

*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

**CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / TREE VARIANCE
CASE NO.: SPR-ADJ-TRV25-01**

APPLICATION NO.: 24-122342-PLN

NOTICE OF DECISION DATE: February 21, 2025

SUMMARY: A proposal for a building addition, parking lot modification, and change of use to warehousing and distribution and office.

REQUEST: A consolidated application for a Class 3 Site Plan Review and Tree Variances for a change of use to warehousing and distribution and office, a 5,039 square foot addition, a modification to the off-street parking area, and associated site improvements with two Class 2 Adjustment requests to:

1. Eliminate the screening requirement for IC zoned property abutting residential property (SRC 551.010(d)(1)).
2. Eliminate the required pedestrian connection between buildings on the same development site (SRC 800.065(a)(2)).

The property is approximately 2.28 acres in size, zoned IC (Industrial Commercial), and located at 2065 Madrona Avenue SE (Marion County Assessors Map and Tax Lot number: 083W02AC / 01300).

APPLICANT: Jessica Schultens, on behalf of TK Flooring

LOCATION: 2065 Madrona Ave SE, Salem OR 97302

CRITERIA: Salem Revised Code (SRC) Chapters 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment; 808.045(d) – Tree Variance

FINDINGS: The findings are in the attached Decision dated February 21, 2025.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review / Class 2 Adjustment / Tree Variance Case No. SPR-ADJ-TRV25-01 subject to the following conditions of approval:

- Condition 1:** At the time of building permit review, a Landscape Plan must be provided demonstrating that a minimum of 15 percent of the development site (approximately 34,107 square feet) is landscaped with Type A landscaping.
- Condition 2:** Prior to building permit approval, dedicate a minimum ten-foot-wide public access easement along Pringle Creek for recreational use for the Pringle Creek Path. This will be measured from the top of bank outwards, or from the special flood hazard area boundary inwards, whichever is further from Pringle Creek, in an alignment approved by the Public Works Director.

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005

CITY OF Salem
AT YOUR SERVICE

- Condition 3:** At the time of building permit review, the applicant shall demonstrate that all proposed pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b) and 800.065(c).
- Condition 4:** Prior to building permit issuance, the applicant shall verify that the existing private sewer main that conflicts with the proposed building addition complies with the Oregon Plumbing Specialty Code. The applicant shall make necessary upgrades to the private sewer main, if needed, to comply with the Oregon Plumbing Specialty Code; or relocate the private sewer main and easement.
- Condition 5:** The adjusted pedestrian connectivity standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.
- Condition 6:** Altered Riparian Corridor areas that can be reasonably restored shall be restored with native vegetation and trees specified in the City of Salem Tree and Vegetation Technical Manual. Species of trees and vegetation will be verified on the submitted Landscaping Plan.

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.

Class 3 Site Plan Review	<u>March 11, 2029</u>
Class 2 Adjustment	<u>March 11, 2029</u>
Tree Variance	<u>March 11, 2027</u>
Application Deemed Complete:	<u>January 8, 2025</u>
Notice of Decision Mailing Date:	<u>February 21, 2025</u>
Decision Effective Date:	<u>March 11, 2025</u>
State Mandate Date:	<u>May 8, 2025</u>

Case Manager: Quincy Miller, qmillerc@cityofsalem.net, 503-584-4676

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Monday, March 10, 2025. 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) 250, 220, 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 Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF)	FINDINGS & ORDER
CLASS 3 SITE PLAN REVIEW,)	
CLASS 2 ADJUSTMENT, AND)	
TREE VARIANCE,)	
CASE NO. SPR-ADJ-TRV25-01)	
2065 MADRONA AVENUE SE)	FEBRUARY 21, 2025

In the matter of the applications for Class 3 Site Plan Review, Class 2 Adjustments, and Tree Variances, submitted by the applicant’s representative, Jessica Schultens with Anderson Shirley Architects Inc., on behalf of the applicant and property owner, Ad Out 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: A proposal for a building addition, parking lot modification, and change of use to *warehousing and distribution* and *office*.

Request: A consolidated application for a Class 3 Site Plan Review and Tree Variances for a change of use to *warehousing and distribution* and *office*, a 5,039 square foot addition, a modification to the off-street parking area, and associated site improvements with two Class 2 Adjustment requests to:

- (1) Eliminate the screening requirement for IC zoned property abutting residential property (SRC 551.010(d)(1));
- (2) Eliminate the required pedestrian connection between buildings on the same development site (SRC 800.065(a)(2)).

The property is approximately 2.28 acres in size, zoned IC (Industrial Commercial), and located at 2065 Madrona Avenue SE (Marion County Assessor’s Map and Tax Lot Number: 083W02AC / 1300).

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 October 31, 2024, a consolidated application for Class 3 Site Plan Review and Tree Variance was filed for the proposed development. After additional information was provided, including the request for two Class 2 Adjustments, the applications were deemed complete for processing on January 8, 2025. The 120-day state mandated decision deadline for this consolidated application is May 8, 2025.

The applicant’s proposed site plan is included as **Attachment B** and the applicant’s written statement addressing the approval criteria can be found in the record, accessible online as indicated below.

SUBSTANTIVE FINDINGS

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24 122342.

3. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Morningside Neighborhood Association.

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 October 30, 2024, the applicant emailed the current chair and land use chair of the association.

Neighborhood Association Comment: Notice of the application was provided to the Morningside Neighborhood Association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, 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 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property.

Staff received three public comments prior to the end of the comment period. One comment indicated no concerns, while two comments expressed concerns with the proposal which are summarized below:

- *Concerns Related to Noise.* Two comments expressed concerns regarding increased noise with the new development, primarily with truck traffic and hours of operation and deliveries.

Staff Response: Noise disturbances are prohibited by SRC Chapter 93, where idling engines on motor vehicles for more than ten consecutive minutes in a manner that is plainly audible within any dwelling unit between the hours of 10 p.m. and 7 a.m. is unlawful per SRC 93.020(f).

The subject property is located within a developed area within the corporate limits of the City of Salem, and noise impacts are not expected to exceed what would occur from the presumed development of land zoned IC (Industrial Commercial). Approval criteria for a Class 3 Site Plan Review does not address noise levels, and no evidence has been provided that would indicate that the proposed development in the vicinity would interfere with the safe and healthful use of neighboring properties.

SRC Chapter 51 also regulates noise levels, and the proposed development is subject to these regulations. Specifically, SRC 51.015 provides maximum sound levels based on the source and receiver of the sound. It is unlawful to exceed the maximum sound levels without an event sound permit. The Code Compliance Division of the Community Planning and Development Department enforces these noise regulations.

- *Concern Related to Lighting.* One comment expressed concern regarding lighting facing Pringle Creek.

Staff Response: SRC Chapter 800 regulates exterior lighting, and the proposed development is subject to these regulations. SRC 800.060 states the following: “Exterior lighting shall not shine or reflect onto adjacent properties or cast glare onto the public right-of-way.” It also requires that exterior light fixtures be “located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet away outside the boundary of the lot,” either be completely shielded from direct view or no greater than five foot-candles in illumination.

No lighting is proposed for on the western side of the building facing Pringle Creek. The proposed lighting on the eastern side of the building and along the pedestrian pathway will be constructed following the standards of SRC 800.060. A lighting plan will be provided at building permit to verify compliance with the Code.

- *Concern Related to Patio Use.* One comment expressed concern regarding the use of the outdoor patio.

Staff Response: The 2,040 square foot outdoor patio will be publicly accessible from the 3,423 square foot retail/office space of the existing building. The patio is expected to be publicly accessible only during normal business hours and is a permitted use within the zone.

- *Concern Related to Vegetation in the Riparian Corridor.* One comment expressed concern regarding the maintenance and removal of vegetation and trees along Pringle Creek and the Riparian Corridor.

Staff Response: Tree and vegetation preservation, planting, and removal in conjunction with proposed development is regulated by the City’s Tree Preservation Ordinance (SRC Chapter 808). Trees and native vegetation in Riparian Corridors are protected under SRC 808.020, where the Riparian Corridor is defined as “the area adjacent to a waterway measured 50 feet horizontally from the top of bank of each side of a waterway.”

Six of the 12 trees proposed for removal are within the Riparian Corridor for Pringle Creek, with no significant trees proposed for removal. The trees proposed for removal in the

Riparian Corridor range in size from seven inches diameter at breast height (dbh) to 13 inches dbh. Pringle Creek lies primarily within adjacent Tax Lot 2700, which is zoned RS (Single-Family Residential) and is under different ownership than the subject property of the proposed development. Maintenance of vegetation is the responsibility of the property owner, though the City can be contacted to remove trees or vegetation if impacting the flow of the creek. The Code Compliance Division of the Community Planning and Development Department enforces these regulations.

- *Concerns Related to Screening.* Two comments expressed concern regarding adequate screening between the proposed development and the residential homes on the other side of Pringle Creek.

Staff Response: The tax lot the proposed development is located on (Tax Lot 1300) abuts a residentially zoned property (Tax Lot 2700) under different ownership, wherein this property encompasses Pringle Creek and is approximately 20 feet wide.

The screening requirement that is proposed to be eliminated as part of the requested Adjustment is within the development standards for the IC zone, which is SRC 551.010(d)(1). This standard requires a 30-foot setback, which is to be landscaped to a Type C standard. Type C landscaping is specified in SRC 807.015(a), which requires a minimum of one Plant Unit per 20 square feet of landscaped area and a minimum six-foot-tall fence or wall. The proposed building will meet the minimum 30-foot setback to the western creek-abutting property line. The 35-foot to 55-foot setback to the creek-abutting property line will preserve most of the vegetation and trees. Furthermore, additional trees and vegetation will be required to be planted in the area as conditioned below. Therefore, the site will meet the landscaping standard requiring one Plant Unit per 20 square feet. The Adjustment requested is to eliminate the required six-foot-tall sight-obscuring fence.

The property line of the subject property that is abutting the RS zoned property (the 20-foot-wide parcel encompassing Pringle Creek) is practically within Pringle Creek itself, making the construction of a fence or wall impractical and more harmful to vegetation in the Riparian Corridor. The proposed building will not have lighting on the west side of the building, and combined with the 20-foot-wide RS zoned property encompassing Pringle Creek, there is a minimum of approximately 57 feet of separation and dense riparian vegetation between the proposed building addition and the property lines of the existing homes on Edward Drive SE. The Adjustment request is addressed below.

4. City Department Comments

Development Services: Reviewed the proposal and provided a memo which is included as **Attachment C**.

Building and Safety: Reviewed the proposal and indicated *a private utility easement will need to be resolved prior to construction to comply with the Oregon Plumbing Specialty Code (OPSC). There shall be no cover of the building sewer portion running under new construction until materials and installation can be verified by Building and Safety (BAS) City Inspectors as meeting the requirements of the 2023 OPSC.*

Fire Department: Reviewed the proposal and indicated that *Fire Department access and water supply will be required per the Oregon Fire Code. Additional items may be noted at time of building permit plan review.*

Staff Response: The applicant is responsible for addressing these comments during the building permit process.

5. Public Agency Comments

Notice to public agencies were sent and no comments were received.

DECISION CRITERIA FINDINGS

6. Analysis of Class 3 Site Plan Review Approval Criteria

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

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

Finding: The proposal includes maintaining 13,930 square feet of *warehousing and distribution* use with the existing warehouse, changing the use of the 3,423 square foot restaurant area to *office* and *retail sales* use, and adding an additional 5,039 square feet of *office* use.

The subject property is approximately 2.28 acres in size, currently occupied as a brewery, and zoned IC (Industrial Commercial); therefore, the proposed development is subject to the use and development standards of the IC (Industrial Commercial) zone, SRC Chapter 551. Two Adjustments are requested to screening and pedestrian access standards; findings for the Adjustments are included in Section 7 of this report. Tree Variances are requested to remove vegetation and four trees with a dbh of at least ten inches within the Riparian Corridor; findings for the Tree Variances are included in Section 8 of this report. The proposed development conforms to SRC Chapter 551 and all other applicable development standards of the UDC and Salem Revised Code as follows.

ZONING AND DEVELOPMENT STANDARDS

SRC Chapter 551 – IC (Industrial Commercial) Zone

SRC 551.005(a) – Uses.

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

Finding: The proposal is to establish multiple uses for the existing development site. The 13,930 square foot warehouse will remain a *warehousing and distribution* use; 3,423 square feet of *retail sales* and *office* use will be established within the existing building and; 5,039

square feet of *office* use will be established with a building addition. All three uses proposed are outright permitted uses in the IC zone. This standard is met.

SRC 551.010(a) – Lot Standards.

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

Finding: There is no minimum lot size, lot width or lot depth for all uses in the IC zone. As the subject property is served by a flag lot accessway, minimum street frontage requirements are not applicable. The existing lot complies with the minimum lot standards of the IC zone, and no changes to the lot size or dimensions are proposed. This standard is met.

SRC 551.010(b) – Setbacks.

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

Abutting Street/Alley

Finding: The property is served by a flag lot accessway and is not abutting any streets. Therefore, this standard is not applicable.

Interior Property Lines

North, South, and East: The northern, southern, and eastern sides of the property are abutting IC zoned property. There is no minimum setback for buildings and accessory structures, though vehicle use areas have a minimum five-foot setback with Type A landscaping.

West: The western side of the property abuts Pringle Creek and RS (Single-Family Residential) zoned property. Residential zones require a minimum 30-foot setback with Type C landscaping for buildings, accessory structures, and vehicle use areas.

Finding: The building addition and parking lot modifications are limited to the southern and western portions of the property. As proposed, the modified vehicle use area is setback approximately 12 feet from the IC zoned property to the south, and setback approximately 100 feet from the RS zoned property to the west, meeting the standard. The building expansion is approximately 34 feet from the IC zoned property to the south, and setback approximately 42 feet from the RS zoned property to the west, meeting the standard. The applicant is requesting to eliminate the requirement of a fence along the western property line, which is addressed below in Section 7.

SRC 551.010(c) – Lot Coverage; Height.

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

Finding: There is no maximum lot coverage requirement for all uses in the IC zone and the maximum building height allowance is 70 feet. The applicant's plans indicate the proposed height is a maximum of 30 feet. As there is no maximum lot coverage standard in the IC zone, the proposed development meets applicable lot coverage standards.

SRC 551.010(d) – Landscaping.

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

Finding: The applicant has provided a site plan showing landscaping that complies with Type A or Type C landscaping for setbacks and vehicle use areas, where applicable, demonstrating conformance with the standards set forth in SRC Chapter 806 and 807. A Class 2 Adjustment has been requested to eliminate the screening requirement for the area abutting the RS zone, the findings of which are included in Section 7 of this report.

The development site is approximately 5.22 acres (227,383 square feet), requiring a minimum of approximately 34,107 square feet of Type A landscaping to be located on the development site. Based on previous site plans and aerial imagery, it is estimated that the remaining 4,251 square feet of required development site landscaping is present, meeting the 15% minimum development site landscaping standard. To ensure compliance with SRC 551.010(d)(3), the following Condition applies:

Condition 1: At the time of building permit review, a Landscape Plan must be provided demonstrating that a minimum of 15 percent of the development site (approximately 34,107 square feet) is landscaped with Type A landscaping.

SRC Chapter 800 – General Development Standards

▪ *Solid Waste Service Areas*

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 one cubic yard or larger is proposed.

Finding: No modifications are proposed to the existing solid waste service area and no new solid waste receptacles are proposed; therefore, this section is not applicable.

▪ *Pedestrian Access*

SRC 800.065 – Applicability.

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

Finding: The proposal includes development of a building addition greater than 200 square feet in floor area and a modification to the vehicle use area; therefore, the pedestrian access standards of SRC Chapter 800 apply.

SRC 800.065(a) – Pedestrian Connections Required.

The on-site pedestrian circulation system shall provide pedestrian connectivity throughout the development site as follows:

(1) 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: The applicant's plans indicate pedestrian access is provided from the proposed development to the street via the proposed pedestrian path, which connects to the existing pedestrian path on the abutting property. Therefore, this standard is met.

(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.

(2) Connection Between Buildings on the same Development Site.

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

Finding: The applicant is proposing a sidewalk which will connect the proposed building to several other buildings on the development site. However, a pedestrian connection to Tax Lot 9000 is not proposed, with the applicant requesting a Class 2 Adjustment to eliminate the required pedestrian connection between buildings on the same development site, the findings of which are in Section 7.

(3) 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.

(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 areas, structures, or garages greater than 25,000 square feet; therefore, this standard is not applicable.

- (4) *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: The Salem Comprehensive Parks System Master Plan identifies an alignment for the Pringle Creek Path on the subject property along the bank of Pringle Creek. No abutting sections have been complete. A minimum ten-foot-wide trail easement shall be dedicated skirting the outside of top of bank, or inside of the special flood hazard area, whichever is greater, for future construction of the trail. Therefore, the following Condition applies:

Condition 2: Prior to building permit approval, dedicate a minimum ten-foot-wide public access easement along Pringle Creek for recreational use for the Pringle Creek Path. This will be measured from the top of bank outwards, or from the special flood hazard area boundary inwards, whichever is further from Pringle Creek, in an alignment approved by the Public Works Director.

- (5) *Connection to Abutting Properties.* Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided. A pedestrian connection is not required, however:
- (A) To abutting properties used for activities falling within the use classifications, use categories, and uses under SRC chapter 400 listed in (i) through (vi).

Finding: A new pedestrian pathway is proposed to connect the development site with the abutting property, meeting the standard.

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 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 using 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 applicant's plans indicate the proposed pedestrian connection is at least five feet in width; however, the plans do not demonstrate visual differentiation pursuant to SRC 800.065(b)(1)(B). The pedestrian connection to Madrona Avenue SE crosses a driveway from the flag lot accessway to the office complex in the southwest portion of the development site. No visual differentiation for this driveway crossing is shown on the site plans; therefore, to ensure that the proposed pedestrian walkway meets the design and material standards at the time of building permit, the following condition applies:

Condition 3: At the time of building permit review, the applicant shall demonstrate that all proposed pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b) 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. As conditioned above, the plans will be reviewed for conformance with applicable exterior lighting development standards at the time of building permit review.

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

SRC 806.015 – Amount Off-Street Parking.

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

Finding: The proposed *warehousing and distribution* use allows a maximum of one parking space per 1,000 square feet of gross floor area on site. The applicant's plans indicate the existing building is 13,930 square feet, allowing a maximum of 14 parking spaces ($13,930 / 1,000 = 13.93$). The proposed *office* use allows a maximum of one parking space per 250 square feet of gross floor area on site. The applicant's plans indicate a total of 8,462 square feet, allowing a maximum of 34 parking spaces ($(3,423 + 5,039) / 250 = 33.85$). Therefore, the maximum number of parking spaces for the development site is 48.

The applicant has proposed a total of 60 parking spaces for the development site, and while this is greater than the maximum number of allowable parking spaces, the reconfiguration is a significant reduction from the existing 91 parking spaces. Therefore, as the number of spaces has been reduced to be more conforming, this standard is met.

(b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.

Finding: A maximum of 45 of the off-street parking spaces may be compact spaces (60 x .75 = 45), while the remaining spaces must be standard size spaces. The proposal indicates 44 compact parking spaces are proposed for the development site. This standard is met.

(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.

Finding: As the extent of the vehicle use area changes is restriping, this would not be considered a new development with 60 or more required off-street parking spaces. Therefore, this standard is not applicable.

(d) *Required electric vehicle charging spaces.* For any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential and nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical vehicle charging. To comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417.

Finding: The proposal does not include any dwelling units; therefore, this standard is not applicable.

▪ ***Off-Street Parking and Vehicle Use Area Development Standards***

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

(a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to:

- (1) The development of new off-street parking and vehicle use areas;
- (2) The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added;
- (3) The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
- (4) The paving of an unpaved area.

Finding: The off-street parking area is not being expanded, and no pavement is proposed for replacement or removal. Therefore, this section is not applicable.

▪ ***Driveway Development Standards***

SRC 806.040 – For uses or activities other than single family, two family, three family, or four family.

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

- (b) *Location.* Driveways shall not be located within required setbacks, except where the driveway provides access to the street, alley, or abutting property; or where the driveway is a shared driveway located over the common lot line and providing access to two or more uses.
- (c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for driveways abutting streets, and abutting interior front, side, and rear property lines.
- (d) *Dimensions.* Driveways shall conform to the minimum width set forth in Table 806-8.

Finding: Pursuant to SRC 806.040(d), Table 806-7, two-way driveways are required to have a minimum width of 22 feet. The development site is served by a flag lot accessway with a 27'-4" wide two-way driveway connecting to Madrona Avenue SE. The driveway exceeds the minimum 22-foot width and provides for safe turning movements into and out of the property, meeting the standard.

▪ ***Bicycle Parking***

SRC 806.045 – Bicycle Parking; When Required.

- (a) *General Applicability.* Bicycle parking shall be provided as required under this chapter for each proposed new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to change of use of existing building in Central Business District (CB) zone.* Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB zone shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. If the minimum number of required bicycle parking spaces are not present within the block face, the applicant shall be required to obtain a permit to have the required number of spaces installed. For purposes of this subsection, "block face" means the area within the public street right-of-way located along one side of a block, from intersecting street to intersecting street.
- (c) *Applicability to nonconforming bicycle parking area.* When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

Finding: The proposal is establishing a *warehousing and distribution* and *office* use for a site that has no existing bicycle parking on site; therefore, this section is applicable.

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

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

SRC 806.055 – Amount of Bicycle Parking.

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

Finding: The buildings on the development site total approximately 13,930 square feet of *warehousing and distribution* use and 45,474 square feet of *office* use. *Warehousing and distribution* uses require the greater of four bicycle parking spaces or one space per 10,000

square feet for the first 50,000 square feet. *Office* uses require the greater of four bicycle parking spaces or one space per 3,500 square feet for the first 50,000 square feet. Therefore, a total of 17 bicycle parking spaces are required for the development site. 12 bicycle parking spaces have been confirmed through previous building permits as existing on the development site, therefore, five additional bicycle parking spaces are required for the proposed development. The applicant's site plan shows that eight bicycle parking spaces (four bicycle racks) will be provided for the proposed development, for a total of 20 bicycle parking spaces. Therefore, this standard is met.

SRC 806.060 – Bicycle Parking Development Standards.

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

(a) Location.

- (1) Short-term bicycle parking.** Short-term 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.

Finding: The site plan indicates the proposed bicycle parking is within 50 feet of a primary entrance; therefore, this standard is met.

- (b) Access.** Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

Finding: The bicycle racks will have direct access to the primary building entrance and to the public right-of-way through the proposed pedestrian path and vehicle use areas. This standard is met. Further conformance with this standard will be verified at the time of building permit review.

(c) Dimensions. All bicycle parking areas shall meet the following dimension requirements:

- (1) Bicycle parking spaces.** Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.
- (2) Access aisles.** Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-9. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Finding: The applicant's plans illustrate each rack with a six-foot length, and two-foot width on either side of the rack, meeting the required dimensions. This standard is met. Further conformance with this standard will be verified at the time of building permit review.

- (d) Surfacing.** Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material.

Finding: The proposed bicycle parking spaces will be located on new hard surface material. Further conformance with this standard will be verified at the time of building permit review.

- (e) Bicycle Racks.** Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards:

- (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
- (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
- (4) Racks shall be securely anchored.
- (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-12.

Finding: The applicant has indicated inverted style bike racks will be provided for the short-term bicycle parking spaces, meeting the standard. Plans for the new bicycle racks will be further reviewed for conformance with the requirements of this section at the time of building permit review.

▪ **Off-Street Loading Areas**

SRC 806.065 – Off-Street Loading Areas; When Required.

- (a) *General Applicability.* Off-street loading areas shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to nonconforming off-street loading area.* When off-street loading is required to be added to an existing off-street loading area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

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

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

SRC 806.075 – Amount of Off-Street Loading.

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

Finding: The proposed development includes an additional 3,423 square feet of *office* space, bringing the total amount of *office* use to 8,462 square feet. The existing 13,930 square feet of *warehousing and distribution* use is not being changed as part of the proposed development. *Office* uses require one loading space for gross floor areas between 5,000 and 60,000 square feet that are 12 feet wide, 19 feet long, and have 12 feet of vertical clearance. *Warehousing and distribution* uses require one loading space for gross floor areas between 5,000 and 100,000 square feet that are 12 feet wide, 40 feet long, and have 14 feet of vertical clearance. There are two loading docks existing on the development site that are being restriped as part of the proposed development that meet the minimum dimensions for *warehousing and distribution* uses, as well as the off-street parking area for delivery vehicles weighing less than 8,000 pounds, meeting the standard for the proposed development.

SRC Chapter 807 – Landscaping

All required setbacks shall be landscaped with a minimum of one 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 building addition has approximately 108 linear feet adjacent to the western property line abutting the RS zone. Therefore, the western side of the addition requires 162 plant units for the side property setback ($(30 \times 108) / 20 = 162$). As proposed, on the western side of the addition and within the setback there are: eight existing mature trees (120PU), two new trees (20PU), and approximately 3,300 square feet of ground cover from the top of bank (66PU) for an estimated total of 206 plant units.

Type A Landscaping requires a minimum of one Plant Unit (PU) per 20 square feet of landscaped area; therefore, the development site requires a minimum of 1,705 Plant Units. Per the applicant's calculations for the property, there will be approximately 29,856 square feet of landscaping and 1,152 Plant Units on the property following development. This requires showing at least 4,251 square feet of landscaping and 553 Plant Units are present elsewhere on the development site. Based on previous site plans and aerial imagery, it is estimated that more than the 15% minimum amount of required development site landscaping is present, though the amount of Plant Units will need to be verified as meeting the minimum standard. As conditioned above, landscape and irrigation plans will be further reviewed for conformance with the requirements of SRC 807 at the time of building permit review. This standard is met.

CITY INFRASTRUCTURE STANDARDS

SRC Chapter 200 – Urban Growth Management

SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area.

Finding: The subject property is located inside the Urban Service Area with adequate facilities available. Therefore, this section is not applicable.

SRC Chapter 71 – Stormwater

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

Finding: The applicant shall be required to design and construct a storm drainage system at the time of development. The application shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 71.075.

SRC Chapter 802 – Public Improvements

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

Utilities & Parks	
Type	Existing Conditions
Water	Water Service Level: G-0 A 12-inch water main is located in Madrona Avenue SE.
Sanitary Sewer	A six-inch private sanitary sewer main is located on the subject property in an easement. A 12-inch sanitary sewer main is located approximately 200 feet to the east of the subject property at the intersection of Madrona Avenue and Fairview Industrial Drive SE.
Storm Drainage	The West Fork of Pringle Creek is located along the western boundary of the subject property.

▪ **Development to be served by City utilities**

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

Finding: Public water, sanitary sewer, and stormwater infrastructure are available and appear to be adequate to serve the property as shown on the applicant’s preliminary utility plan.

▪ **Easements:**

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: There is an existing private sanitary sewer main serving adjacent property (Marion County Tax Lot No. 083W02AC / 90000) that crosses over the subject property in an easement. Dedication of this easement was originally required through a previous partition of the subject property (Case No. PAR-SPR-ADJ15-08). The applicant’s Preliminary Utility Plan shows the building addition will be placed over this existing private sewer main and easement.

The Preliminary Utility Plan indicates that the depth and type of material for the existing main will be verified at the time of building permit to confirm compliance with the Oregon Plumbing Specialty Code, specifically regarding provisions that allow construction of new structures over private sewer mains. The plans state that the existing main will be improved as needed to comply with the Oregon Plumbing Specialty Code, which also requires easements for utilities which cross property lines. Therefore, to comply with previous conditions of approval and the Oregon Plumbing Specialty Code, the following condition applies:

Condition 4: Prior to building permit issuance, the applicant shall verify that the existing private sewer main that conflicts with the proposed building addition complies

with the Oregon Plumbing Specialty Code. The applicant shall make necessary upgrades to the private sewer main, if needed, to comply with the Oregon Plumbing Specialty Code; or relocate the private sewer main and easement.

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

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

Streets			
Street Name		Right-of-way Width	Improvement Width
Madrona Avenue SE (Major Arterial)	Standard:	96-feet	68-feet
	Existing Condition:	107-feet	68-feet

▪ **Boundary Street Improvements**

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

Finding: Madrona Avenue SE abuts the subject property and is classified as a Major Arterial according to the Salem Transportation System Plan (TSP). Madrona Avenue SE meets the minimum right-of-way width and pavement width standards established in SRC 803.025. Therefore, no right-of-way or improvements along Madrona Avenue SE are required.

SRC Chapter 804 – Driveway Approaches

SRC 804 establishes development standards for driveway approaches providing access from the public right-of-way to private property to provide safe and efficient vehicular access to development sites.

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

SRC Chapter 805 – Vision Clearance

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

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

NATURAL RESOURCES

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 (FEMA) floodplain maps as a Zone “AE” floodplain. 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. The proposed building addition is not being constructed in the AE floodplain area; therefore, this section is not applicable.

SRC Chapter 808 – Preservation of Trees and Vegetation

The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove the following trees unless 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.

1. Heritage Trees;
2. Significant Trees (including Oregon White Oaks with diameter-at-breast-height (*dbh*) of 20 inches or greater and any other tree with a *dbh* of 30 inches or greater, except for Tree of Heaven, Empress Tree, Black Cottonwood, and Black Locust);
3. Trees and native vegetation in Riparian Corridors; and
4. Trees on lots or parcels 20,000 square feet or greater.

Finding: The proposed development includes the removal of trees within the Riparian Corridor. The applicant has applied for Tree Variances for the applicable trees and vegetation being removed, the findings of which are discussed in Section 8 of this report.

SRC Chapter 809 – Wetlands

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

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

SRC Chapter 810 – Landslide Hazards

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

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

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: Access to the proposed development will be provided by the network of existing public streets that surround the property. The street system in and adjacent to the development will provide for the safe, orderly, and efficient circulation of traffic to and from the development. This criterion is met.

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

Finding: The driveway access onto Madrona Avenue SE provides for safe turning movements into and out of the property, and modifications are not warranted per SRC Chapter 804 (Driveway Approaches).

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 Development Services Division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the lots within the proposed development. The proposed development is subject to SRC Chapter 71, and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004. The applicant shall be required to design and construct a storm drainage system at the time of development. The application shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 71.075.

7. Analysis of Class 2 Adjustment Approval Criteria

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

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

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

Finding: The applicant is requesting two Class 2 Adjustments to eliminate the screening requirement for Type C landscaping and to eliminate the required pedestrian connection between buildings on the same development site. The following provides a detailed analysis upon which the decision is based for each individual adjustment request:

(1) Eliminate the screening requirement for the IC zoned property abutting residential property (SRC 551.010(d)(1)):

On the western side of the development, the IC (Industrial Commercial) zoned property abuts RS (Single-Family Residential) zoned property, which requires a minimum setback of 30 feet with Type C landscaping per Table 551-4 in SRC 551.010(b). Per SRC 551.010(d)(1), all required setbacks shall be landscaped conforming to the standards of SRC Chapter 807. Per Table 807-1 in SRC 807.015(a), Type C landscaping requires a minimum of one Plant Unit (PU) per 20 square feet of landscaped area, and a minimum six-foot-tall fence or wall. The applicant is seeking an Adjustment to eliminate the screening requirement (fencing) for Type C landscaping.

The site plans indicate that the proposed addition is located more than 35 feet from the residentially zoned property, which exceeds the minimum zone-to-zone setback required in Table 551-4 of SRC 551.010(b). The existing vegetation acts as a natural landscape barrier, and most of the residential properties on the other side of the creek have existing fences on their property, providing the same screening function beyond the existing natural barrier. Construction of a fence or wall as required would also result in additional impact to the Riparian Corridor.

The subject property presently has adequate screening with the existing vegetation and trees along the creek, and the geography and sensitivity of the area would make further construction along the property line impractical. Therefore, the applicant is equally meeting the intent to provide screening between industrial/commercial and residential uses with the existing dense vegetation and creek acting as a natural barrier.

(2) Eliminate the required pedestrian connection between buildings on the same development site (SRC 800.065(a)(2)):

The proposed development includes an addition to the existing building, resulting in a single building on the property. The development site consists of the proposed development on Tax Lot 1300, along with the properties on Tax Lots 800, 900, 1000, 1100, 1200 and 90000, as they are functionally connected with the flag lot accessway. The proposed development has pedestrian connections proposed to the adjacent Tax Lot 1200, which also provides access to the buildings on Tax Lots 800, 900, 1000, and 1100.

The requirement for a direct connection between the building on Tax Lot 1300 and the building on Tax Lot 90000 is proposed to be eliminated due to existing site constraints and existing connectivity. The eastern side of the existing building on Tax Lot 1300 is the *warehousing and distribution* portion of the building, with two loading docks on the southeast corner of the building. A pedestrian pathway connecting these two buildings would have to navigate through the loading area as well as the existing flag lot accessway, which would be a potential hazard for pedestrians.

Furthermore, the buildings have a pedestrian connection through the proposed pedestrian path on the western side of the property, as the proposed path connects to existing sidewalks on Tax Lot 1200, which leads to the public sidewalk on Madrona Avenue SE, which then connects to the building on Tax Lot 90000 approximately 130 feet from the Madrona Avenue SE right-of-way. With the inclusion of the proposed pedestrian pathway on the western side of the property, and the potential hazards for pedestrians navigating through the loading area, the pedestrian connectivity standard specified in SRC 800.065(a)(2) is equally or better met by the proposed development. As conditioned above, the applicant shall demonstrate that all proposed pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b) and 800.065(c), at the time of building permit review.

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

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

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

Finding: Two separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code. Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

Condition 5: The adjusted pedestrian connectivity standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

8. Analysis of Tree Regulation Variance Criteria

Salem Revised Code (SRC) 808.045(d) provides that an application for a Tree Variance shall be granted if the following criteria are met. The applicant has requested to address the hardship criteria of SRC 808.045(d)(1). 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 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: Trees and native vegetation in Riparian Corridors are protected under SRC 808.020, wherein the Riparian Corridor is defined as the area adjacent to a waterway measured 50 feet

horizontally from the top of bank of each side of a waterway. Per SRC 808.005, a tree is defined by having a dbh of at least ten inches, and within the riparian corridor, it also includes any dead or dying trees that do not qualify as a hazardous tree.

The provided site plans identify a total of 53 trees on the property with 12 proposed to be removed. Of the trees proposed for removal, four trees with a dbh of a least ten inches are within the Riparian Corridor. The applicant is requesting Tree Variances to remove two Japanese Maple trees with a dbh of ten inches, one Hazel tree with a dbh of 11 inches, one Spruce tree with a dbh of 13 inches, and additional trees considered riparian vegetation under 10 inches in dbh to develop the property.

The site plans identify the location of each tree and vegetation, the conceptual footprint of the 5,039 square foot addition, and the 50-foot Riparian Corridor buffer. The western side of the property abuts Pringle Creek's Riparian Corridor, with almost half of the proposed building addition overlapping with the corridor buffer. This buffer creates a practical difficulty to reasonably develop the property, as retaining all affected trees within the buffer creates an unreasonable hardship that can most effectively be relieved by approval of a variance.

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

Finding: As described in the findings above, the applicant's proposal to remove four trees and additional riparian vegetation within the Riparian Corridor is the minimum needed to allow for the lawful development of the subject property. Furthermore, the applicant has made efforts to limit the impact to the Riparian Corridor by offsetting the building addition to be closer to the existing development, effectively minimizing the impact to the Riparian Corridor.

SRC 808.045(e)(2): In addition to any condition imposed under subsection (e)(1) of this section, where a variance is proposed to the requirements for the preservation of trees and native vegetation in riparian corridors, the approval shall include the following conditions:

Finding: The applicant has indicated that affected areas of the Riparian Corridor will be restored, and removed trees will be replaced. More than 15 feet of vegetation will remain on each side of Pringle Creek, and less than 50 percent of the Riparian Corridor will be altered. However, the exact type of vegetation and trees that will be planted was not specified and will need to be verified at the time of building permit review.

Condition 6: Altered Riparian Corridor areas that can be reasonably restored shall be restored with native vegetation and trees specified in the City of Salem Tree and Vegetation Technical Manual. Species of trees and vegetation will be verified on the submitted Landscaping Plan.

9. Conclusion

Based upon review of SRC Chapters 220, 250, 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 Class 3 Site Plan Review, Class 2 Adjustment, and Tree Variance Case No. SPR-ADJ-TRV25-01 is hereby **APPROVED** subject to SRC Chapters 220, 250, 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, a Landscape Plan must be provided demonstrating that a minimum of 15 percent of the development site (approximately 34,107 square feet) is landscaped with Type A landscaping.
- Condition 2:** Prior to building permit approval, dedicate a minimum ten-foot-wide public access easement along Pringle Creek for recreational use for the Pringle Creek Path. This will be measured from the top of bank outwards, or from the special flood hazard area boundary inwards, whichever is further from Pringle Creek, in an alignment approved by the Public Works Director.
- Condition 3:** At the time of building permit review, the applicant shall demonstrate that all proposed pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b) and 800.065(c).
- Condition 4:** Prior to building permit issuance, the applicant shall verify that the existing private sewer main that conflicts with the proposed building addition complies with the Oregon Plumbing Specialty Code. The applicant shall make necessary upgrades to the private sewer main, if needed, to comply with the Oregon Plumbing Specialty Code; or relocate the private sewer main and easement.
- Condition 5:** The adjusted pedestrian connectivity standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.
- Condition 6:** Altered Riparian Corridor areas that can be reasonably restored shall be restored with native vegetation and trees specified in the City of Salem Tree and Vegetation Technical Manual. Species of trees and vegetation will be verified on the submitted Landscaping Plan.

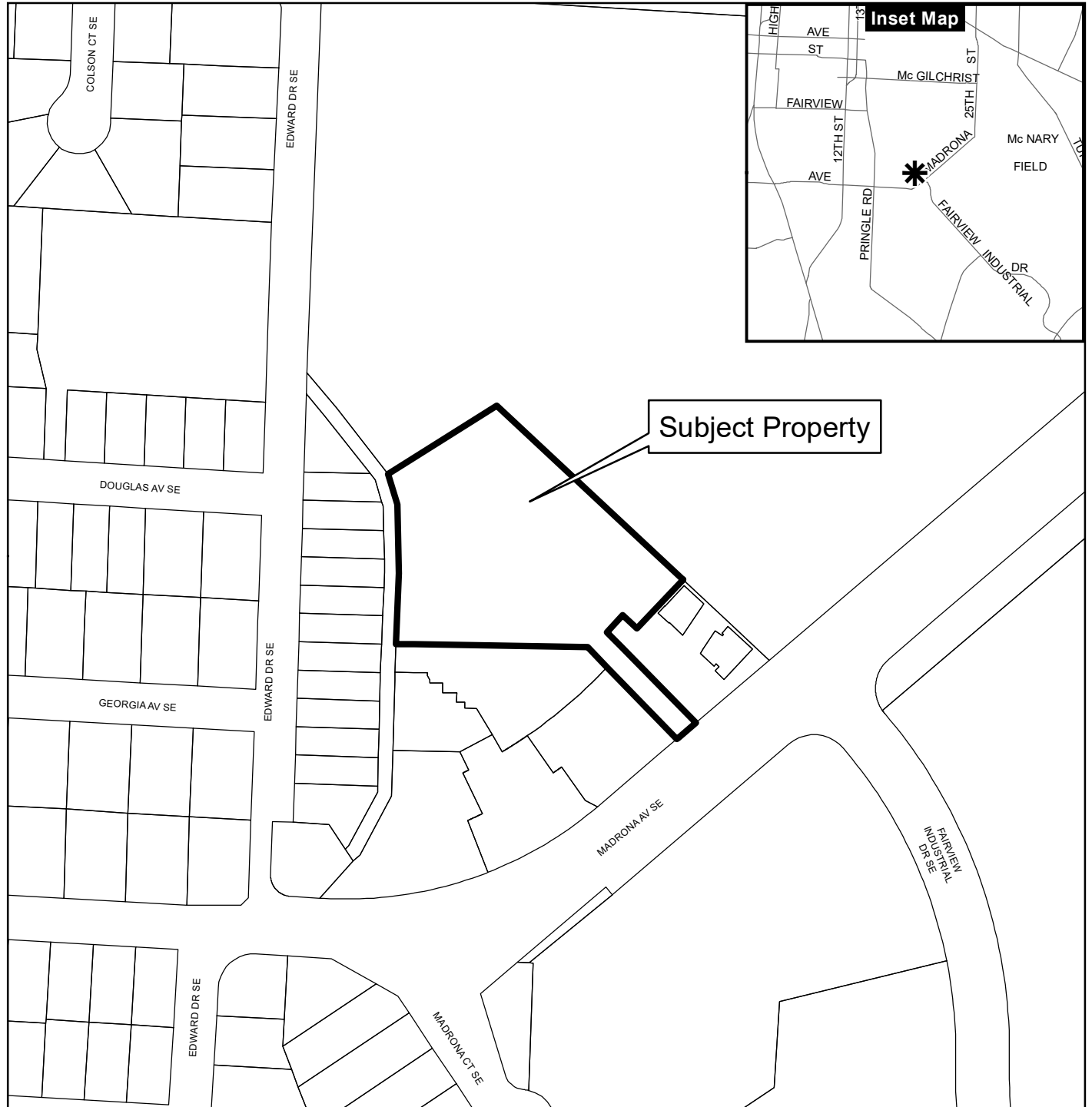


Quincy Miller, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator








- Attachments:
- A. Vicinity Map
 - B. Proposed Development Plans
 - C. Development Services Memo

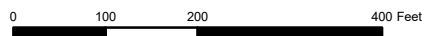
\\commdev\CDGroup\CD\PLANNING\Quincy_NetworkFolder\PLN-Permits\Site Plan Review\Class III\24-122342_2065Madrona\24-122342-PLN_Decision_DraftV3.docx

Vicinity Map 2065 Madrona Avenue SE

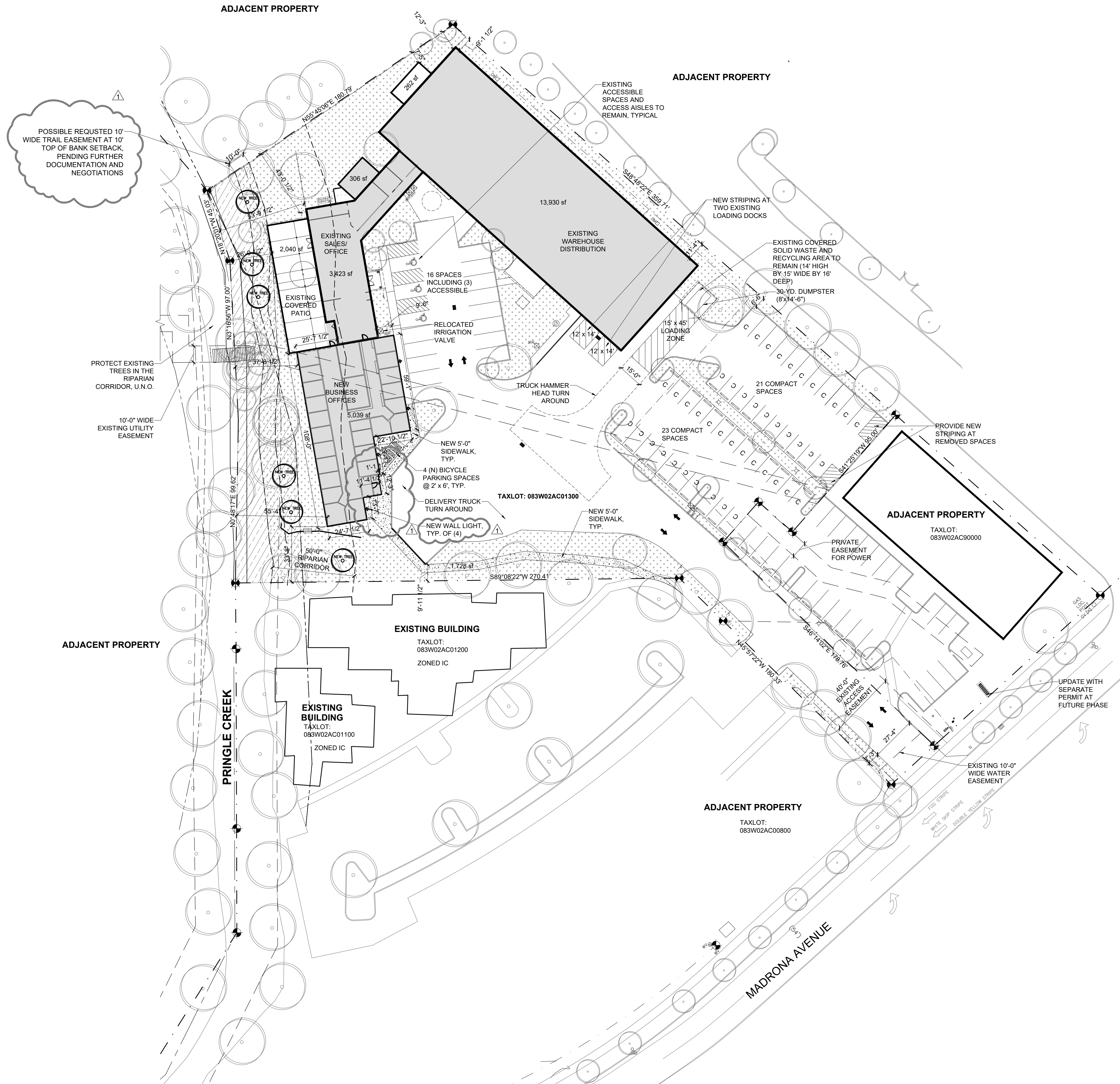


Legend

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



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.



BUILDING AREAS:
 EXISTING WAREHOUSE: 13,930 (EXISTING - NO CHANGE)
 EXISTING WAREHOUSE PATIO: 262 (EXISTING - NO CHANGE)
 EXISTING RETAIL/OFFICE: 3,423 (EXISTING - NO CHANGE)
 EXISTING COVERED PATIO: 2,040 (EXISTING - NO CHANGE)
 PROPOSED OFFICE ADDITION: 5,039 (NEW)
TOTAL: 25,000

PAVED AREA: 44,218 SF

PARKING SPACES

NUMBER OF PARKING SPACES:
 FULL SIZE - 16 SPACES (3 HANDICAP)
 COMPACT - 44 SPACES
TOTAL - 60 SPACES

GENERAL LANDSCAPING REQUIREMENTS

SITE AREA: 99,074 SF
LANDSCAPING REQUIRED: 99,074 X 0.15 = 14,861 SF
TOTAL LANDSCAPE AREA PROVIDED: 29,856 SF (30% OF SITE)

REQUIRED PLANT UNITS: 14,861 / 20 PU = 743 PLANT UNITS
REQUIRED TREE PLANT UNITS: 743 X .4 = 297 PLANT UNITS (PU)

LANDSCAPING:
 LAWN OR GROUND COVER: 29,856SF / 50 SF = 597 PU
TREES:
 EXISTING MATURE (10"+DHB): 17 X 15 = 255 PU
 EXISTING SHADE TREES: 24 X 10 = 240 PU
 NEW SHADE TREE: 6 X 10 = 60 PU
TOTAL TREES = 555 PU

TOTAL PLANT UNITS = 597 (LANDSCAPE) + 555 (TREES) = 1,152 PU

PARKING LOT REQUIREMENTS:
 MIN. 1 SHADE TREE PER EVERY 12 PARKING SPACES
 60 SPACES / 12 SHADE TREES = 5 REQUIRED
 15 EXISTING SHADE TREES AT PARKING LOTS TO REMAIN

LEGEND
 (E) EXISTING
 (N) NEW
 [Pattern] AREA OF EXISTING LANDSCAPING
 [Pattern] AREA OF EXISTING CHANNEL EASEMENT



CONSULTANT

REVISIONS
 [Symbol] PLANS REVIEW 1 2024-12-11

KEY PLAN

DESC: EXISTING BUILDING EXPANSION

PROJECT: THOMAS KAY FLOORING

ADDRESS: 2065 MADRONA AVE SE, SALEM, OR 97302

STAMP

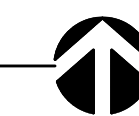


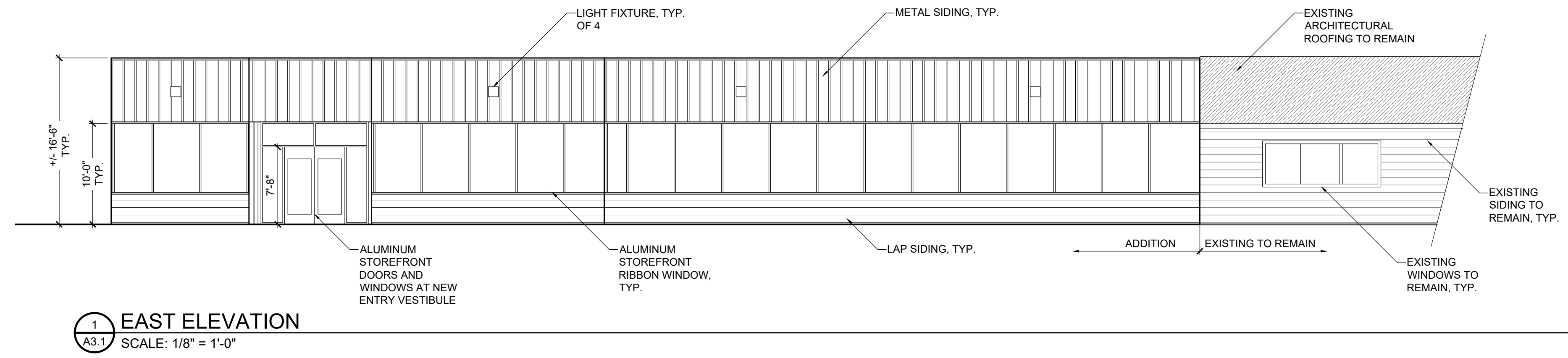
JOB DWG 3 OF 6
 DRAWN: ASH DATE: 12/19/2024

TITLE: SITE PLAN

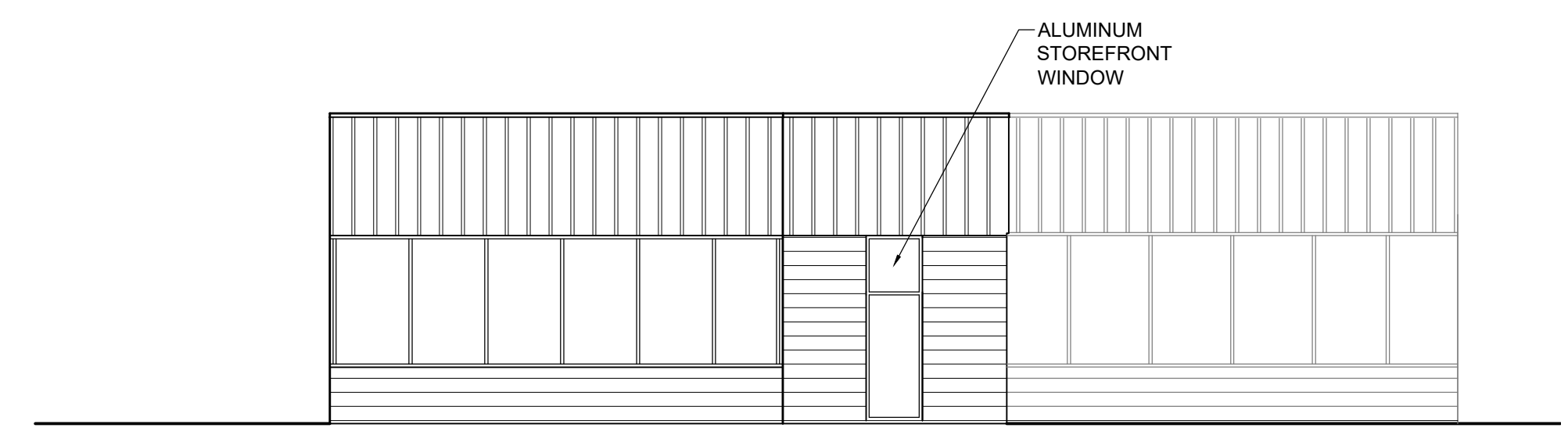
SHEET: A0.3
 ISSUE: SCHEMATIC DESIGN

1 SITE PLAN - PROPOSED
 A0.3 SCALE: 1/32" = 1'-0"

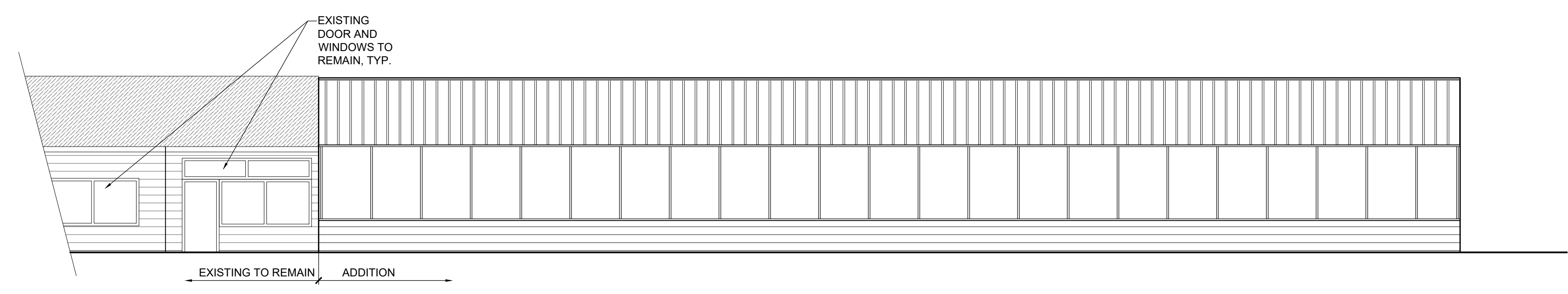




1 EAST ELEVATION
SCALE: 1/8" = 1'-0"



2 SOUTH ELEVATION / SECTION
SCALE: 1/8" = 1'-0"



3 WEST ELEVATION
SCALE: 1/8" = 1'-0"

ASA
ANDERSON SHIRLEY ARCHITECTS
695 COMMERCIAL ST. SE SUITE 5 SALEM, OR 97301
OFFICE: 503-371-1140 FAX: 503-364-6751

CONSULTANT

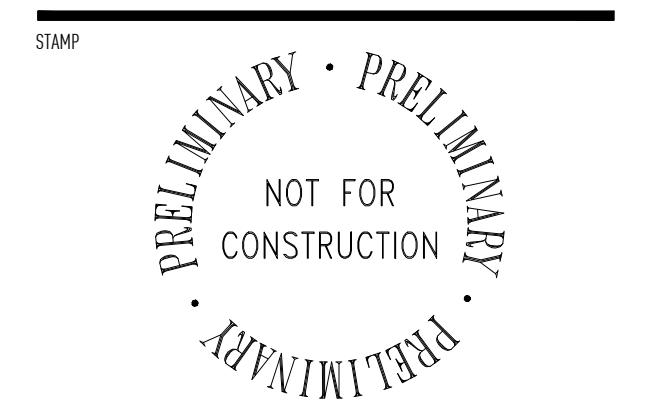
REVISIONS
△ PLANS REVIEW 1 2024-12-11

KEY PLAN

DESC: EXISTING BUILDING EXPANSION

PROJECT: THOMAS KAY FLOORING

ADDRESS: 2065 MADRONA AVE SE, SALEM, OR 97302



JOB DWG 6 OF 6
DRAWN: ASH DATE: 12/19/2024

TITLE: ELEVATIONS

SHEET: **A3.1**
ISSUE: SCHEMATIC DESIGN



MEMO

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

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

DATE: January 31, 2025

SUBJECT: **Infrastructure Memo**
SPR-ADJ-TRV 25-01 (24-122342-PLN)
2065 Madrona Avenue SE
Proposed building addition

PROPOSAL

A consolidated application for a Class 3 Site Plan Review and Tree Variances for a change of use to warehousing and distribution and office, a 5,039 square foot addition, a modification to the off-street parking area, and associated site improvements with two Class 2 Adjustment requests.

The property is approximately 2.28 acres in size, zoned IC (Industrial Commercial), and located at 2065 Madrona Avenue SE (Marion County Assessors Map and Tax Lot number: 083W02AC / 01300).

RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to building permit approval, dedicate a minimum 10-foot-wide public access easement along Pringle Creek for recreational use for the Pringle Creek Path measured from either the top of bank outwards, or from the special flood hazard area boundary inwards, whichever is further from Pringle Creek, in an alignment approved by the Public Works Director.
2. Prior to building permit issuance, the applicant shall verify the existing private sewer main that conflicts with the proposed building addition complies with the Oregon Plumbing Specialty Code. The applicant shall make necessary upgrades to the private sewer main, if needed, in order to comply with the Oregon Plumbing Specialty Code; or relocate the private sewer main and easement.

EXISTING CONDITIONS – INFRASTRUCTURE

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).

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

Streets			
Street Name		Right-of-way Width	Improvement Width
Madrona Avenue SE (Major Arterial)	Standard:	96-feet	68-feet
	Existing Condition:	107-feet	68-feet

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

Utilities & Parks	
Type	Existing Conditions
Water	Water Service Level: G-0
	A 12-inch water main is located in Madrona Avenue SE.
Sanitary Sewer	A 6-inch private sanitary sewer main is located on the subject property in an easement.
	A 12-inch sanitary sewer main is located approximately 200 feet to the east of the subject property at the intersection of Madrona Avenue and Fairview Industrial.
Storm Drainage	The West Fork Pringle Creek is located along the western boundary of the subject property.

SITE PLAN REVIEW DECISION CRITERIA

The following Code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

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

Finding—As proposed and conditioned in the findings within the memo, the development meets all the applicable standards in the UDC as follows:

SRC Chapter 200 – Urban Growth Management:

SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City’s Urban Service Area.

Finding: The subject property is located inside the Urban Service Area and adequate facilities are available. An Urban Growth Area permit is not required.

SRC Chapter 71 – Stormwater:

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

Finding: The applicant shall be required to design and construct a storm drainage system at the time of development. The application shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 71.075.

SRC 800.065 – Pedestrian Access:

▪ ***Connection to existing or planned paths and trails:***

SRC 800.065(a)(4) provides that 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 the development site, the path or trail shall either be constructed, or when no abutting section of the path or trail is constructed, a public access easement shall be provided for future construction of the path or trail.

Finding: The Salem Comprehensive Parks System Master Plan identifies an alignment for the Pringle Creek Path on the subject property along the bank of Pringle Creek. No abutting sections have been complete. A minimum 10-foot-wide trail easement shall be dedicated skirting the outside of top of bank, or inside of the special flood hazard area, whichever is greater, for future construction of the trail.

Condition: Prior to building permit approval, dedicate a minimum 10-foot-wide public access easement along Pringle Creek for recreational use for the Pringle Creek Path measured from the top of bank outwards, or from the special flood hazard area boundary inwards, whichever is further from Pringle Creek, in an alignment approved by the Public Works Director.

SRC Chapter 802 – Public Improvements:

▪ ***Development to be served by City utilities:***

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

Finding: Public water, sanitary sewer, and stormwater infrastructure is available and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan.

- **Easements:**

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval. Easements may be required that are necessary for development on adjacent properties.

Finding: There is an existing private sanitary sewer main serving adjacent property (Marion County Taxlot No. 083W02AC90000) that crosses over the subject property in an easement. Dedication of this easement was originally required through a previous partition of the subject property (PAR-SPR-ADJ15-08). The applicant's Preliminary Utility Plan shows the building addition will be placed over this existing private sewer main and easement. The applicant's utility plan indicates that the depth and type of material for the existing main will be verified at the time of building permit to confirm compliance with the Oregon Plumbing Specialty Code, specifically in regard to provisions that allow construction of new structures over private sewer mains. The plans state that the existing main will be improved, as needed, in order to comply with the Oregon Plumbing Specialty Code. SRC 802.020 requires the dedication of easements for utilities in order to serve adjacent property. In addition, the Oregon Plumbing Specialty Code requires easements for utilities which cross property lines. In order to comply with previous conditions of approval and the plumbing code, the following condition applies:

Condition: Prior to building permit issuance, the applicant shall verify the existing private sewer main that conflicts with the proposed building addition complies with the Oregon Plumbing Specialty Code. The applicant shall make necessary upgrades to the private sewer main, if needed, in order to comply with the Oregon Plumbing Specialty Code; or relocate the private sewer main and easement.

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

- ***Boundary Street Improvements***

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

Finding: Madrona Avenue SE abuts the subject property and is classified as a major arterial street according to the Salem Transportation System Plan (TSP). Madrona Avenue SE meets the minimum right-of-way width and pavement width standards established in SRC 803.025. Therefore, no right-of-way or improvements along Madrona Avenue SE are required.

SRC Chapter 804 – Driveway Approaches:

SRC 804 establishes development standards for driveway approaches providing access from the public right-of-way to private property in order to provide safe and efficient vehicular access to development sites.

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

SRC Chapter 805 – Vision Clearance:

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

Finding: The proposed building addition and site alterations do not cause a vision clearance obstruction per SRC Chapter 805.

Natural Resources:

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 (FEMA) floodplain maps as a Zone “AE” floodplain. 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. The proposed building addition is not being constructed in the AE floodplain area.

SRC Chapter 809 – Wetlands: Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

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

public right-of-way. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

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

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

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— Access to the proposed development will be provided by the network of existing public streets that surround the property. The street system in and adjacent to the development will provide for the safe, orderly, and efficient circulation of traffic to and from the development. This criterion is met.

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

Finding— The driveway access onto Madrona Avenue SE provides for safe turning movements into and out of the property and modifications are not warranted per SRC Chapter 804 (Driveway Approaches).

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 Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the lots within the proposed development, subject to the conditions of approval established in this decision. This approval criterion is met.

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