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503-588-6173*

## DECISION OF THE HEARINGS OFFICER

**CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 1 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT CASE  
NO.: CU-SPR-ADJ-DAP24-08**

**APPLICATION NO.: 24-102935-PLN**

**NOTICE OF DECISION DATE:** September 17, 2024

**SUMMARY:** New industrial storage yard with gravel surfacing

**REQUEST:** A consolidated application for a Conditional Use Permit to allow gravel surfacing for off-street parking and vehicle use areas, with a Class 3 Site Plan Review and two Class 2 Driveway Approach Permits to establish an industrial storage yard for warehousing and distribution uses, and a Class 1 and Class 2 Adjustment to reduce the required driveway spacing standard of 370 feet for a the driveway approaches along McGilchrist Street SE, a Major Arterial Street (SRC 804.035(d)). The subject property is 7.4 acres in size, zoned IG (General Industrial), and located at 1865 McGilchrist Street SE (Marion County Assessor's Map and Tax Lot Number: 073W35CA / 301).

**APPLICANT:** Grid Property Management LLC (Steve Kreitzberg, Kohle Kreitzber

**LOCATION:** 1865 McGilchrist St SE, Salem OR 97302

**CRITERIA:** Salem Revised Code (SRC) Chapters 240.005(d) – Conditional Use; 220.005 (f)(3) – Class 3 Site Plan Review; 250.005(d)(1) – Class 1 Adjustment; 250.005(d)(2) – Class 2 Adjustment; 804.025(d) – Class 2 Driveway Approach Permit

**FINDINGS:** The findings are in the attached Decision dated September 17, 2024.

**DECISION:** The **Hearings Officer APPROVED** Conditional Use / Class 3 Site Plan Review / Class 2 Adjustment / Class 1 Adjustment / Class 2 Driveway Approach Permit Case No. CU-SPR-ADJ-DAP24-08 subject to the following conditions of approval:

**Condition 1:** The applicant shall submit a civil site work building permit for review of the improvements on site, indicating compliance with all conditions of approval. At the time of building permit review, the applicant shall provide details on the items to be stored on site in conformance with the Oregon Fire Code.

**Condition 2:** The portion of the driveway approaches located on private property and that serve the site shall be paved with hard surface material that is consistent with Public Works Design Standard Plans for Commercial Driveway Approaches. The hard surface material shall extend into the property from the right-of-way to a distance that is equal to the width of the driveway measured from the special setback.

**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:** Wheel stops shall be installed to identify the four parking spaces of the approved employee parking area.
- Condition 4:** Provide a minimum six-foot-tall sight-obscuring fence, along the west and south property lines, in compliance with Vision Clearance Standards established in SRC Chapter 805.
- Condition 5:** Dedicate an Open Channel Drainage Easement along the East Fork of Pringle Creek on the subject property. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 6:** The applicant shall submit a site plan that demonstrates compliance with Vision Clearance Standards established in SRC Chapter 805 for the proposed driveway approaches onto McGilchrist Street SE.
- Condition 7:** At the time of building permit review, the applicant shall provide construction details for the bicycle racks indicating conformance with SRC 806.060.
- Condition 8:** The applicant shall submit an updated site plan showing gravel storage will only occur within the extent of the existing gravel pad on site, not to exceed the extent shown in the 2024 Aerial Imagery or apply for a new Grading and Erosion Control Permit to expand the approved gravel pad area and comply with SRC Chapter 71 for the new impervious area.

**Advisory Note:** The property is subject to a special setback equal to 48-feet from the centerline of McGilchrist Street SE.

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.

Conditional Use	<u>October 15, 2026</u>
Class 3 Site Plan Review	<u>October 15, 2028</u>
Class 2 Adjustment	<u>October 15, 2028</u>
Class 1 Adjustment	<u>October 15, 2028</u>
Class 2 Driveway Approach Permit	<u>October 15, 2028</u>

Application Deemed Complete:	<u>July 29, 2024</u>
Public Hearing Date:	<u>September 11, 2024</u>
Notice of Decision Mailing Date:	<u>September 17, 2024</u>
Decision Effective Date:	<u>October 15, 2024</u>
State Mandate Date:	<u>November 26, 2024</u>

Case Manager: Jamie Donaldson, [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. Wednesday, October 2, 2024. The notice of appeal must contain the information required by SRC 300.1020 and must state

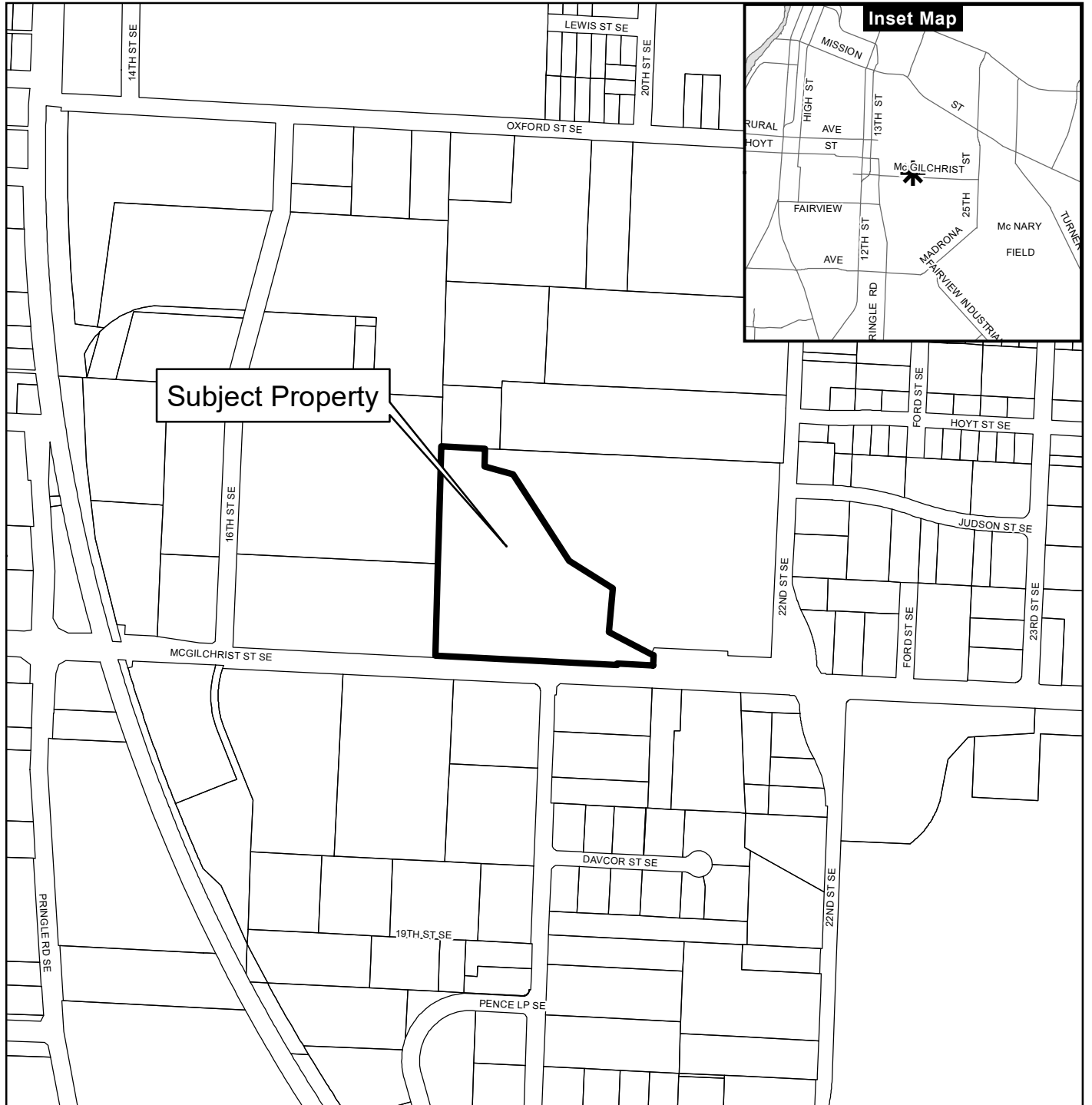
where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 240, 220, 250, 804. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

# Vicinity Map

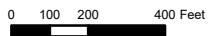
## 1865 McGilchrist Street SE



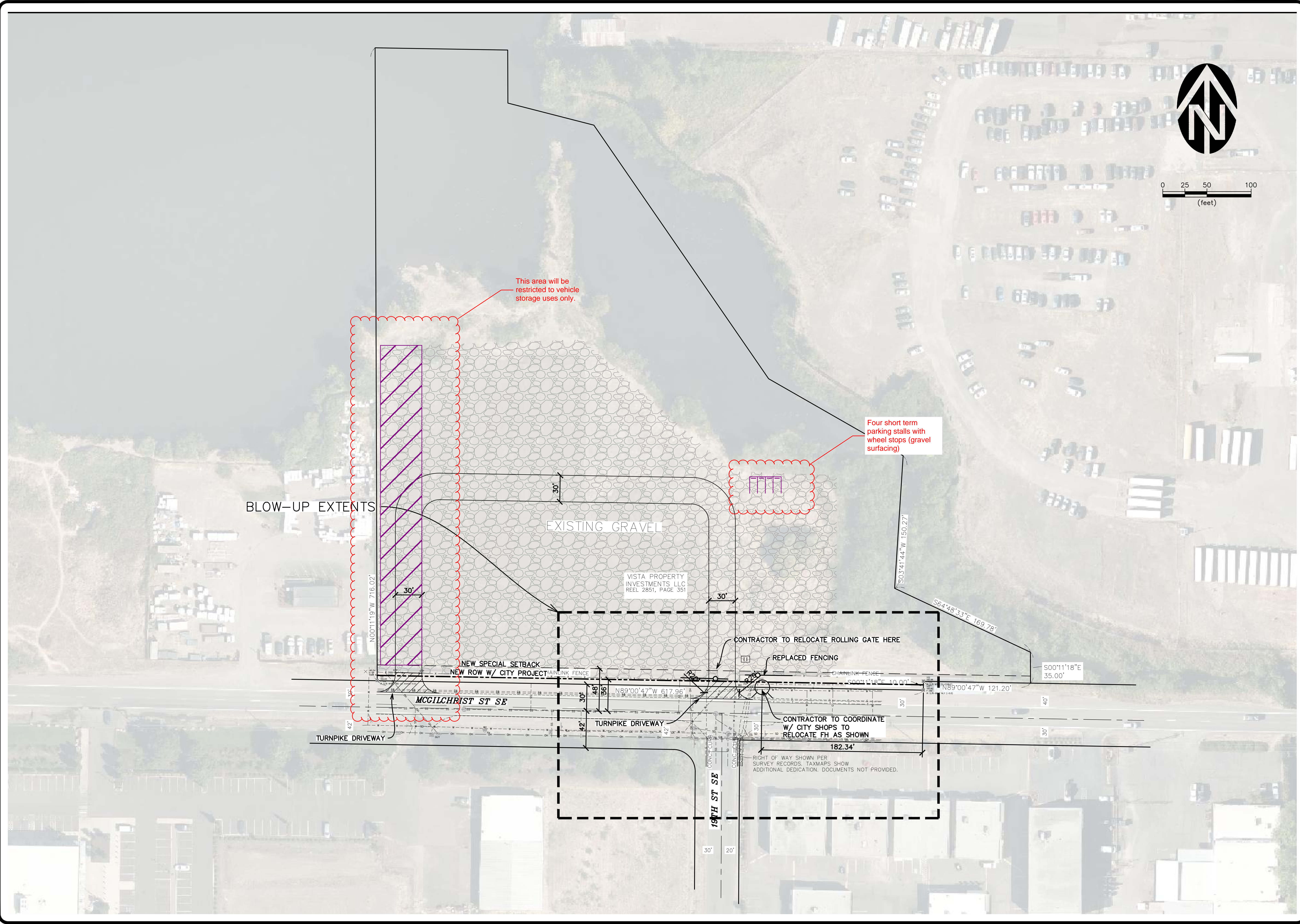
Subject Property

### Legend

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



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This area will be restricted to vehicle storage uses only.

Four short term parking stalls with wheel stops (gravel surfacing)

BLOW-UP EXTENTS

EXISTING GRAVEL

VISTA PROPERTY INVESTMENTS LLC  
 REEL 2851, PAGE 351

CONTRACTOR TO RELOCATE ROLLING GATE HERE

REPLACED FENCING

CONTRACTOR TO COORDINATE W/ CITY SHOPS TO RELOCATE FH AS SHOWN

RIGHT OF WAY SHOWN PER SURVEY RECORDS. TAXMAPS SHOW ADDITIONAL DEDICATION. DOCUMENTS NOT PROVIDED.

VERIFY SCALE BAR IS ONE INCH ON ORIGINAL DRAWING IF NOT ONE INCH ON SCALES ACCURACLY	1"
DSN. JW	AK/JH
DRN. JW	JW
CKD. JW	JW
DATE: JAN '24	

NO.	DATE	DESCRIPTION	BY
1			

**REVIEW**  
 REGISTERED PROFESSIONAL ENGINEER  
 WILLIAM J. WELLS  
 OREGON REG. 12, 2008

**WESTTECH ENGINEERING, INC.**  
 CONSULTING ENGINEERS AND PLANNERS  
 3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302  
 Phone: (503) 585-2474 Fax: (503) 585-3966  
 E-mail: westtech@westtech-eng.com

GRID PROPERTY MANAGEMENT  
 1865 MCGILCHRIST

**OVERALL GATE & FIRE HYDRANT RELOCATION PLAN**

DRAWING  
**C2.0**

JOB NUMBER  
 3484.0000.0

**BEFORE THE HEARINGS OFFICER**

CONSOLIDATED APPLICATION FOR A	)	
CONDITIONAL USE PERMIT, A CLASS 3	)	
SITE PLAN REVIEW, A CLASS 1 AND A	)	CU-SPR-ADJ-DAP24-08
CLASS 2 ADJUSTMENT, AND A CLASS 2	)	
DRIVEWAY APPROACH PERMIT ON	)	
PROPERTY LOCATED AT 1865	)	FINDINGS OF FACT,
MCGILCHRIST STREET SE (MARION	)	CONCLUSION AND DECISION
COUNTY ASSESSOR'S MAP 073W35CA	)	
TAX LOT 301	)	

**DATE AND PLACE OF HEARING:**

On September 11<sup>th</sup>, 2024, at 5:30 p.m., a properly noticed hearing was held before the City of Salem Hearings Officer at Salem City Council Chambers, Room 240, Civic Center, 555 Liberty Street SE, Salem, Oregon.

**APPEARANCES:**

Staff: Jamie Donaldson, Planner III

Neighborhood Association: Southeast Salem Neighborhood Association

Proponents: Grid Property Management, LLC, represented by Britany Randall, Brand Land Use

Opponents: None

**SUMMARY OF THE APPLICATION AND HEARING**

**BACKGROUND**

On February 1, 2024, the applicant's representative applied for a conditional use permit, a Class 3 Site Plan Review, Driveway Approach Permits, and a Class 1 Adjustment. The collective applications were deemed complete for processing at the request of the applicant on July 29, 2024. The 120-day state mandated decision deadline is November 26, 2024 on the consolidated applications.

The Hearing Notice was provided on August 20, 2024, to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) and stated that the date for the hearing was September 11<sup>th</sup>, 2024.

The property was posted on August 29, 2024 consistent with the requirements of SRC 300.620(b)(3) for a Type III application. The applicant signed a notarized affidavit stating the notice was posted according to those requirements and the record shows a photograph of the posted

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September 17, 2024

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

The City of Salem held a duly authorized and noticed public hearing on September 11<sup>th</sup>, 2024, regarding the Applicant’s request. During the hearing, Jamie Donaldson requested that the Staff Report be entered into the Record, and the Hearings Officer granted the request. In addition, Ms. Randall requested that her five–page submission addressing the proposed conditions of approval be entered into the Record and the Hearings Officer also granted that request.

### **FINDINGS OF FACT AND CONCLUSIONS**

#### **1. Salem Area Comprehensive Plan (SACP) designation**

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

#### **2. Zoning and Surrounding Land Uses**

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

**North/East:** Across East Fork Pringle creek, IG (General Industrial Zone); various storage and warehousing.

**South:** Across McGilchrist Street SE, IC (Commercial Industrial Zone), heavy vehicle and trailer service with a retail shop and the Salem Business Park, various officers, retail sales, and services.

**West:** IG (General Industrial Zone) and IC (Commercial Industrial Zone), building and grounds services and construction contracting.

#### **3. Site Analysis**

The subject property consists of one unit of land located at 1865 McGilchrist Street SE. The property is 7.4 acres in size and abuts the East Fork of Pringle Creek. It has about 740 feet of frontage along McGilchrist Street SE to the south, which is designated as a major arterial street in the Salem Transportation Plan (TSP). The property is currently vacant.

#### **4. Neighborhood and Citizen Comments**

The subject property is located within the Southeast Salem Neighborhood Association (SESNA). Pursuant to SRC Chapter 300, the applicant is required to contact the Neighborhood Association prior to submittal of this consolidated application. On May 16, 2024, the applicant contacted the

Association, meeting the requirements of SRC 300.310(c). Notice was provided to the SESNA and to surrounding addresses, property owners, and tenants within 250 feet of the subject property.

The Southeast Salem Neighborhood Association did not comment and the subject property is not located within a homeowner's association.

At the time of the staff report, no public comments had been received.

At the time of this decision, no other public comments had been received.

## 5. City Department and Public Agency Comments

The Salem Development Services Division reviewed the proposal and provided a memo that outlined recommended conditions for the conditional use permit (1), the site plan review (4) and the driveway approach permit (1).

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

The Salem Fire Department reviewed the proposal and indicated that any structures will require Fire Department access and a water supply. Depending on the materials stored on-site, there may be additional fire code requirements. The applicant is responsible for addressing these comments during the building permit process. The configuration of specific storage areas 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. While the gravel is currently existing, a building permit is required for review of the paved driveways, wheel stops, bicycle parking, and general compliance with the conditions set forth in this decision. To ensure these standards are met, the following condition applies:

**Condition 1:** The applicant shall submit a civil site work building permit for review of the improvements on site, indicating compliance with all conditions of approval. At the time of building permit review, the applicant shall provide details on the items to be stored on site in conformance with the Oregon Fire Code.

## 6. Analysis of Conditional Use Criteria

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

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

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



**Finding 1:** The applicant is requesting to allow the existing gravel on site to remain as gravel surfacing for off-street parking and vehicle use areas. Pursuant to SRC 806.035(h), off-street parking and vehicle use areas shall be paved with a hard surface material meeting the Public Works Design Standards; however, paving is not required for:

- (1) Vehicle storage areas within the IG zone.
- (2) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
- (3) Gravel off-street parking areas, approved through a conditional use permit.

While vehicle storage areas in the IG zone do not require paving, the applicant has indicated that there will be multiple other storage uses on site, other than strictly vehicle storage. The proposal includes an off-street gravel area for employee parking, and proposes that the entirety of the site, including the internal drive-aisle through the site and all surrounding storage areas, remain a graveled vehicle use area. *Vehicle use area* is defined in SRC Chapter 111 as an area of a development site used for parking, storage, display, loading, maneuvering, access, or circulation of vehicles. Therefore, all outdoor storage areas are considered vehicle use areas, as vehicles will be used in the storage areas for circulation, access, maneuvering, and loading of materials. Additionally, pursuant to SRC 806.080(e)(2), paving is also not required for gravel loading areas, approved through a conditional use permit. Therefore, a Conditional Use Permit is required to establish the proposed use of gravel surfacing for the off-street parking, loading, and vehicle use areas on the subject property.

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

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

**Finding 2:** Potential adverse impacts of the proposal on the immediate neighborhood include increased traffic, increased noise, and the visual effect of large, graveled areas off site. These impacts will likely be moderate, and that the proposed graveled vehicle use area is generally consistent with the established character of the industrial and commercial uses surrounding the subject property. It is assumed that the vehicle movements on site will mainly consist of loading and staging of materials and equipment for storage, but without specific future tenants identified at this time, the extent of vehicle movements in and out of the property for pickups or deliveries is unclear. In addition, the vehicles used for loading and staging materials are generally larger tractors, trailers, and heavy vehicles, that will have a greater effect on the movement of the gravel.

**Finding 3:** To reduce the impacts of gravel surfacing on the adjacent right-of-way, the applicant is proposing to improve the driveway aprons with hard surface material. This will ensure mud,

rocks and other debris from the gravel storage yard do not leave the site and create a potential violation of the Erosion Prevention and Sediment Control requirements in SRC Chapter 75. To further ensure that the mitigation of mud, rocks, and other debris tracking off site continues once the street is widened to the special setback, it is recommended that the first section of the

driveway leading into the property from the special setback line abutting the street, is paved with a hard surface material to a depth that is equal to the width of a driveway. The applicant points out that the City has plans to make improvements to McGilchrist Street that will replace any portions of the driveway that extend into the right-of-way. (See Finding #27) Therefore, the staff recommended condition of approval is modified as follows:

**Condition 2:** The portion of the driveway approaches located on private property and that serve the site shall be paved with hard surface material that is consistent with Public Works Design Standard Plans for Commercial Driveway Approaches. The hard surface material shall extend into the property from the right-of-way to a distance that is equal to the width of the driveway measured from the special setback.

The applicant has indicated there will be ten employees and is providing four employee parking spaces. Since striping is not required or easily achieved on gravel, the use of wheel stops will help to identify those spaces dedicated to employee parking, as opposed to equipment vehicles used for loading and staging materials. The applicant's site plan identifies an area dedicated to short term parking for employees and indicates four wheel stops. As such, the following condition is appropriate:

**Condition 3:** Wheel stops shall be installed to identify the four parking spaces of the approved employee parking area.

The subject property abuts an IC-zoned property to the west, where vehicle use areas typically require a minimum 10-foot setback with Type C landscaping (includes a six-foot-tall sight-obscuring fence). The typical landscaped setback adjacent to the street to the south can be six-to-ten feet, per SRC Chapter 806. However, perimeter setbacks and landscaping are not required for vehicle storage areas in the IG zone, or gravel off-street parking areas approved through a conditional use permit, abutting nonresidential zones, uses or activities other than household living, or local streets. Because the property is abutting a Major Arterial Street to the south, and an industrial zoned property with industrial uses to the west, perimeter setbacks and landscaping are not required. Currently, the property has an existing chain link fence with privacy slats along the those borders not abutting the East Fork of Pringle Creek and Walling Pond, which are the south and west property lines. To minimize the visual impact and potential noise generated by the graveled vehicle use areas, the sight-obscuring fence should remain along the west and south property lines. Pursuant to Condition 487 below, the application will need to relocate the fence along the street to comply with vision clearance standards.

Therefore, in order to ensure that adequate perimeter screening remains in place along the south and west property lines, the following condition is required:

**Condition 4:** Provide a minimum six-foot-tall sight-obscuring fence, along the west and south property lines, in compliance with Vision Clearance Standards established in SRC Chapter 805.

The proposed development, as conditioned, satisfies this approval criterion.

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

**Finding 4:** In the IG (General Industrial) zone, a gravel storage area would be allowed outright if it was specifically used for vehicle storage. The proposed conditional use permit is to allow the existing gravel that was added in 2008, for a development that was never completed, to remain as a graveled off-street parking and vehicle use area for new outdoor storage uses, other than vehicle storage. Since *warehousing and distribution* uses are allowed in the IG zone, the applicant could operate to the same level with paved off-street parking and vehicle use areas. Potential adverse impacts of the proposal on the livability are the possible increased traffic, increased noise, and the visual effect of large, graveled areas on site. To mitigate those impacts and provide for minimal impact to surrounding property owners, paved driveways are recommended to minimize the impact of tracking gravel into the surrounding streets; and the provision of landscape and screening along the boundaries of the gravel storage areas visible to the public or an adjacent street, or to an abutting zone where the appropriate development of the property is generally less intense uses.

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

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

Salem Revised Code (SRC) 220.005(f)(3) provides that an application for a Class 3 Site Plan Review shall be granted if the following criteria are met.

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

**Finding 5:** The proposal includes development of a new industrial storage yard with gravel surfacing, where most storage uses are classified as a *warehousing and distribution*. The subject property is zoned IG (General Industrial) and has therefore been reviewed for conformance with the IG zone under SRC Chapter 554. Two driveway approach permits are requested to allow vehicle access to the site in two locations, with adjustments to the driveway spacing standards. The new driveway approaches are necessary as the existing ones can create hazardous traffic conditions. The proposed development conforms to SRC Chapter 554 and all other applicable development standards of the Salem Revised Code 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 6:** The subject property is located outside of the Urban Service Area. However, no UGA permit is required because the proposal does not meet the definition of “development” in SRC Chapter 200. Future development on the subject property may require an UGA.

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

**Finding 7:** SRC 554.005(a), Table 554–1, lists the permitted uses in the IG Zone. Warehousing and distribution are outright permitted uses in the IG Zone. The proposal includes development of a new gravel storage yard and vehicle use area which will accommodate future tenants of warehousing and distribution uses with outdoor storage needs. The applicant has indicated that there will be future tenants of the property bringing in different types of storage uses. For any tenant establishing a new use on the property, or a storage type that does not fall under the warehousing and distribution classification, a Class 1 Site Plan Review is required to review conformance with the applicable standards for each new use.

#### **SRC 554.010(a) – Lot Standards:**

**Finding 8:** There are no minimum lot area or dimension requirements in the IG zone. All uses, other than single family, are required to have a minimum of 16 feet of street frontage.

#### **SRC 554.010(b) – Setbacks:**

**Finding 9:** Setbacks within the IG zone shall be provided as set forth in Table 554-3 and Table 554-4. Adjacent to the south is right-of-way for McGilchrist Street SE. Buildings must be set back a minimum of five feet abutting a street. Vehicle use areas require a minimum six- to ten-foot setback per Chapter 806 adjacent to a street.

No buildings are proposed with as part of the development site, and the applicant’s plans do not appear to indicate a setback for the gravel vehicle use area to the street. However, perimeter setbacks and landscaping are not required for vehicle storage areas in the IG zone, or gravel off-street parking areas approved through a conditional use permit, abutting nonresidential zones, uses or activities other than household living, or local streets. Because the property is abutting a Major Arterial Street, no setback to the street is required; therefore, the proposal meets the criterion.

**Finding 10:** Adjacent to the north and south is property zoned IG. In the IG zone, there is no minimum building setback abutting other IG zoned properties, and there is a minimum five-foot setback for buildings and vehicle use areas, with Type A landscaping. No buildings are proposed with as part of the development site. The East Fork of Pringle Creek runs along the northern property boundary, providing an increased setback to the adjacent properties to the north and east property lines; therefore, the proposal meets the criterion.

**Finding 11:** Adjacent to the west property zoned IC (Industrial Commercial). In the IG zone, there is a minimum ten-foot setback for buildings and vehicle use areas abutting IC zoned

properties, with Type C landscaping. No buildings are proposed with as part of the development site. The applicant’s plans indicate vehicle storage along this side of the property. However, perimeter setbacks and landscaping is not required for vehicle storage areas in the IG zone; therefore, the proposal meets the criterion.

***SRC 554.010(c) – Lot Coverage, Height***

**Finding 12:** There is no maximum lot coverage standard in the IG zone. The maximum height allowance is 70 feet. The proposed development meets applicable lot coverage standards, as there is no maximum lot coverage standard in the IG zone. The proposal does not include any buildings that would be subject to height standards. The proposal meets these criteria.

***SRC 554.010(d) – Landscaping:***

**Finding 13:** Required setback must be landscaped according to the standards of SRC Chapter 807. Vehicle use areas also must be landscaped as provided by SRC Chapters 806 and 807. The applicant’s plans do not include landscaped setbacks. However, perimeter setbacks and landscaping are not required for vehicle storage areas in the IG zone, or gravel off-street parking areas, approved through a conditional use permit, abutting nonresidential zones, uses or activities other than household living, or local streets; therefore, the proposal meets the criterion.

**SRC Chapter 800 – General Development Standards**

***SRC 800.055(a) – Applicability***

**Finding 14:** Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed. Since the applicant's site plan does not propose any new solid waste enclosure; therefore, this criterion is not applicable.

***SRC 800.065 – Pedestrian Access***

**Finding 15:** 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 the construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area. Because the proposal includes establishment of a new gravel vehicle use area on an existing gravel pad, the pedestrian access standards of SRC Chapter 800 apply to the proposed development.

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

**Finding 16:** SRC 800.065(a)(1)(A) requires, in part, that a pedestrian connection shall be provided between the primary entrance of each building on the development site and each adjacent street. Since there are no buildings proposed as part of the development site; therefore, this criterion is not applicable.

**Finding 17:** SRC 800.065(a)(1)(B) requires 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. Since there is no transit route or planned transit stop abutting the development site; therefore, this criterion is not applicable.

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

**Finding 18:** Where there is more than one building on a development site, a pedestrian connection(s), shall be provided to connect the primary building entrances of all of the buildings. Since there are no buildings proposed as part of the development site; therefore, this criterion is not applicable.

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

**Finding 19:** SRC 800.065(a)(3)(A) provides that 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. Since the development site does not include any existing or proposed surface parking areas greater than 25,000 square feet; therefore, this criterion is not applicable.

**Finding 20:** SRC 800.065(a)(3)(B) provides that 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. Since the development site does not include any existing or proposed parking structures or garages greater than 25,000 square feet; therefore, this criterion is not applicable.

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

**Finding 21:** This provision applies where an existing or planned path or trail identified in the Salem Transportation System Plan or the Salem Comprehensive Parks System Master Plan passes through a development site or trail. This standard is inapplicable since there are no planned paths or trails that pass through the development site.

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

**Finding 22:** This provision applies whenever a vehicular connection is provided from a

development site to an abutting property, a pedestrian connection shall also be provided. This standard is not applicable because the development site does not include any vehicular connections to an abutting property.

***SRC 800.065(b) – Design and materials***

**Finding 23:** This criterion requires that pedestrian connections shall be in the form of a walkway or plaza and provides design standards for their design, location, size and materials. These standards are not applicable because the development site does not include any buildings, parking areas, or planned paths that require pedestrian connections.

**SRC 802 – Public Improvements**

***SRC 802.015 – Development to be served by city utilities***

**Finding 24:** This provision requires development to be served by City utilities that are designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS). Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property. The applicant did not provide a utility plan to demonstrate if any new connections to City utilities are proposed. At time of building permit, if applicable, 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.

***SRC 802.030 – Watercourses***

**Finding 25:** This provision requires that any modification to a watercourse conform to SRC Chapter 601 and the PWDS. It also provides that public improvement and maintenance easements may be required. These easements must, at a minimum, extend 15 feet in each direction from the waterway centerline, ten feet from the top of the recognizable bank, or a sufficient width to pass ten-year flood flows or to accommodate the 100-year floodway on a FEMA regulated stream, whichever is greater.

The East Fork of Pringle Creek runs along the northern property boundary. Pursuant to SRC 802.030(b) and the PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width shall be either 15-feet from the channel centerline, or 10-feet from the top of the recognized bank, whichever is greatest. To implement this requirement, the following condition of approval is required:

**Condition 5:** Dedicate an Open Channel Drainage Easement along the East Fork of Pringle Creek on the subject property. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

## **SRC 803 – Street and Right-of-way Improvements**

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

**Finding 26:** Except as otherwise provided, right-of-way widths for streets and alleys must conform to the standards in Tables 803–1 and 803–2. McGilchrist Street SE abuts the subject property and is classified as a Major Arterial Street according to the Salem Transportation System Plan (TSP). McGilchrist Street SE does not meet the current right-of-way width and improvement width standards for a major arterial street. The ultimate right-of-way width for a Major Arterial Street is 96 feet according to SRC 803.025, Table 803–1 (Right-of-way Width) and the ultimate improvement width for a Major Arterial Street is 68 feet according to SRC 803.025, Table 803–2 (Pavement Width).

**Finding 27:** McGilchrist Street SE along the property frontage will be improved through a Capital Improvement Project (CIP 1457) to an interim minor arterial standard for pavement improvement. Pursuant to SRC 803.040(d)(1), when improvement of the boundary street abutting the property is a funded project in the Five Year Capital Improvement Program, boundary street improvements are not required as a condition of development. Construction of the street improvement along the frontage is pending; however, six feet of right-of-way was acquired along the frontage to accommodate the Capital Improvement Project. The existing half-width right-of-way along the property frontage is 36 feet where 48 feet is required. While boundary street improvements for the proposal are not required (SRC 803.040(d)(1)), the property is subject to a special setback equal to 48 feet from the centerline of McGilchrist Street SE for the ultimate right-of-way width required under SRC 803.025, Table 803-1 (Right-of-way Width).

## **SRC Chapter 804 – Driveway Approaches**

**Finding 28:** SRC 804.015(a) requires a driveway approach permit prior to constructing, relocating, reconstructing, enlarging or altering any driveway approach. There are currently two driveway approaches onto McGilchrist Street SE; however, no driveway approach permits have been issued for the existing driveways. Additionally, as shown on the applicant’s plans, both of the driveway approaches will be relocated. As such, the proposal includes two new Class Two Driveway Approach Permits for the proposed driveway approaches; findings for which are provided in the analysis of the Class 2 Driveway Approach Permit Approval Criteria section. As described in the findings below, the proposal meets the approval criteria for the Class 2 Driveway Approach Permits and the adjustments to driveway spacing for the easterly and westerly driveway approaches. With approval of the Class 2 Driveway Approach Permits, the proposed development meets applicable criteria in SRC Chapter 804 relating to driveway approaches.

## **SRC Chapter 805 – Vision Clearance**

**Finding 29:** SRC 805.010 generally provides that vision clearance areas shall kept free of temporary or permanent obstructions to vision from 30 inches above curb level to 8.5 feet



above curb level, provided that where there is no curb, the height shall be measured from the street shoulder.

The applicant's plan indicate that sight obscuring fencing is necessary along the property line abutting McGilchrist Street SE. The proposal involves two new driveway approaches; as such, vision clearance standards in SRC Chapter 805 apply. SRC Chapter 805.005(b)(1)(B) establishes a 10-foot by 50-foot vision clearance area is required for commercial driveway approaches. Fencing and other obstructions are not permitted within the vision clearance area per SRC 805.010. The applicant's site plan does not show the required vision clearance areas and it appears the proposed fencing along McGilchrist Street SE would create a vision clearance obstruction, which is not permitted. As a condition of approval, to ensure compliance with SRC Chapter 805, the applicant shall relocate all fencing outside of the required vision clearance areas for the proposed driveway approaches onto McGilchrist Street SE. The following condition is intended to ensure compliance with SRC Chapter 805:

**Condition 6:** The applicant shall submit a site plan that demonstrates compliance with Vision Clearance Standards established in SRC Chapter 805 for the proposed driveway approaches onto McGilchrist Street SE.

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

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

**Finding 30:** Off-street parking must be provided and maintained as required under SRC Chapter 806 for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a greater number of spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity. Because the applicant's proposal includes establishment of a new gravel vehicle use area and off-street parking area on an existing gravel pad. Therefore, the off-street parking, loading, and driveway standards of SRC Chapter 806 apply to the proposed development.

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

**Finding 31:** Required off-street parking must be located on the same development site as the use or activity that it serves. The existing gravel pad to be used for the new off-street parking and vehicle use areas are located on the same site as the use it serves. This criterion is met.

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

**Finding 32:** SRC 806.015(a) provides that except as otherwise provided, off-street parking shall not exceed the amounts set forth in Table 806-1. (For purposes of calculating the maximum amount of off-street parking allowed, driveways shall not be considered off-street parking spaces.) The proposed *warehousing and distribution* use allows a maximum of one parking space per 1,000 square feet of gross floor area on site. Pursuant to footnote (2) of Table 806-1, when a proposed use includes no structure and an applicable maximum off-street

parking requirement is not otherwise identified in the table, the maximum number of off-street parking spaces allowed for the use shall be one space per employee. The applicant has indicated there will be ten employees for the site, allowing a maximum of ten parking spaces. The applicant's plans provide four graveled off-street parking spaces for employees. These criteria are met.

**Finding 33:** SRC 806.015(b) provides that up to 75 percent of the minimum off-street parking spaces required may be compact parking spaces. The applicant's proposal does not include any compact parking spaces for the development site. This criterion is met.

**Finding 34:** SRC 806.015(c) provides that 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. Since the applicant's proposal includes less than 60 parking spaces this criterion is not applicable.

**Finding 35:** SRC 806.015(d) pertains to newly constructed buildings with five or more dwelling units on the same lot. Since the proposal does not include any dwelling units this criterion is not applicable.

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

**Finding 36:** This provision applies to the development of new off-street parking and vehicle use areas, the expansion of existing off-street parking and vehicle use areas where additional paving surface is added, the alteration of existing off-street parking and vehicle use areas where the existing paved surface is replaced with a new paved surface; and the paving of an unpaved area. Since the applicant's proposal includes establishment of a new gravel vehicle use area and off-street parking area on an existing gravel pad, including new parking spaces and a drive-aisle for vehicle circulation; therefore, this section applies.

**Finding 37:** SRC 806.035(b) and (c) state that off-street parking and vehicle use areas not be located within required setbacks and that 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. However, perimeter setbacks are not required for vehicle storage areas in the IG zone, or gravel off-street parking areas, approved through a conditional use permit, abutting nonresidential zones, uses or activities other than household living, or local streets. As the applicant is requesting a conditional use permit for gravel off-street parking areas, this criterion is not applicable.

**Finding 38:** SRC 806.035(d) requires that interior landscaping be provided in amounts not less than those set forth in Table 806-5. Since no interior landscaping is required for vehicle storage areas within the IG Zone, this criterion is not applicable.

**Finding 39:** SRC 806.035(e) provides that off-street parking areas must conform to the minimum dimensions set forth in Table 806-6. Since minimum off-street parking area

dimensions do not apply to vehicle storage areas this criterion is not applicable.

**Finding 40:** SRC 806.035(f) provides that off-street parking areas be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street and that where a drive aisle terminates on a dead-end, a turnaround should be included. The off-street parking area does not terminate at a dead-end anywhere on site and provides a drive-aisle of vehicle circulation through the site. The site is designed so that all vehicles will enter and exit the street in a forward motion with no backing or maneuvering within the street; therefore, this criterion is met.

**Finding 41:** SRC 806.035(g), (f) and (i) address grade, surfacing and development standards for off-street parking and vehicle use areas. With approval of the conditional use permit, the proposed off-street parking area is developed consistent with the additional development standards to allow for gravel surfacing. Grade and drainage will be reviewed for conformance on permit review. Wheel stops have been conditioned with this decision. The proposal meets these criteria.

### **Bicycle Parking**

**Finding 42:** SRC 806.045 through SRC 806.060 address bicycle parking requirements. SRC 806.045(a) provides that bicycle parking is required for each proposed new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity. SRC 806.045(c) addresses bicycle parking requirements to existing bicycle parking areas that have a nonconforming number of spaces. Since the applicant's proposal establishes a new warehousing and distribution for property that has not existing bicycle parking the nonconforming number of bike parking spaces must be remedied.

**Finding 43:** SRC 806.050 and 806.055 require that bicycle parking must be located on the same development side as the use or activity it serves and that bicycle parking shall be provided in

amounts not less than set forth in Table 806-9. Warehousing and distribution uses require the greater of four bicycle parking spaces or a minimum of one bicycle parking space per 10,000 square feet for the first 50,000 square feet of area. The applicant has pointed out that Footnote 1 to Table 806-9 requires that when the number of bicycle spaces is expressed in terms of square footage, the square footage shall equal gross floor area. And since there are no buildings, there is no floor area and therefore no requirement for bicycle spaces.

If this footnote was read alone, the applicant's argument would have merit as other criterion have been held inapplicable when there were no buildings. (e.g. SRC 800.065(a)(3)(B) where no pedestrian connection is required when there are no buildings.) However, Table 806-9 must be read in context with SRC 806.045(a), which provides that bicycle parking is required for each proposed new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity. Thus, Table 806-9 must be read in the disjunctive where the number of required bicycle spaces are set out in an either/or situation: either 4 bicycle spaces or one space per 10,000 feet of floor area.

The applicant's plans indicate four bicycle parking spaces provided amongst two racks. This criterion is met,

**Finding 44:** S.C 806.060(a) through (e) requires that short-term bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance and not be located more than 50 feet from the primary building entrance. In addition, bicycle parking areas must have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers and meet the dimensional standards of Table 806-9. Where bicycle parking is located outside of a building, the area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or a similar material meeting the PWDS. Finally, SRC 806.060(e) provides standards for bicycle parking racks.

The applicant's plans appear to illustrate each rack with a six-foot length, and two-foot width on either side of the rack, meeting the required dimensions, but the applicant has not submitted construction details for the bicycle racks. The proposed bicycle parking spaces appear to be placed on the gravel surfacing, which would not meet the surfacing standard. The applicant should pave an additional bicycle pad extending from the paved driveway. Construction details of the bicycle racks are not provided. As conditioned below, further conformance with bicycle parking standards will be verified at the time of building permit review.

**Condition 7:** At the time of building permit review, the applicant shall provide construction details for the bicycle racks indicating conformance with SRC 806.060.

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

#### ***SRC 806.065 – General Applicability.***

This provision requires off-street loading areas shall be provided and maintained for each proposed new use or activity.

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

Off-street loading must 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 45:** Table 806-11 provides that no off-street loading spaces is necessary for wholesale sales, storage or distribution uses with less than 5,000 square feet of area. Since no buildings are proposed, this criterion has been met.

## **Driveway Standards**

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

*SRC 806.040(a)* provides that 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. Driveway approaches to the driveways must conform to SRC Chapter 804.

*SRC 806.040(b)* provides that 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.

*SRC 806.040(c)* requires perimeter setbacks for driveways that abut streets, and butting interior front, side, and rear property lines.

*SRC 806.040(d)* requires driveways to conform to the minimum width set forth in Table 806–8.

*SRC 806.040(e)* requires that all driveways, except for access roads required to provide access to City utilities, shall be paved with a hard surface material meeting the PWDS. Driveways providing access to City utilities must be in an all-weather surface; provided that the first ten feet of the access road leading into the property shall be paved with a hard surface material.

**Finding 46:** Two-way driveways are required to have a minimum width of 22 feet. The applicant's plans indicate two driveways at least 30 feet wide for ingress and egress on the south side of the development, providing access to McGilchrist Street SE. Paving is also not required for gravel loading areas, approved through a conditional use permit.

## **SRC Chapter 807 – Landscape and Screening**

*SRC 807.010 – Applicability.* This section states that the provisions of Chapter 807 apply to all required landscaping and screening under the UDC.

**Finding 47:** The applicant's plans do not include landscaped setbacks or any landscape to be provided on site. However, under Table 555–4, perimeter setbacks and landscaping are not required for vehicle storage areas in the IG zone or gravel off-street parking areas approved through a conditional use permit, abutting nonresidential zones, uses or activities other than household living, or local streets; therefore, these criteria are not applicable.

## **Natural Resources**

### ***SRC Chapter 71 – Stormwater and SRC Chapter 82 – Clearing and Grading of Land***

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**Finding 48:** SRC Chapter 71 and the PWDS, as adopted in Administrative Rule Chapter 109, Division 004, stormwater management standards are established for development and best management practices for projects that involve clearing and grading activities.

According to the applicant's proposal, the proposed storage yard will be placed on an existing gravel surface. The gravel was originally placed on the subject property under a 2008 permit for three new warehouses on the site (08-115034-GD). The gravel was originally placed in three pad locations, as seen in 2011 and 2014 Aerial Imagery. After gravel was placed, development permits expired and no warehouse buildings were ever constructed on the site. In 2020, a grading permit was issued to allow the gravel pads to be spread over the site, no additional fill, ground disturbing activity, or change in boundaries was permitted at that time. The extent of the gravel pads can be seen in 2021 Aerial Imagery. The 2024 Aerial Imagery shows the current extent of the gravel pad, which is consistent with 2021 Aerial Imagery.

When the gravel pads were placed in 2008, PWDS did not consider gravel placement a new impervious surface that would require stormwater management. Stormwater Management requirements have since changed to now require stormwater management for new compacted gravel areas subject to vehicular traffic and storage of materials. The applicant submitted an existing conditions plan which appears to show “existing gravel” outside of the extent of the 2024 Aerial imagery, as depicted with an overlay of the applicant’s existing conditions plan on 2024 Aerial Imagery. Any additional gravel outside of the extents of the 2008 and 2020 permits would have required a Grading and Erosion Control Permit (SRC 82.030) issued by the City of Salem and compliance with SRC Chapter 71 regarding stormwater management.

In order to ensure compliance with SRC Chapter 71 (Stormwater Management) and SRC Chapter 83 (Clearing and Grading of Land, the applicant must either submit an updated site plan showing gravel storage will only occur within the extent of disturbed area under the 2008 and 2020 Grading Permits or apply for a new Grading and Erosion Control Permit to expand the gravel pad area. The following condition of approval addresses this issue:

**Condition 8:** The applicant shall submit an updated site plan showing gravel storage will only occur within the extent of the existing gravel pad on site, not to exceed the extent shown in the 2024 Aerial Imagery or apply for a new Grading and Erosion Control Permit to expand the approved gravel pad area and comply with SRC Chapter 71 for the new impervious area.

## **Floodplain**

***SRC 601.001 – Lands to which this chapter applies.*** Chapter 601 applies to all special flood hazard areas (SFHA) and interim flood hazard areas within the jurisdiction of the City of Salem. SRC 601.045(a) requires that a development permit shall be obtained before construction or development begins within any area horizontally within the SFHA or within the interim flood hazard area. The permit is required for all structures, including manufactured dwellings, and for all other development, as defined in SRC 601.005, including fill and other development activities.

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**Finding 49:** There is AE floodplain and AE floodway on the subject property. The applicant’s site plan indicates there will be storage of materials in the AE floodplain and shows no work located in the AE floodway portion of the property. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601. The proposal does not include new structures. At time of Building Permit, a floodplain development permit will be required for any work occurring in the floodplain.

**SRC 808 – Preservation of Trees and Vegetation.**

*SRC 808.015* provides that no person shall remove a significant tree, unless the removal is undertaken pursuant to a tree and vegetation removal permit, an approved tree conservation plan, or a tree variance. *SRC 808.020* provides that no person may remove any tree in a riparian corridor unless the removal is undertaken pursuant to a tree and vegetation removal permit, an approved tree conservation plan, or a tree variance.

**Finding 50:** A portion of the East Fork Pringle Creek runs along the northern boundary of the property. Riparian trees and vegetation may be located along the creek within the riparian corridor. However, a plan delineating the riparian corridor boundary with the identification of all trees and native vegetation within the riparian corridor was not submitted as requested. The applicant has not proposed the removal any trees or vegetation on site, or within the riparian corridor. All riparian trees shall be preserved according to SRC Chapter 808 during construction, and removal of any riparian vegetation will require a removal permit. Further conformance with this standard will be verified at the time of building permit review.

**SRC 809 – Wetlands**

***SRC 809.020 – Notification of identification; request for redesignations; delineations.*** This provision requires notification of the Division of State Lands (DSL) when an application for development is received in an area designated as a wetland on the official wetlands map.

**Finding 51:** The Salem–Keizer Local Wetland Inventory shows that there are wetland channels and hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right–of–way. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

**SRC 810 – Landscape Hazards**

***SRC 810.020 – Landscape hazard construction permit.*** SRC 810.020(a)(1)(A) provides that subject to certain exceptions, no person shall engage in excavation or fill, as independent activity, exceeding two feet in depth or 25 cubic yards of volume.

**Finding 52:** According to the City’s adopted landslide hazard susceptibility maps and SRC Chapter 810, there are category 3–point landslide hazards on the subject property. SRC 810.020 requires a geological assessment or report when regulated activity is proposed in a mapped landslide hazard

area. The applicant's proposal does not disturb any portion of a mapped landslide hazard area as the gravel pad is existing; therefore, a geological assessment is not required.

***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 53:** 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 54:** The applicant proposes two new driveway approaches onto McGilchrist Street SE. The proposed driveway access approaches onto McGilchrist Street SE provide for safe turning movements into and out of the property. As described in the findings for the associated Class 2 Driveway Approach Permits in Section 9 below, and as conditioned, surfacing materials for the driveway approaches have been conditioned to mitigate negative impacts to the transportation system; therefore, the driveways are designed to facilitate safe and efficient movement of vehicle traffic into and out of the proposed development.

***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 55:** 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 proposed development, subject to the conditions of approval established in this decision. This approval criterion is met.

## **8. Analysis of Class I Adjustment Approval Criteria**

Salem Revised Code (SRC) 250.005(d)(1) provides that an application for a Class 1 Adjustment shall be granted if the following criteria are met.

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

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

**Finding 56:** The applicant is requesting a Class 1 Adjustment to reduce the required driveway spacing standard of 370 feet for a driveway approach along McGilchrist Street SE, a Major



Arterial Street (SRC 804.035(d)). The two driveway approaches along McGilchrist Street SE are proposed with a spacing of 355 feet from each other. Because the approaches are only 15 feet shy of meeting the required 370 feet, the request to deviate only five percent from numerical development standard is less than 20 percent, and therefore classifies as a Class 1 Adjustment.

As described above, the easterly driveway approach will be positioned to align with 19<sup>th</sup> Street SE, to the south of the property, in order to create a uniform intersection. This will minimize vehicle conflicts that off-set intersections can create. The westerly driveway approach is positioned along the western property boundary and cannot be shifted further west to meet the spacing standard from the relocated easterly driveway. The purpose of the spacing standards is to minimize vehicle turning movement conflicts. Placement of the proposed driveway approaches with a spacing of 355 feet, clearly satisfies the purpose of the standard and the overall site configuration provides the most efficient movement of vehicles in and out of the site and reduces vehicle turning movement conflicts. This criterion is met

***SRC 250.005(d)(1)(B): The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.***

**Finding 57:** The subject property is located in an industrially-zoned area which is intended to be developed with similar density and uses and therefore the proposal will have no significant impact on the surrounding area. This criterion is met.

## **9. Analysis of Class 2 Adjustment Approval Criteria**

SRC 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met:

***SRC 250.005(d)(1)(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 58:** The westerly driveway approach will be located approximately 180 feet from an existing driveway approach to the west, serving the neighboring property, where 370 feet is required (SRC 804.035(d)). The driveway approach will deviate more than 20 percent from the standard; as such, a Class 2 Adjustment to driveway spacing is required.

The western driveway approach is positioned along the western boundary of the subject property to maximize spacing between the easterly driveway approach. Pursuant to SRC 804.035(a)(1)(A), the property is permitted to have two driveway approaches onto an arterial street as the subject property has more than 370 feet of frontage on McGilchrist Street SE, an arterial street. 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. This criterion is met.

***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 59:** The subject property is not located within a residential zone and 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 60:** Two separate adjustments have been requested, but they are both for the same standard, just deviate to different extents. As such, their cumulative effect on the project is minimal as they are essentially the same request, and the cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

## **10. Analysis of Class 2 Driveway Approach Permit Approval 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.

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

**Finding 61:** There are currently two driveway approaches onto McGilchrist Street SE; however, no driveway approach permits have been issued for the existing driveways. The easterly driveway approach will be shifted to align with 19<sup>th</sup> Street SE, to the south of the property, in order to create a uniform intersection. The easterly and westerly driveway approaches do not meet the minimum spacing standards established in SRC 804.035(d); therefore, adjustments have been requested. As described in these findings, the driveway approaches meet the approval criteria for a Class 1 and Class 2 Adjustment to driveway spacing.

Otherwise, the proposed driveways would meet the standards for SRC 804 and PWDS. As described in the written findings above, the City of Salem is constructing McGilchrist Street SE along the property frontage. The applicant will construct interim turnpike driveway approaches in the approved location, as shown on the plans. During construction of the City's construction project along McGilchrist Street SE, the driveway approaches will be constructed in their final form in accordance with the PWDS. This criterion is met.

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

**Finding 62:** It has been determined that no existing site conditions prohibit the location of the proposed driveways. This criterion is met.

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

**Finding 63:** The subject property has frontage on one street, McGilchrist Street SE, which is classified as a Major Arterial Street according to the Salem Transportation System Plan.

Pursuant to SRC 804.035(a)(1)(A), the property is permitted to have two driveway approaches onto the arterial street as the subject property has more than 370 feet of frontage on the arterial street. The proposal minimizes the number of driveway approaches onto the arterial street by providing only those necessary to serve the development with a looped driveway through the site. This criterion is met.

***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 64:** The subject property abuts only one street, McGilchrist Street SE, which has a major arterial classification. The proposed driveway approaches take access from the lowest classification of street abutting the property. It would not be feasible to share a driveway approach with property to the east due to the waterway along the eastern and northern property boundary. It is not feasible to share a driveway approach with neighboring property to the west as that driveway approach has an existing location that does not directly abut the property. This criterion is met.

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

**Finding 65:** As shown on the applicant's plans, and indicated in the conditions of approval, sight obscuring fencing is necessary along the property line abutting McGilchrist Street SE. The proposal involves two new driveway approaches, as such, vision clearance standards in SRC Chapter 805 apply. SRC Chapter 805.005(b)(1)(B) establishes a 10-foot by 50-foot vision clearance area is required for commercial driveway approaches. Fencing and other obstructions are not permitted within the vision clearance area per SRC 805.010. The applicant's site plan does not show required vision clearance areas and it appears the proposed fencing along McGilchrist Street SE would create a vision clearance obstruction, which is not permitted. To ensure compliance with SRC Chapter 805, Condition 6 above requires the applicant to relocate all fencing outside of the required vision clearance areas for the proposed driveway approaches onto McGilchrist Street SE. Therefore, as conditioned, this criterion is met.

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

**Finding 66:** As conditioned, Development Services analysis of the proposed driveway indicates that the proposed driveway approaches will not create a traffic hazard and will provide for safe turning movements for access to the subject property. This criterion is met.

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

**Finding 67:** Development Services’ analysis of the proposed driveways and the evidence that has been submitted indicate that the locations of the proposed driveways, as conditioned, will not have any adverse impacts to the adjacent properties or streets. This criterion is met.

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

**Finding 68:** The proposal includes two driveway approaches onto McGilchrist Street SE. As shown on the applicants plans, the easterly driveway approach will be shifted to align with 19<sup>th</sup> Street SE, to the south of the property, in order to create a uniform intersection. This will minimize vehicle conflicts that off-set intersections can create. The westerly driveway is located along the western property boundary to maximize spacing between the approaches serving the development site. The proposed driveway approaches are located and will minimize the impacts to adjacent streets and intersections. This criterion is met.

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

**Finding 69:** The proposed driveway approaches are not located in the vicinity of a residentially zoned area. The driveways will not have an effect on the functionality of the adjacent streets as two access approaches have already existed without any recorded problems. This criterion is met.

## **DECISION**

Based upon the Facts and Findings herein, the Hearings Officer **APPROVES** the collective applications for a Conditional Use / Class 3 Site Plan Review / Class 2 Adjustment / Class 1 Adjustment / Class 2 Driveway Approach Permit application for the proposed to allow a *warehousing and distribution* use, located at 1865 McGilchrist Street SE, subject to the following conditions of approval:

**Condition 1:** The applicant shall submit a civil site work building permit for review of the improvements on site, indicating compliance with all conditions of approval. At the time of building permit review, the applicant shall provide details on the items to be stored on site in conformance with the Oregon Fire Code.

**Condition 2:** The portion of the driveway approaches located on private property and that serve the site shall be paved with hard surface material that is consistent with Public Works Design Standard Plans for Commercial

Driveway Approaches. The hard surface material shall extend into the property from the right-of-way to a distance that is equal to the width of the driveway measured from the special setback.

- Condition 3:** Wheel stops shall be installed to identify the four parking spaces of the approved employee parking area.
- Condition 4:** Provide a minimum six-foot-tall sight-obscuring fence, along the west and south property lines, in compliance with Vision Clearance Standards established in SRC Chapter 805.
- Condition 5:** Dedicate an Open Channel Drainage Easement along the East Fork of Pringle Creek on the subject property. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 6:** The applicant shall submit a site plan that demonstrates compliance with Vision Clearance Standards established in SRC Chapter 805 for the proposed driveway approaches onto McGilchrist Street SE.
- Condition 7:** At the time of building permit review, the applicant shall provide construction details for the bicycle racks indicating conformance with SRC 806.060.
- Condition 8:** The applicant shall submit an updated site plan showing gravel storage will only occur within the extent of the existing gravel pad on site, not to exceed the extent shown in the 2024 Aerial Imagery or apply for a new Grading and Erosion Control Permit to expand the approved gravel pad area and comply with SRC Chapter 71 for the new impervious area.

**Advisory Note:** The property is subject to a special setback equal to 48-feet from the centerline of McGilchrist Street SE.

DATED: September 17, 2024

  
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Gary Darnielle, Hearings Officer