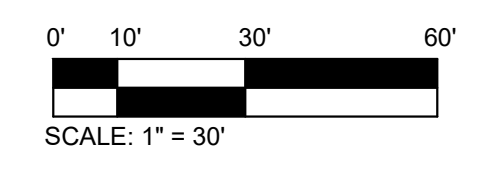
GROSS LOT AREA:	± 440,696 sf	10.12 acres
NET LOT AREA:	± 436,039 sf	10.01 acres
BUILDING AREA:	193,758 sf	
SITE COVERAGE (FROM NET):	44.44 %	
DOCK DOOR RATIO:	1 / 6,459 sf	
PARKING REQUIRED:	39 spaces	
OFFICE (9,000 sf at 1:350 sf)	26 spaces	
WAREHOUSE (184,758 sf at 1:15,000 sf)	13 spaces	
MAXIMUM PARKING (1.75x REQUIRED):	69 spaces	
PARKING PROVIDED:	69 spaces	
STANDARD:	63 spaces	
HANDICAP ACCESSIBLE:	6 spaces	
BICYCLE PARKING REQUIRED:	14 spaces	
OFFICE (9,000 sf at 1:3,500 sf)	3 spaces	
WAREHOUSE (184,758 sf )	11 spaces	
(1:10,000 sq. ft. for first 50,000 sq. ft.	5 spaces	
plus 1:20,000 sq. ft. for 50,000 to 100,000 sq. ft.	3 spaces	
plus 1 per 30,000 sq. ft. for remaining over 100,000 sq. ft.)	3 spaces	
25% OF THE REQUIRED OFFICE BICYCLE PARKING AND 100% OF THE REQUIRED WAREHOUSE BICYCLE PARKING CAN BE PROVIDED AS LONG TERM BICYCLE PARKING.		
14 June 2022	p:\2021\21500 phelan development\21500_19 pd-turner road, salem, or\planning package\21500_19 site plan scheme 4 6.14.2022.dwg	

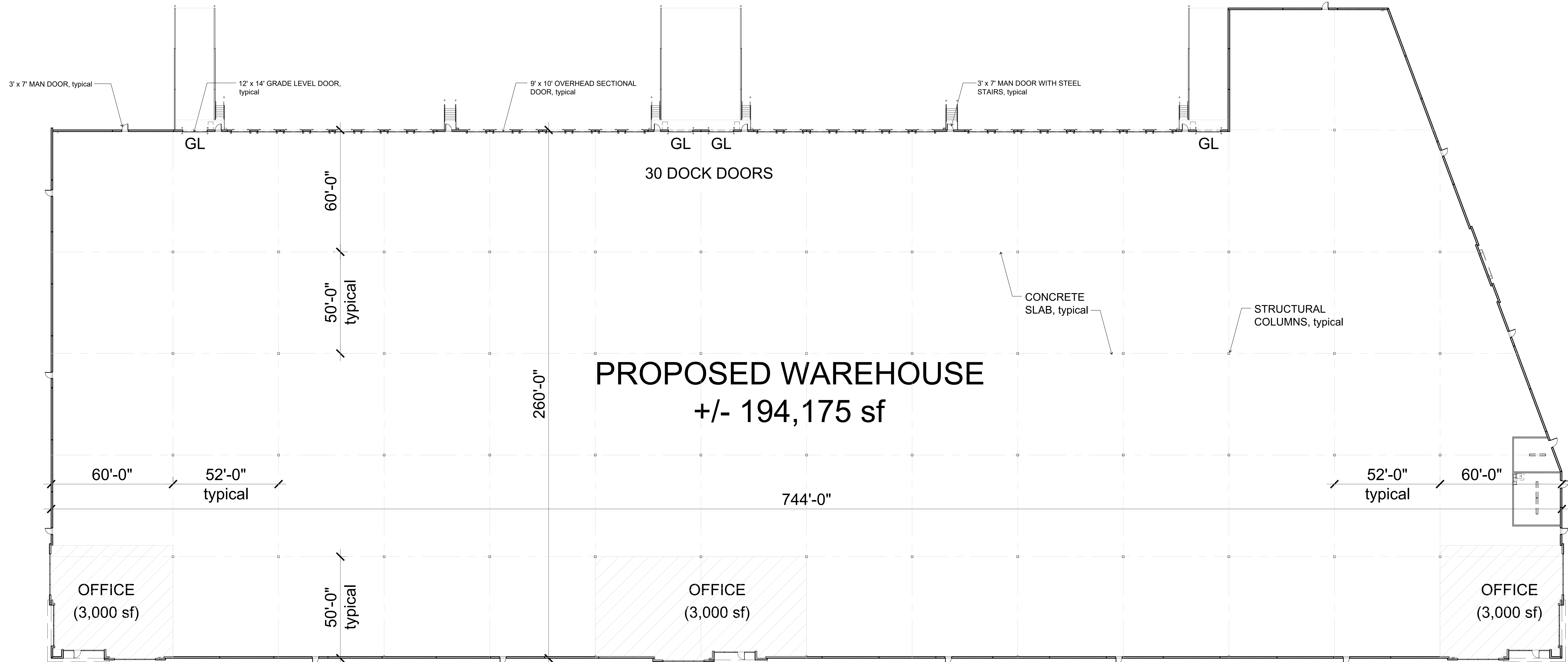


PRELIMINARY SITE PLAN

14 JUNE 2022

Turner Road  
Salem, Oregon

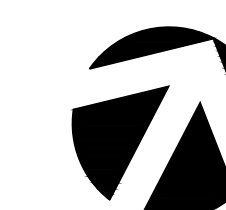
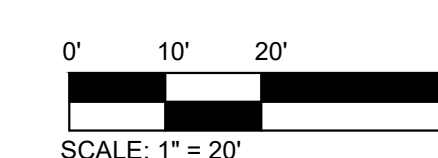




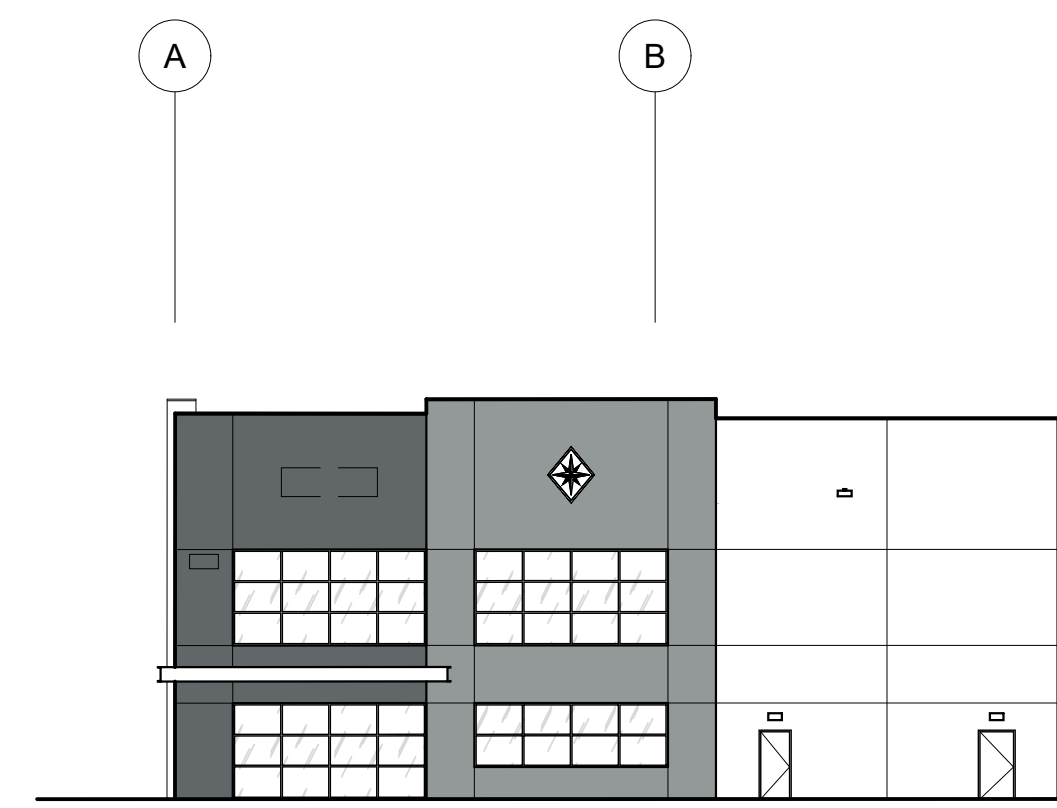
# FLOOR PLAN

14 JUNE 2022

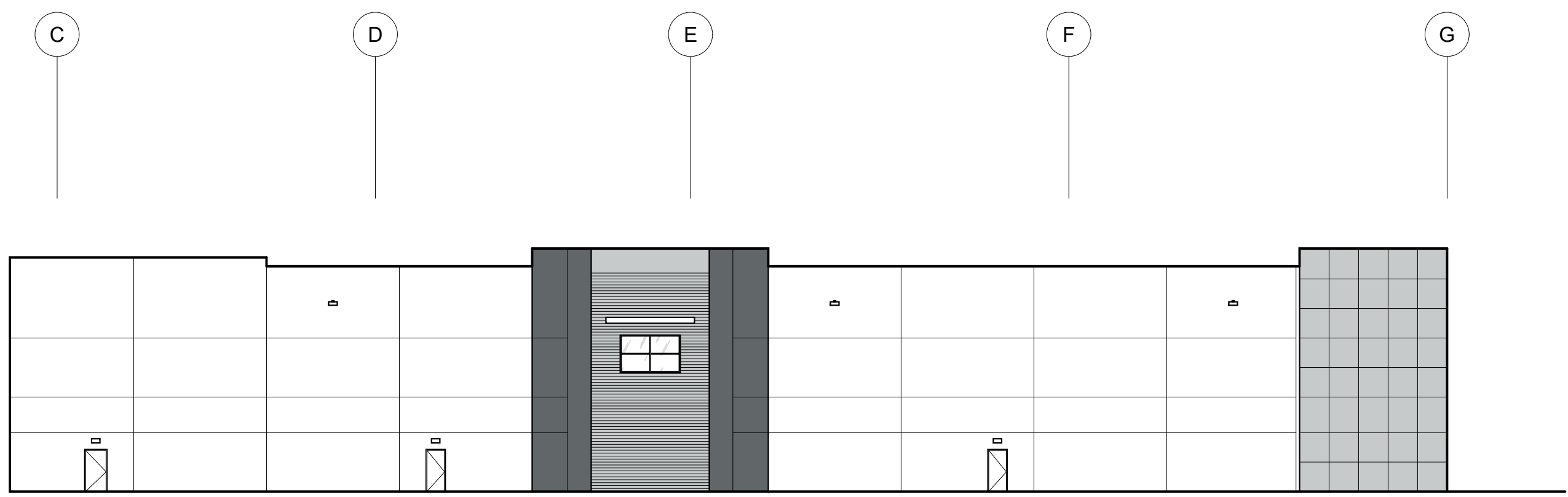
Turner Road  
Salem, Oregon







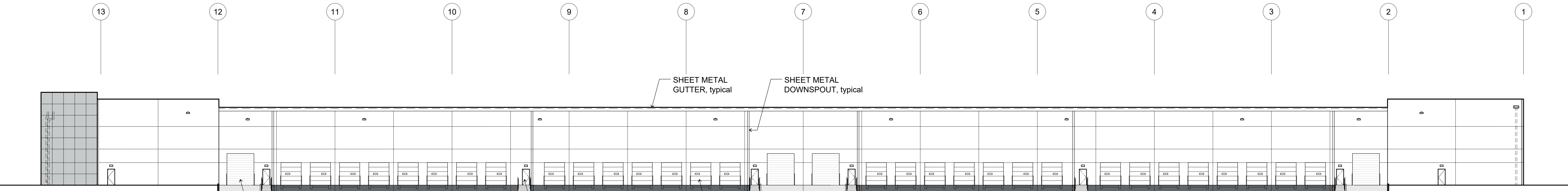
PARTIAL EAST ELEVATION



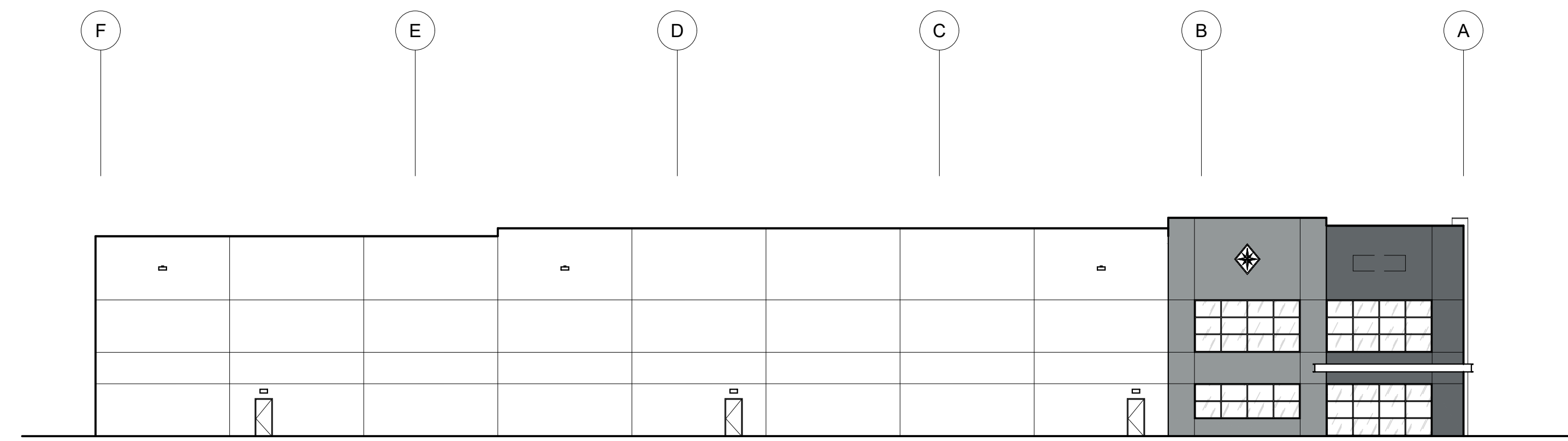
PARTIAL EAST ELEVATION

	<div> <div>TILT-UP CONCRETE WALL PANEL</div> <div>WALL PANEL FIELD COLOR</div> <div>SHERWIN WILLIAMS - #7757 - HIGH REFLECTIVE WHITE</div> </div>
	<div> <div>TILT-UP CONCRETE WALL PANEL</div> <div>WALL PANEL FIELD COLOR</div> <div>SHERWIN WILLIAMS - #7071 - GRAY SCREEN</div> </div>
	<div> <div>TILT-UP CONCRETE WALL PANEL</div> <div>WALL PANEL ACCENT COLOR</div> <div>SHERWIN WILLIAMS - #9162 - AFRICAN GRAY</div> </div>
	<div> <div>TILT-UP CONCRETE WALL PANEL</div> <div>WALL PANEL ACCENT COLOR</div> <div>SHERWIN WILLIAMS - #7075 - WEB GRAY</div> </div>
	<div> <div>1" INSULATED DUAL PANE MEDIUM PERFORMANCE</div> <div>PPG VISTACOL PACIFICA GLAZING</div> <div>CLEAR ANODIZED ALUMINUM MULLIONS</div> </div>

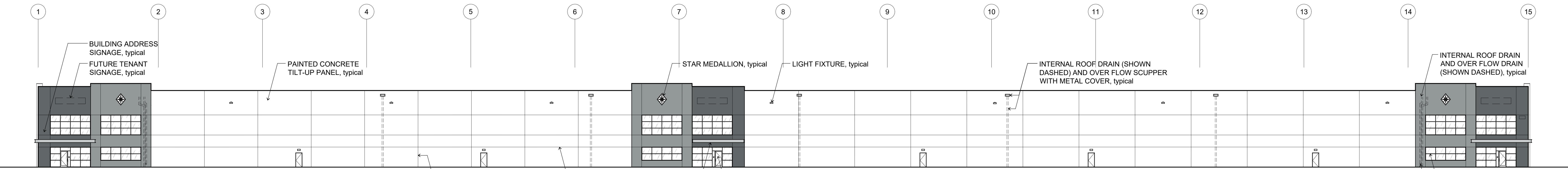
LEGEND



NORTH ELEVATION



WEST ELEVATION

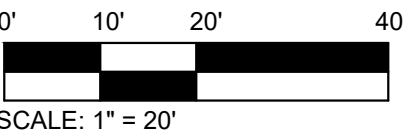


SOUTH ELEVATION

EXTERIOR ELEVATIONS

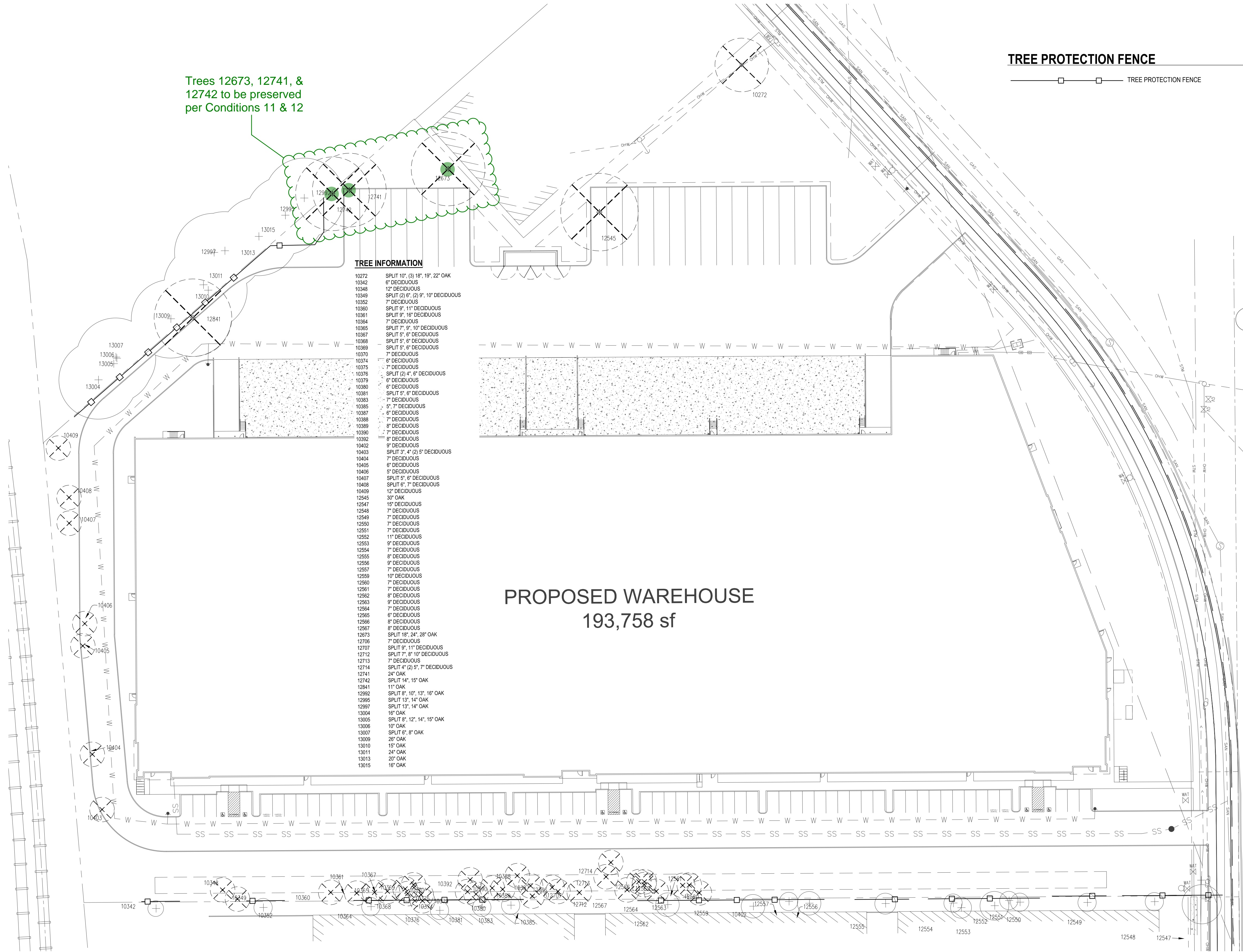
14 JUNE 2022

Turner Road  
Salem, Oregon







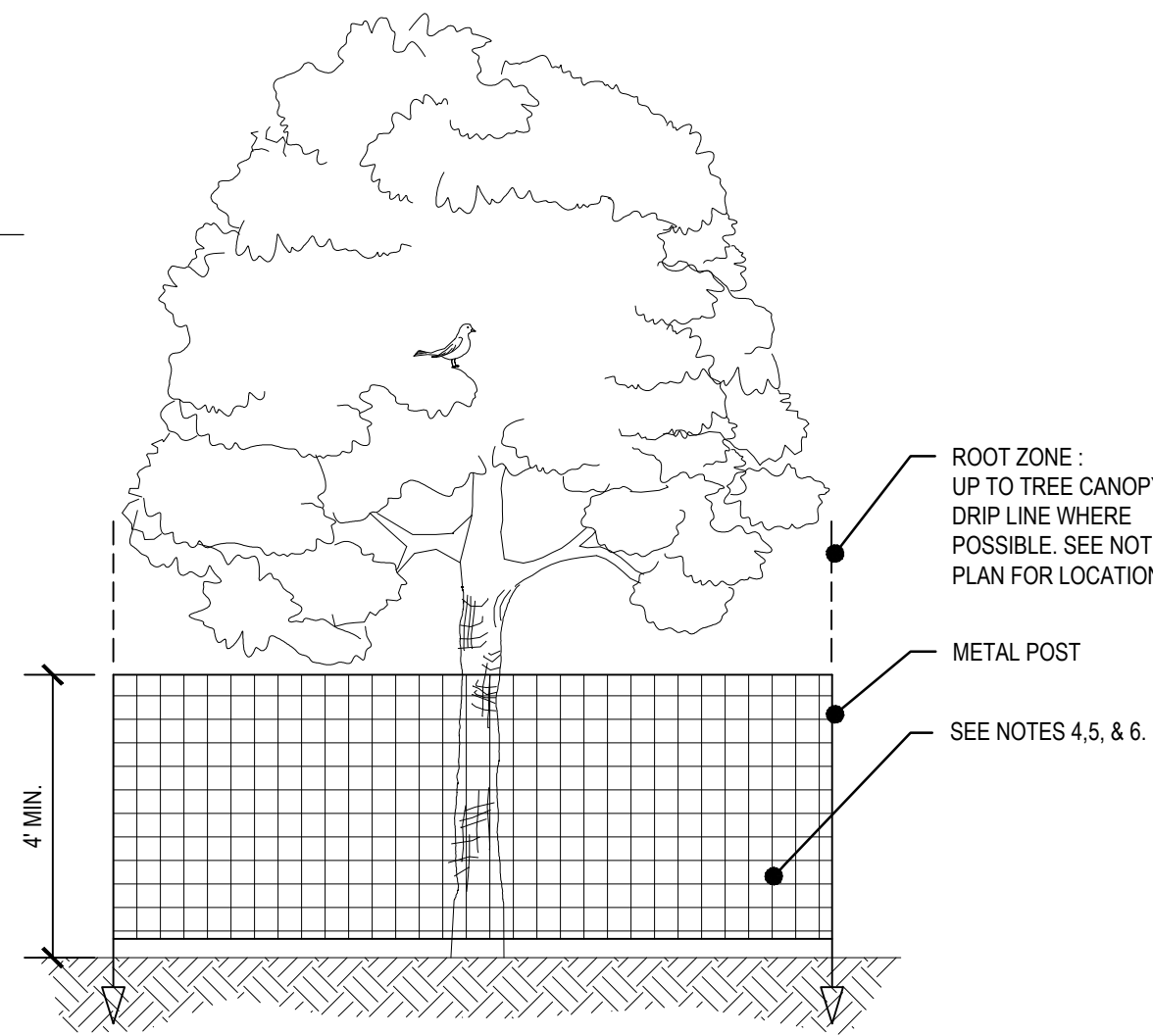


TREE INFORMATION

10272	SPLIT 10", (3) 18", 19", 22" OAK
10342	6" DECIDUOUS
10348	12" DECIDUOUS
10349	SPLIT (2) 6", (2) 9", 10" DECIDUOUS
10352	7" DECIDUOUS
10360	SPLIT 9", 11" DECIDUOUS
10361	SPLIT 9", 16" DECIDUOUS
10364	7" DECIDUOUS
10365	SPLIT 7", 9", 10" DECIDUOUS
10367	SPLIT 5", 6" DECIDUOUS
10368	SPLIT 5", 6" DECIDUOUS
10369	SPLIT 5", 6" DECIDUOUS
10370	7" DECIDUOUS
10374	6" DECIDUOUS
10375	7" DECIDUOUS
10376	SPLIT (2) 4", 6" DECIDUOUS
10379	6" DECIDUOUS
10380	6" DECIDUOUS
10381	SPLIT 6", 6" DECIDUOUS
10383	7" DECIDUOUS
10385	5", 7" DECIDUOUS
10387	6" DECIDUOUS
10388	7" DECIDUOUS
10389	8" DECIDUOUS
10390	7" DECIDUOUS
10392	8" DECIDUOUS
10402	9" DECIDUOUS
10403	SPLIT 3", 4" (2) 5" DECIDUOUS
10404	7" DECIDUOUS
10405	6" DECIDUOUS
10406	5" DECIDUOUS
10407	SPLIT 5", 6" DECIDUOUS
10408	SPLIT 6", 7" DECIDUOUS
10409	12" DECIDUOUS
12545	30" OAK
12547	15" DECIDUOUS
12548	7" DECIDUOUS
12549	7" DECIDUOUS
12550	7" DECIDUOUS
12551	7" DECIDUOUS
12552	11" DECIDUOUS
12553	9" DECIDUOUS
12554	7" DECIDUOUS
12555	8" DECIDUOUS
12556	9" DECIDUOUS
12557	7" DECIDUOUS
12559	10" DECIDUOUS
12560	7" DECIDUOUS
12561	7" DECIDUOUS
12562	8" DECIDUOUS
12563	9" DECIDUOUS
12564	7" DECIDUOUS
12565	8" DECIDUOUS
12566	8" DECIDUOUS
12567	8" DECIDUOUS
12673	SPLIT 18", 24", 28" OAK
12706	7" DECIDUOUS
12707	SPLIT 6", 11" DECIDUOUS
12712	SPLIT 7", 8", 10" DECIDUOUS
12713	7" DECIDUOUS
12714	SPLIT 4", (2) 5", 7" DECIDUOUS
12741	24" OAK
12742	SPLIT 14", 15" OAK
12841	11" OAK
12892	SPLIT 8", 10", 13", 16" OAK
12985	SPLIT 13", 14" OAK
12987	SPLIT 13", 14" OAK
13004	16" OAK
13005	SPLIT 8", 12", 14", 15" OAK
13006	10" OAK
13007	SPLIT 8", 8" OAK
13009	26" OAK
13010	15" OAK
13011	24" OAK
13013	20" OAK
13015	16" OAK

TREE PROTECTION FENCE

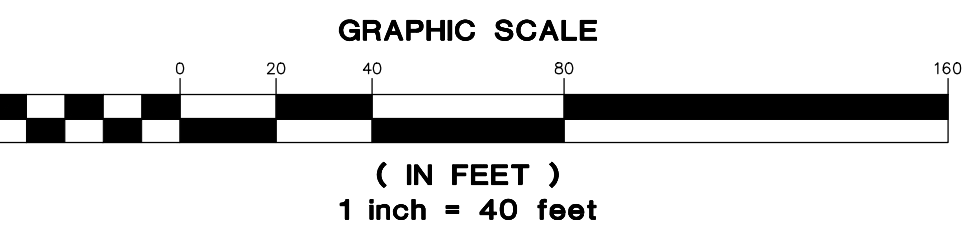
TREE PROTECTION FENCE



1 TREE PROTECTION FENCING DETAIL  
N.T.S.

TREE PROTECTION NOTES:

- BEFORE WORK IS STARTED, INSTALL TREE PROTECTION FENCING. CONTACT THE PROJECT ARBORIST FOR ASSISTANCE.
- NO ENCROACHMENT OF ANY KIND IS ALLOWED WITHIN THE TREE PROTECTION FENCE ZONE DURING CONSTRUCTION.
- INSTALL FENCE ON TREE SIDE OF EXISTING CURB FOR ALL TREES TO BE PRESERVED. ROOT PROTECTION ZONE IS AN AREA AROUND A TREE THAT IS BASED ON THE DIAMETER OF THE TREE CANOPY AND BETWEEN EXISTING CURB AND PROPOSED SIDEWALK.
- FENCING SHALL BE 4-FOOT HIGH ORANGE CONSTRUCTION FENCE WITH METAL POSTS AND BE SECURED TO THE GROUND WITH 6-FOOT METAL POSTS. AVOID DRIVING POSTS OR STAKES INTO MAJOR ROOTS.
- FENCE SHALL BE INSTALLED PRIOR TO LAND CLEARING, FILLING OR ANY LAND ALTERATION AND SHALL REMAIN IN PLACE UNTIL AFTER CONSTRUCTION IS COMPLETE.
- NO EXCAVATION OR COMPACTION OF EARTH OR OTHER POTENTIALLY DAMAGING ACTIVITIES ALLOWED WITHIN THE PROTECTION FENCING.
- WORK WITHIN PROTECTION FENCE SHALL BE DONE MANUALLY. NO STOCKPILING OF MATERIALS, VEHICULAR TRAFFIC, OR STORAGE OF EQUIPMENT OR MACHINERY SHALL BE ALLOWED WITHIN THE LIMITS OF THE FENCING.
- WITHIN CLEARING/GRADING LIMITS OR AT THE EDGE OF THE CLEARING/GRADING LIMITS, TREE PROTECTION MAY BE INSTALLED AROUND GROUPS OF TREES.
- DURING WORK, ANY ROOTS GREATER THAN TWO INCHES FOUND DURING EXCAVATION SHALL BE CLEANLY CUT. MULTIPLE ROOT PRUNING EVENTS FOR SINGLE TREES SHALL BE MANAGED & MONITORED BY THE PROJECT LANDSCAPE ARCHITECT.
- AFTER CONSTRUCTION IS COMPLETE, PROJECT LANDSCAPE ARCHITECT SHALL VERIFY TREE PROTECTION FENCING CAN BE REMOVED.



CHAPTER 250 - Adjustments  
250.005 Adjustments

(a) Applicability.

(1) Classes.

(B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

**Response:** An Adjustment application is required for both driveways as neither meet the 370-foot requirement. The northern driveway is approximately 200-feet from the northern neighbor. The southern driveway is approximately 235-feet from the southern neighbor.

Both of the driveways exceed the allowed 20% deviation. These are measured at the approximate centerline of the driveways.

(d) Criteria.

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

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

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

**Response:** The requested adjustment will equally or better meet the purpose of this development standard, as illustrated below.

This adjustment request is being made for the below reasons. We believe that allowing this adjustment will better meet the specific standard of which the adjustment is requested.

- To provide accesses located to maximize usage of the property, i.e., size and location of building
- To provide project access on the straightest sections of roadway.
- To provide access separated from the awkward configuration of the 37th Street and the Riverbend driveway connection on the east side of the street.

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

**Response:** The project is not located in a residential zone.

(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.

**Response:** The Adjustments for the two driveway locations work together to provide safe and adequate access to the site, while being consistent with the standard of the zone.

(ii) Equally or better met by the proposed development.

**Response:** The requested adjustment will equally or better meet the purpose of this development standard, as illustrated below.

This adjustment request is being made for the below reasons. We believe that allowing this adjustment will better meet the specific standard of which the adjustment is requested.

- To provide accesses located to maximize usage of the property, i.e., size and location of building
- To provide project access on the straightest sections of roadway.
- To provide access separated from the awkward configuration of the 37th Street and the Riverbend driveway connection on the east side of the street.

#### CHAPTER 554. – IG – General Industrial

##### Sec. 554.005 Uses.

- (a) The permitted (P), special (S), conditional (C), and prohibited (N) uses in the IG zone are set forth in Table 554-1.

TABLE 554-1. USES		
Wholesale Sales, Storage, and Distribution		
General wholesaling	P	
Heavy wholesaling	S	Scrap and waste material wholesalers, subject to SRC <a href="#">700.065</a> .
	C	Chemicals and allied products wholesalers.
	P	All other heavy wholesaling.
Warehousing and distribution	P	
Self-service storage	P	

**Response:** Warehousing and distribution is a permitted use in the IG zone, under the Wholesale Sales, Storage and Distribution category.



Sec. 808.045

Sec. 808.045. - Tree variances.

- (a) Applicability. Tree variances may be granted to allow deviation from the requirements of this chapter where the deviation is reasonably necessary to permit the otherwise lawful development of a property.
- (b) Procedure type. A tree variance is processed as a Type II procedure under SRC chapter 300.

**Response:** The Tree Variance application will be processed concurrently with the Site Plan Review / Validation of Unit of Land, Urban Growth Preliminary Declaration, Class 2 Driveway Approach, and Class 2 Adjustment.

- (c) Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a tree variance shall include the following:
  - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

- (A) The total site area, dimensions, and orientation relative to north;

**Response:** Please see sheet L1.0 Tree Removal & Protection Plan

- (B) The location of any existing structures on the site;

**Response:** Please see sheet C02 Existing Conditions

- (C) Identification of the type, size, and location of all existing trees on the property;

**Response:** Please see sheet L1.0 Tree Removal & Protection Plan

- (D) Identification of those trees proposed for preservation and those designated for removal; and

**Response:** Please see sheet L1.0 Tree Removal & Protection Plan

- (E) The location of roads, bridges, utilities, and other improvements;

**Response:** Please see sheet L1.1 Landscape Plan & C10 Hardscape Plan

- (2) In addition to the information required by subsection (c)(1) of this section, when a riparian corridor is located on the property, an application for a tree variance shall include:

**Response:** There are no riparian corridors located on the property.

- (d) Approval criteria. A tree variance shall be granted if either of the following criteria is met:

(1) Hardship.

**Response:** Hardship (1) applies to this variance request. There are 45 trees identified on the site, including 4 that have been identified as significant. There are no Heritage trees on this site.

(A) There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance; and

**Response:** There are 4 significant trees identified on the site:  
10272 – will be impacted by the northern stormwater facility.  
12545 – will be impacted by the development of the 15-trailer parking to the north  
12673 – will be impacted by grading required to meet existing grade at property line  
12741 – will be impacted by the development of the 8-trailer parking

Due to the location of these trees, protecting and retaining them would severely limit the development on the site.

(B) The proposed variance is the minimum necessary to allow the otherwise lawful proposed development or activity; or

**Response:** Preservation of trees 12545 and 12741 would reduce the trailer parking below the number determined by the development team required to meet tenant trailer parking requirements. Therefore, the proposed variance is the minimum necessary to allow the otherwise lawful proposed development activity.

(e) Conditions of approval.

(1) Conditions may be imposed on the approval of a tree variance to ensure compliance with the approval criteria and to limit any adverse impacts that may result from granting the tree variance.

**Response:** Noted.

## CHAPTER 809. - Wetlands

### Sec. 809.001. - Purpose.

The purpose of this chapter is to identify those wetlands located within the City which are significant and non-significant, and to establish the foundation for a wetlands protection program that will provide for the long-term protection of wetlands within the City.

**Response:** Please refer to the Wetland Determination prepared by Pacific Habitat, which is included in this application package.

## CHAPTER 810. - LANDSLIDE HAZARDS


### Sec. 810.001. - Purpose.

The purpose of this chapter is to implement the Geologic Hazards Policy of the Scenic and Historic Areas, Natural Resources, and Hazards section of the Salem Area Comprehensive Plan and to promote the public health, safety and welfare by:



# MEMO

**TO:** Jamie Donaldson, Planner II  
Community Development Department

**FROM:** Glenn J. Davis, PE, CFM, Chief Development Engineer  
Public Works Department 

**DATE:** August 12, 2022

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
UGA-SPR-ADJ-DAP-TRV22-01  
(22-104268; 22-104269; 22-104271; 22-109908; 22-110432)  
4400 BLOCK TURNER ROAD SE  
INDUSTRIAL DEVELOPMENT**

## **PROPOSAL**

A consolidated application including an Urban Growth Preliminary Declaration, Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Tree Regulation Variance for development of a new 193,758-square-foot industrial building with associated site improvements, and a Class 2 Adjustment to reduce the required distance between driveway approaches along a minor arterial. The subject property is approximately 10 acres in size, is zoned IG (Industrial General), and located in the 4400 Block of Turner Road SE (Marion County Assessor's Map and Tax Lot No: 082W07C / 200).

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. Construct all new structures a minimum of one foot above the base flood elevation pursuant to SRC 601.075.
2. Provide an engineered overland flow analysis to ensure that the proposed development does not cause the base flood elevation to be increased in a manner that causes localized flooding during major flood events. Ensure that base flood flows are conveyed around or through the site pursuant to PWDS.
3. Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Turner Road SE.
4. Along the property frontage and along the frontage of 4375 Turner Road SE (Tax Lot No: 082W07C000101), construct a half-street improvement to Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The configuration of the improvement shall accommodate the following traffic mitigation measures:

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



- a. Design and construct a left-turn lane and tapers within Turner Road SE to serve the southern driveway access.
  - b. Design and construct a left-turn lane and tapers within Turner Road SE to serve the northern driveway access. As required by the Transportation Impact Analysis (TIA), the driveway shall be restricted to right-in, right-out, and left-turn-in movements. A raised median must be constructed on Turner Road SE to prohibit the left-turn-out movement. The driveway and median design must accommodate large truck turning movements.
  - c. Minimize street tree installation as needed to provide adequate site distance as required in the TIA.
5. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

## **FACTS**

### **Streets**

1. Turner Road SE
  - a. Standard—This street is designated as a minor arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
  - b. Existing Conditions—This street has an approximate 24-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

### **Storm Drainage**

1. Existing Conditions
  - a. A 36-inch storm main is located in Turner Road SE.

### **Water**

1. Existing Conditions
  - a. The subject property is located in the G-0 water service level.
  - b. A 24-inch water main is located in Turner Road SE and extends onto the subject property within an easement. Mains of this size generally convey flows of 8,500 to 19,700 gallons per minute.

## **Sanitary Sewer**

### **1. Existing Conditions**

- a. A 27-inch sewer main is located in Turner Road SE.

## **URBAN GROWTH PRELIMINARY DECLARATION**

An Urban Growth Preliminary Declaration is required because the subject property is located outside the Urban Service Area in an area without required facilities. Analysis of the development based on relevant standards in SRC 200.055 through SRC 200.075 is as follows:

### **SRC 200.055—Standards for Street Improvements**

**Findings:** An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for local streets or a minimum 34-foot improvement for major streets (SRC 200.055(b)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

Turner Road SE southeast of the subject property meets current standards. Turner Road SE northwest of the subject property does not meet current standards. Street improvements are required along the property frontage of Turner Road SE. Pursuant to SRC 200.035(a)(4), this improvement shall extend northwest along the property frontage of 4375 Turner Road SE (Tax Lot No. 082W07C000101). Street improvements and conditions of approval are discussed further below.

### **SRC 200.060—Standards for Sewer Improvements**

**Findings:** The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest available sewer facility appears to be located in Turner Road SE abutting the subject property. The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under 200.005(a).

### **SRC 200.065—Standards for Storm Drainage Improvements**

**Findings:** The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. The nearest available public storm system appears to be located in Turner Road SE abutting the subject property. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a).

**SRC 200.070—Standards for Water Improvements**

**Findings:** The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The applicant shall provide linking water mains consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards.

**SRC 200.075—Standards for Park Sites**

**Findings:** New parks are not required for non-residential development.

**SITE PLAN REVIEW CRITERIA AND FINDINGS**

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

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

**Finding—**With completion of the conditions above and approval of the adjustment for driveway spacing, the subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain; 802 – Public Improvements; 803 – Streets and Right-of-Way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; and 810 – Landslides.

The subject property is designated on the Federal Emergency Management Agency floodplain maps as a Zone “AE” floodplain. Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined the 100-year base flood elevation for the subject development is 230 feet. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. An Elevation Certificate is required to verify the new structure’s elevation. The Elevation Certificates shall be submitted to the City to verify each structure’s elevation prior to pouring building foundations and again prior to final occupancy.

**Condition:** Construct all new structures a minimum of one foot above the base flood elevation pursuant to SRC 601.075.

The proposed development is located in a Special Flood Hazard Area where flood flows are conveyed overland across the subject property. By elevating the site through the use of fill materials, the overland flow patterns will be obstructed, causing flood waters to be redirected into areas where they have not flowed in the past. As a result, an

engineered flow analysis is needed to determine the nature of the new flood flows directed around or through the site, including mitigation measures as needed to ensure that localized flooding is not caused by the proposed development.

**Condition:** Provide an engineered overland flow analysis to ensure that the proposed development does not cause the base flood elevation to be increased in a manner that causes localized flooding during major flood events. Ensure that base flood flows are conveyed around or through the site pursuant to PWDS.

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). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped two-point landslide hazard areas on the subject property. The proposed activity of an industrial building adds three activity points to the proposal, which results in a total of five points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by Geotech Solutions, Inc., and dated November 2, 2021, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by implementing recommendations in the report.

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

**Finding—**The existing condition of Turner Road SE along the property frontage does not meet current standards for its classification of street per the Salem TSP. Turner Road SE southeast of the subject property meets current standards for a "linking street." Turner Road SE northwest of the subject property does not meet current standards for a "linking street." Along the property frontage, the applicant shall convey for dedication a half-width right-of-way up to 36 feet and construct a half-street improvement to minor arterial street standards as specified in the PWDS and based on a rational nexus calculation. Street improvements are required along the property frontage of Turner Road SE. Pursuant to SRC 200.035(a)(4), this improvement shall extend northwest along the property frontage of 4375 Turner Road SE (Tax Lot No. 082W07C000101).

A TIA was submitted as part of the application packet pursuant to SRC 803.015. A sight distance analysis for the proposed driveways was included within the TIA. The TIA concludes that a left-turn lane is warranted at the southern driveway. Additionally, the

TIA concludes that the northern driveway access shall be restricted to right turns only to allow for adequate sight distance. Because the northern driveway will be restricted to right turns, a turn lane and median to restrict left-out movements is required. The Assistant City Traffic Engineer has reviewed the TIA and recommends mitigation be included in the conditions of approval.

The sight distance analysis submitted finds that adequate sight distance is only provided where plantings are maintained at a height of 30 inches or less. Pursuant to SRC 86.015(e), the applicant is required to install new street trees to the maximum extent feasible. Staff finds that in order to provide adequate sight distance, it is not feasible to require new street trees along Turner Road SE. The applicant is advised to plant low growing native shrubbery in the planter strip that will not exceed 30 inches in height in accordance with the applicant's TIA.

**Condition:** Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Turner Road SE.

**Condition:** Along the property frontage and along the frontage of 4375 Turner Road SE (Tax Lot No. 082W07C000101), construct a half-street improvement to Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The configuration of the improvement shall accommodate the following traffic mitigation measures:

- a. Design and construct a left-turn lane and tapers within Turner Road SE to serve the southern driveway access.
- b. Design and construct a left-turn lane and tapers within Turner Road SE to serve the northern driveway access. As required by the TIA, the driveway shall be restricted to right-in, right-out, and left-turn-in movements. A raised median must be constructed on Turner Road SE to prohibit the left-turn-out movement. The driveway and median design must accommodate large truck turning movements.
- c. Minimize street tree installation as needed to provide adequate site distance as required in the TIA.

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

**Finding—**As discussed above, the applicant submitted a TIA and sight distance analysis which demonstrates that with recommended conditions, the proposed driveway access onto Turner Road SE provides for safe turning movements into and out of the property.

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

**Finding**—The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible.

**Condition:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

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.

## **CLASS 2 DRIVEWAY APPROACH PERMIT CRITERIA AND FINDINGS**

**Criteria**—A Class 2 Driveway Approach Permit shall be granted if:

1. **The proposed driveway approach meets the standards of this Chapter and the PWDS;**

**Finding**—The proposed driveway is located less than 370 feet from adjacent driveways; therefore, a Class 2 adjustment is required for driveway spacing as described below. Otherwise, the proposed driveway meets the standards for SRC 804 and PWDS.

2. **No site conditions prevent placing the driveway approach in the required location;**

**Finding**—There are no site conditions prohibiting the location of the proposed driveway.

3. **The number of driveway approaches onto an arterial are minimized;**

**Finding**—The applicant proposes one new driveway onto an arterial street; there is one existing driveway near the northwestern property line that will be relocated and continue to serve the proposed development. The project site has approximately 750 feet of frontage on Turner Road SE and is therefore granted two driveways.

**4. The proposed driveway approach, where possible:**

- i. Is shared with an adjacent property; or
- ii. Takes access from the lowest classification of street abutting the property;

**Finding**—The subject property only has frontage on an arterial street and therefore takes access from the lowest classification of street abutting the property.

**5. Proposed driveway approach meets vision clearance standards;**

**Finding**—The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

**6. The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;**

**Finding**—No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. With recommended conditions listed above, the proposed driveway will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

**7. The proposed driveway approach does not result in significant adverse impacts to the vicinity;**

**Finding**—Staff analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets.

**8. The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and**

**Finding**—The proposed driveway approaches are located on a minor arterial street and minimize the impact to adjacent streets and intersections.

**9. The proposed driveway approach balances the adverse impacts to residentially-zoned property and the functionality of adjacent streets.**

**Finding**—The proposed driveway approach is not located in the vicinity of a residentially-zoned area. The driveway will not have an effect on the functionality of the adjacent streets.

**CRITERIA AND FINDINGS—CLASS 2 ADJUSTMENTS**

Analysis of the proposed Class 2 adjustment based on relevant criteria in SRC 250.005(d)(2) is as follows:

**Criteria—The purpose underlying the specific development standard proposed for adjustment is:**

- 1. Clearly inapplicable to the proposed development; or**
- 2. Equally or better met by the proposed development.**

**Finding—**The applicant is requesting a Class 2 adjustment to allow for reduced spacing between driveways less than the standard of 370 feet. The development is proposing two driveways. One existing driveway is located near the northern corner of the subject property along Turner Road SE and will be relocated 200 feet south. The new driveway is located at the southern corner of the property along Turner Road SE. Locations of the driveways minimizes conflicts with the intersection of Turner Road SE and 37<sup>th</sup> Avenue SE. The proposed driveway configuration meets the adjustment criteria by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard.

Prepared by: Laurel Christian, Program Coordinator  
cc: File