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**503-588-6173**

## **DECISION OF THE HEARINGS OFFICER**

### **ZONE CHANGE / CLASS 3 SITE PLAN REVIEW / TREE VARIANCE / PROPERTY LINE ADJUSTMENT CASE NO.: ZC-SPR-TRV-PLA25-11**

**APPLICATION NO.: 25-118364-PLN**

**NOTICE OF DECISION DATE:** January 16<sup>th</sup>, 2026

**REQUEST:** A consolidated application including a Class 3 Site Plan Review to develop a substation and battery storage facility, classified as a Basic Utilities and Power Generation use, Property Line Adjustment to eliminate a shared property line between two abutting units of land, and a Tree Regulation Variance to remove two trees within a riparian corridor. In addition, a quasi-judicial zone change to modify a condition of approval of a prior zone change, CPC/ZC07-1, to expand the permitted uses to include Basic Utilities and Power Generation. The subject property is approximately 7.16 acres in size, zoned IC (Commercial Industrial) located at 3750 Fairview Industrial Drive SE (Marion County Assessor Map and Tax Lot Number: 083W0200/1804/1803).

**APPLICANT:** Emily Ramos of US Solar and Storage on behalf of Goldfinch Energy Storage LLC (Copenhagen Infrastructure Partners, Inc (Timothy Evans))

**LOCATION:** 3750 Fairview Industrial Dr SE

**CRITERIA:** Salem Revised Code (SRC) Chapters 265.005(e) – Quasi-Judicial Zone Change; 220.005(f)(3) – Class 3 Site Plan Review; 808.045(d) – Tree Variance; 205.055(d) – Property Line Adjustment

**FINDINGS:** The findings are in the attached Decision dated January 16<sup>th</sup>, 2026

**DECISION:** The Hearings Officer, APPROVED Class 3 Site Plan Review, Property Line Adjustment, Zone Change - Quasi-Judicial, Tree Variance Case No. ZC-SPR-TRV-PLA25-11 subject to the following conditions of approval:

A. **APPROVE** the quasi-judicial zone change subject to the following condition of approval:

**Condition 1:** In addition to the permitted uses identified in Condition 2 of CPC/ZC07-01, Basic Utilities and Power Generation Facilities as classified under SRC 400.110 are a permitted use.

B. **APPROVE** the class 3 site plan review subject to the following conditions of approval:

**Condition 2:** Prior to Building Permit issuance, the applicant shall record the property line adjustment.

**Condition 3:** Design and construct a storm drainage system at the time of

development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

**Condition 4:** Prior to issuance of a Certificate of Final Approval, dedicate an easement for the existing public storm main on the site to current standards in Public Works Design Standards Section 1.8 (Easements).

**Condition 5:** Prior to issuance of a Certificate of Final Approval, install street trees to the maximum extent feasible along Fairview Industrial Drive SE.

C. **APPROVE** property line adjustment.

D. **APPROVE** the tree regulation variance subject to the following condition of approval:

**Condition 6:** At the time of building permit, the applicant shall submit a landscaping and irrigation plan conforming with SRC 808.045(e)(2)(B), SRC 808.055, and SRC 807 with all vegetation and trees planted within the riparian corridor required to be native.

The rights granted by the attached decision must be exercised, or an extension granted, by February 3<sup>rd</sup>, 2028, or this approval shall be null and void.

Application Deemed Complete:	<u>November 24th, 2025</u>
Public Hearing Date:	<u>January 14th, 2026</u>
Notice of Decision Mailing Date:	<u>January 16<sup>th</sup>, 2026</u>
Decision Effective Date:	<u>February 3rd, 2026</u>
State Mandate Date:	<u>March 24th, 2026</u>

Case Manager: Jacob Brown, [jrbrown@cityofsalem.net](mailto:jrbrown@cityofsalem.net), (503) 540-2347

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, in person at 440 Church St SE, Salem OR 97312, by mail P.O. Box 14300 Salem, OR 97309, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m., February 2<sup>nd</sup> 2026. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 265.005(e), 220.005(f)(3), 808.045(d), 205.055(d). The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, 440 Church St SE, Salem, during regular business hours.

**CITY OF SALEM  
BEFORE THE HEARINGS OFFICER**

A CONSOLIDATED APPLICATION FOR A )  
ZONE CHANGE, CLASS 3 SITE PLAN REVIEW, )  
TREE VARIANCE, AND PROPERTY LINE )  
ADJUSTMENT FOR A SUBSTATION AND )  
BATTERY STORAGE FACILITY ON PROPERTY )  
ZONED IC (INDUSTRIAL COMMERCIAL) ON )  
PROPERTY LOCATED 3750 FAIRVIEW )  
INDUSTRIAL DRIVE SE, SALEM, OREGON )  
(MARION COUNTY ASSESSOR'S MAP AND )  
TAX LOT NUMBER 083W0200/1804. )  
ZC-SPR-TRV-PLA25-11  
FINDINGS OF FACT, CONCLUSIONS,  
AND DECISION

**DATE AND PLACE OF HEARING:**

On January 14<sup>th</sup>, 2026, at 5:30 p.m., a properly noticed hearing was held before the City of Salem Hearings Officer at the Salem Police Department's Community Room, 333 Division St. NE, Salem, Oregon.

## APPEARANCES:

Staff: Jacob Brown, Planner II

Neighborhood Association: Morningside Neighborhood Association

Applicant: Emily Ramos, representing Goldfinch Energy Storage, LLC

Opponents: None.

## **SUMMARY OF THE APPLICATION AND HEARING**

## BACKGROUND

The City of Salem held a duly authorized and noticed public hearing on January 14<sup>th</sup>, 2026, regarding the Applicant's request. During the hearing, Jacob Brown requested that the staff report be entered into the record, and the Hearings Officer granted the request. The Hearing Notice was provided on December 9, 2025, to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) and stated that the date for the hearing was January 14<sup>th</sup>, 2026. The property was posted on January 2, 2026.

The public hearing was held on January 14<sup>th</sup>, 2026. At the conclusion of the hearing, the record was closed.

## **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 Commercial.” 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 IC (Industrial Commercial). The zoning and uses of the surrounding properties include:

**North:** IC (Industrial Commercial)

**South:** Across Fairview Industrial Drive SE, IC (Industrial Commercial) and PA (Public Amusement)

**East:** IC (Industrial Commercial) and IBC (Industrial Business Campus)

**West:** IC (Industrial Commercial)

### **3. Site Analysis**

**Finding 1:** The subject property is 7.16 acres in size, is composed of two parcels, and is primarily undeveloped with an existing pump station located in the southeast corner of the site. It lies within the 390-acre Fairview Urban Renewal Area, a tax-increment financing district established by the Salem Urban Renewal Agency in June 1984. The Urban Renewal Area was created in conjunction with a development agreement between the State of Oregon and City of Salem to create a 285-acre industrial-commercial employment center.

The IBC (Industrial Business Campus) zone was originally established in the early 1980s, at around the same time as the Fairview URA, and all land within the Fairview URA was initially zoned IBC. Between 2007 and 2017, the Planning Commission approved eight Comprehensive Plan Map and Zone Change cases within the URA, which changed several properties from an “Industrial” Plan Map designation with IBC zoning to an “Industrial-Commercial” designation with IC zoning. The purpose of the Plan Map and Zone Change cases was generally to allow a greater range of commercial uses than those allowed in the IBC zone. With the adoption of the Unified Development Code (UDC) in 2014, amendments to the IBC zone increased the number of commercial office and service uses permitted.

**Finding 2:** The subject property has frontage on, and take vehicular access from, Fairview Industrial Drive SE, which is designated as a Minor Arterial Street under the City's Transportation System Plan (TSP). The West Middle Fork of Pringle Creek abuts the development site along the northwest property line.

**Finding 3:** The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, 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, trees and native vegetation in riparian corridors, and trees on lots and parcels 20,000 square feet or greater.

The applicant intends to remove two black cottonwoods with a *dbh* of 30 and 21 inches in the riparian corridor of the West Middle Fork of Pringle Creek and has applied for a tree regulation variance for this activity. There is one black cottonwood with a *dbh* of three inches also proposed to be removed within the riparian corridor; however, the tree species is not native to Oregon and is less than 10 inches *dbh* so no permit is required for the removal. No significant or heritage trees are proposed to be removed.

**Finding 4:** The Salem-Keizer Local Wetland Inventory (LWI) shows that there are wetland channels and/or hydric soils mapped on the property and the West Middle Fork of Pringle Creek flows along the northwest boundary of the property.

**Finding 5:** The subject property is not located within a floodplain or floodway.

**Finding 6:** Based upon the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2–3–point landslide hazard areas on the subject property. The proposed development activity is not a regulated activity under SRC Chapter 810 and does not add any activity points to the proposal, which results in a total of 3 points.

#### 4. Neighborhood and Citizen Comments

The subject property is located within the boundaries of the Morningside Neighborhood Association. 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. On January 8, 2026, the applicant contacted the Association informing it of the consolidated land use application.

Notice of the application was provided to both neighborhood associations 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. The Association has not commented on the application.

The subject property is not located within a Homeowners Association.

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. No comments have been received from the public.

## **5. City Department and Public Agency Comments**

Development Services reviewed the proposal and provided proposed findings.

The Salem Building and Safety Division reviewed the proposal and indicated that building permits will be required as applicable.

The Fire Department reviewed the proposal and indicated if sprinklers are required, an FDC and fire hydrant shall be located in an approved location. Additional items may be required during plan review in accordance with Section 1207 of the Oregon Fire Code.

The Oregon Department of Aviation (ODAV) commented and noted that in accordance with FAR Part 77.9 and OAR 738-070-0060, development at this site may be required to undergo aeronautical evaluations by the FAA and ODAV. The applicant can use the FAA's Pre-Screening Tool to determine which proposed structures (including buildings, light poles, cranes, and other tall equipment used during development or maintenance) warrant a notice of construction. If so, they are required to provide separate notices of construction to both the FAA and ODAV. The applicant should receive the resulting aeronautical determination letters from the FAA and ODAV prior to approval of any building permits. In addition, the height of any new structures, trees, and other planted vegetation shall not penetrate FAR Part 77 Imaginary Surfaces, as determined by the FAA and ODAV.

## **6. Analysis of Zone Change Criteria**

SRC 265.050(a-b) states that conditions of approval may be placed on a zone change. Any conditions imposed shall be construed and enforced, in all respects, as provisions of this zoning code relating to the use and development of land. Additionally, any proposed modification of a use condition shall be by zone change. Modification of any other condition shall be by variance.

The applicant is proposing to modify Condition 2 of CPC-ZC07-1 which limited the permitted uses to the permitted uses listed under Exhibit 1 of that decision. The specific modification will expand the permitted uses to include Basic Utilities and Power Generation Facilities. The modified condition shall apply as follows:

**Condition 1:** In addition to the permitted uses identified in Condition 2 of CPC/ZC0-01, Basic Utilities and Power Generation Facilities as classified under

SRC 400.110(d) are a permitted utility use.

SRC Chapter 265.005(e)(1)(a) establishes the following approval criteria for a zone change:

***SRC 265.005(e)(1)(A): The zone change is justified based on one or more of the following:***

- (i) A mistake in the application of a land use designation to the property.*
- (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.*
- (iii) A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.*

**Finding 7:** The applicant justifies the proposed zone change on the basis that it is equally or better suited for the subject property than the existing use limitations.

At the time the Fairview Industrial Park Phase II subdivision was created in 1987, the subject property and the surrounding properties were zoned IBC Industrial Business Campus. In 2007, the Comprehensive Plan diagram and zoning for the subject property and the properties across Fairview Industrial Drive SE were changed from the “Industrial” designation to the “Industrial Commercial” designation. Similar changes were made for properties in the vicinity. These changes resulted in development of the area as more of a commercial business park with light manufacturing/industrial uses.

Within the IC zone, *Basic Utility* uses Under CPC-ZC07-01, Condition 2, limited the allowed uses of the subject property with the intention of preserving the allowed uses of the IBC which was established for the large-scale, high-technology electronics manufacturing while allowing limited commercial uses and light manufacturing. Subsequent zone changes affecting the area and IBC zoned properties did not include a similar condition, identifying that the character of area as more of a commercial business park with light manufacturing/industrial uses. Within the IC zone, *Basic Utilities* is a permitted use with *Power Generation Facilities* being conditionally permitted. The proposed change to modify Condition 2 of CPC-ZC07-01 is equally or better suited for the property by helping to promote a wider range of uses for an existing undeveloped property while creating additional consistency to the surrounding uses to better complement commercial and light-industrial uses already within the vicinity of the subject property.

Recent site-specific plan map amendments along Fairview Industrial Drive SE and in the immediate vicinity of the subject property have contributed to the changing character of the Fairview Industrial Drive area from an industrial manufacturing park to

an area that supports a wider variety of industrial and commercial uses. The proposed zone change is consistent with this trend and meets this approval criterion.

***SRC 265.005(e)(1)(B): If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.***

**Finding 8:** This criterion is inapplicable as the change is applicant-initiated.

***SRC 265.005(e)(1)(C): The zone change conforms with the applicable provisions of the Salem Area Comprehensive Plan.***

The applicable Goals and Policies of the Comprehensive Plan are addressed as follows:

E 1 Economic Development Goal: Strengthen and diversify the economy to enhance Salem's economic prosperity and resiliency. (SUA)

E 1.1 Diversity: A diverse range of businesses and industries should be encouraged in the Salem Urban Area to provide jobs and services to the diverse, growing population and to strengthen economic resiliency.

**Finding 9:** The subject property currently is currently undeveloped except for an existing pump-station with additional land available for development. The Industrial Commercial zone allows a wide array of commercial and industrial uses including light manufacturing with Condition 2 of CPC-ZC07-01 primarily limiting service and office oriented commercial uses on the property. The proposed zone change will expand the subject property's ability to accommodate a diverse range of industry and commercial uses while expanding utility infrastructure uses.

E 1.10 Regional center: The Salem Urban Area shall be retained, developed, and promoted as a commercial, cultural, and economic center for the Mid-Willamette Valley region.

**Finding 10:** The proposal will not remove from the inventory that allows for a larger host of uses that will further promote the Salem urban area as a commercial center in the Marion-Polk County region.

E 2 Land Supply Goal: Maintain an adequate supply of land to meet Salem's economic and employment needs.

E 2.1 Employment land: The City shall provide a supply of employment land that accommodates the amounts, size, types, locations, and service levels needed to meet the short-term and long-term employment growth forecasts for the Salem Urban Area.

**Finding 11:** The proposed zone change does not affect the designation of the subject property as Industrial Commercial and will maintain the overall acreage available within the Urban Growth Boundary for industrial uses. The change will allow a relatively small parcel to be developed with a wider range of uses; which is consistent with the industrial development pattern in the vicinity.

E 2.4 Infill and redevelopment: Industrial development should be encouraged in infill and redevelopment locations that are currently served or adjacent to developed properties to maximize returns on public infrastructure investments.

**Finding 12:** The subject property is within the Urban Service Area with future development of the proposed site not requiring the extension or development of new public services at this time. Services within the vicinity of the site are adequate to serve future development. City services, including water, sewer, and storm infrastructure are available within surrounding streets. The subject property is also within a half-mile of Madrona Avenue SE which is designated as a Major Arterial. Development of this site, which is located within a commercial and industrial area of the city, will maximize existing public infrastructure and complies with this policy.

E 2.9 Industrial land conversion: Industrial land that may be appropriate for conversions to commercial or other non-industrial uses should include some or all of the following:

1. located outside of industrial areas or isolated from other industrial uses,
2. surrounded by incompatible uses (such as housing),
3. located adjacent to properties that have converted to commercial uses,
4. have limited or no access to major roads (such as arterial streets, collector streets, or highways) or,
5. lack of rail access.

**Finding 13:** While the “Industrial Commercial” designation for the subject property may appropriate for the subject property but may not be appropriate for conversion to an entirely non-industrial designation. The city’s Economic Opportunities Analysis (EOA) for the years 2015 to 2035, indicate that the City has a surplus of industrial land; with approximately 907 acres more than projected to be needed whole commercial land is projected to have a shortage of 271 acres.

The subject property has access to major roads through Fairview Industrial Drive SE, a minor arterial street, that leads to a Madrona Avenue SE, a major arterial, which further connects into other arterial and collector streets that lead throughout the City of Salem and to Kuebler Blvd SE, via 32<sup>nd</sup> SE/Trelstad Ave SE. The surrounding development has shifted towards a mixture of commercial and industrial uses and the connectivity of the subject property provides for a logical change to the “Industrial Commercial”

Comprehensive Plan Map designation.

L1 Urbanization and Growth Management Goal: Manage growth in the Salem Urban Area through cooperative efforts between the City of Salem, Marion and Polk counties, and other jurisdictions to provide area residents with a high quality of life, contain urban development, promote the City's efficient delivery of services, and preserve adjacent agricultural lands.

**Finding 14:** The subject property is located within the limits of the City of Salem and within the Urban Growth Boundary, which contain urban development subject to the City's zoning code and development standards. The proposal meets this goal.

L 3 Urban Development Goal: Ensure that future development within the Salem Urban Area is designed to respond to and enhance the surrounding environment, while accommodating growth.

**Finding 15:** Existing Condition 1 of CPC-ZC07-01 is remaining unaffected by the proposed zone change which requires development of the property to comply with the IBC zone development standards, which requires greater setbacks adjacent to a street and a greater percentage of landscaping to be provided on a development site. This goal will be met and implemented through the application of the IBC development standards during development of the property. The proposal meets this goal.

L 1.10 Infill: Development of vacant and underutilized land within existing urban services should be encouraged before converting urbanizable lands to urban uses and extending services beyond presently served areas.

**Finding 16:** The subject property is underutilized land within existing urban services.

L 3.6 Sustainable development: New developments should be encouraged to make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

**Finding 17:** The proposed development will be located on underutilized land that will not require the extension of sewer, water, schools, parks, or transportation facilities.

L 4.1 Statewide planning goals: The Comprehensive Plan and its implementation tools shall remain consistent with the Oregon Statewide Planning Goals.

**Finding 18:** Consistency with the statewide planning goals is addressed below, under Criterion SRC 265.005(e)(1)(D).

L5 Transportation and Land Use Coordination Goal: Coordinate transportation and land use

planning efforts to ensure infrastructure improvements support development patterns, land use designations, and densities.

**Finding 19:** The Comprehensive Plan designation is used in planning transportation facilities in the Salem TSP, and in this case is not changing. Nor will the proposal have an impact on the transportation system. Therefore, pursuant to OAR 660-012-0060(9), the proposed zone change to expand the permitted uses for the subject property does not significantly affect an existing or planned transportation facility.

N1 Environmental Protection Goal: Protect and enhance the quality and function of Salem's natural resources, ecosystems, and environment.

**Finding 20:** The subject property contains natural resources such as riparian areas along northwest portion of site and the Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property and the West Middle Fork of Pringle Creek flows along the southern boundary of the property. The properties are subject to all applicable development standards of the Salem Revised Code, which are addressed in the below sections of this decision. The proposal meets this goal

T4 Local Connectivity Goal: Provide an interconnected local street system that allows for dispersal of traffic, encourages a mix of travel modes, reduces the length of trips, and increases opportunities for people to walk and bike.

**Finding 21:** This goal is inapplicable as no development is proposed that will affect the local street system.

T5 Bicycle System Goal: Accommodate bicyclists of all ages and abilities by providing a well-connected system of on- and off-street bicycle facilities that will encourage increased ridership, safe bicycle travel, and active transportation and will support public health.

**Finding 22:** This goal is inapplicable as no development is proposed that will affect the local street system.

T6 Pedestrian System Goal: Accommodate pedestrians of all ages and abilities by providing a comprehensive system of connecting sidewalks, walkways, trails, and pedestrian crossings that will encourage and increase safe pedestrian travel and active transportation to support public health.

**Finding 23:** This goal is inapplicable as no development is proposed that will affect the local street system.

T7 Transit System Goal: Support a public mass transit system that provides convenient, robust, and accessible transit services to residents throughout the Salem Urban Area, particularly in transportation-disadvantaged areas.

**Finding 24:** This goal is inapplicable as no development is proposed that will affect the public mass transit system.

CS 1 Community Spaces and Culture Goal: Foster development of community gathering spaces and other amenities that provide opportunities for people to socialize and celebrate together.

**Finding 25:** This goal is inapplicable as no development is proposed that will affect the community gathering spaces or other amenities.

CS 3 Historic Preservation Goal: Identify, protect, and encourage the awareness and sensitive use of historic resources, places, archaeological sites and landscapes that contribute to the unique character and history of Salem.

**Finding 26:** This goal is inapplicable as no development is proposed that will affect a historic resource.

CC 1.3 Utilities Coordination Goal: The City should collaborate with utility providers serving the Salem area to support development of renewable energy sources and infrastructure and reduce reliance on fossil fuels.

**Finding 27:** The proposed zone change is consolidated with a proposal for the development of a battery storage and substation site. Through the expansion of the permitted uses and proposed development, the property will support the local utility infrastructure. The proposal meets this goal.

***SRC 265.005(e)(1)(D): The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.***

Statewide Planning Goal 1 – Citizen Involvement: To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

**Finding 28:** The applicable neighborhood association was noticed of the hearing as were surrounding property owners and tenants. In addition, the property was posted prior to the hearing. Finally, a public hearing was held to allow interested parties the opportunity to comment on the proposal. The requirement of the statewide planning goal has been met.

Statewide Planning Goal 2 – Land Use Planning: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

**Finding 29:** The City's comprehensive plan and implementing ordinances have been acknowledged by the Oregon Land Conservation and Development Commission. The review of the proposed zone change is subject to the procedures set out in the City's acknowledged development ordinance. This statewide planning goal has been satisfied.

Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources: To protect natural resources and conserve scenic and historic areas and open spaces.

**Finding 30:** The subject property is not located on any open space, scenic or historic area or natural resource that is subject to protection. The West Middle Fork of Pringle Creek runs along the northwestern extent of the development site and is protected by applicable riparian regulations. The proposal is consistent with this statewide planning goal.

Statewide Planning Goal 5 – Air, Water, and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

**Finding 31:** The proposed rezoning does not affect air, water or land resources. The proposed development that accompanies the zone change are subject to protective regulations contained in the Salem Revised Code. The proposal is consistent with this statewide planning goal.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards: To protect people and property from natural hazards.

**Finding 32:** The subject property is not located within a floodplain or floodway. Mapped landslide hazards are identified on the subject property with no impact anticipated by the proposed development. The proposed development is subject to the applicable standards of the Salem Revised Code. Staff finds that the proposal is consistent with Goal 7.

Statewide Planning Goal 8 – Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

**Finding 33:** The subject property is not within an identified recreation area, and no destination resort is planned for this property. Therefore, Goal 8 is not applicable to this proposal.

Statewide Planning Goal 9: Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

**Finding 34:** In 2014, the City conducted a study called the Salem Economic Opportunities Analysis (EOA). The EOA examined Salem's needs for industrial and commercial land

through 2035 and concluded that Salem has a projected commercial land shortage of 271 acres. The EOA provides strategies to meet the projected employment land needs in the Salem area. In 2015, the City Council adopted the EOA; the City now uses the EOA and its findings to inform policy decision, including how to respond to request for rezoning land.

The proposed change to Industrial Commercial will maintain the industrial designation for the property and will increase the number of permitted uses on the subject property, thereby opening up additional opportunities for economic development, consistent with the intent of Goal 9.

Statewide Planning Goal 10 – Housing: To provide for the housing needs of the citizens of the state.

**Finding 35:** The City now exceeds its projected need for land designated for residential land and is focused on ways to produce needed housing through the Housing Production Strategy. The property's current industrial designation does not allow residential uses. Under Condition 2 of CPC-ZC07-01, residential uses are not permitted on the subject property with the proposed change not impacting that restriction. The proposed zone change will not reduce the City's supply of land for housing. The proposal meets this Goal.

Statewide Planning Goal 11 – Public Facilities and Services: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

**Finding 36:** The subject properties are located within the Urban Service Area and are served by existing public facilities. No development is proposed with the application; any future development will be subject to the applicable standards of the Salem Revised Code. The proposal meets this Goal.

Statewide Planning Goal 12 – Transportation: To provide and encourage a safe, convenient and economic transportation system.

**Finding 37:** Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that "significantly affect" a surrounding transportation facility (road, intersection, etc.). Where there is a "significant effect" on a facility, the local government must ensure that any new allowed land uses are consistent with the capacity of the facility. In the context of a site-specific comprehensive plan change request, such as this proposal, a "significant effect" is defined under Oregon

Administrative Rule (OAR) 660–012–0060(1) as either an amendment that “allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility,” or an amendment that would “reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP.”

The proposal includes a zone to modify Condition 2 of CPC–ZC07–1 to expand the permitted uses to include *Basic Utilities* and *Power Generation Facilities*. The proposal does not include an amendment to the City’s comprehensive plan map or land use regulations. The Comprehensive Plan map designations of properties throughout the City are utilized as the basis for planning the City’s transportation facilities in the Salem Transportation System Plan. Therefore, pursuant to OAR 660–012–0060(9), the proposed zone change does not significantly affect an existing or planned transportation facility, and the proposal conforms to this statewide planning goal.

Statewide Planning Goal 13 – Energy Conservation: Requires local governments to consider the effects of its comprehensive planning decision on energy consumption.

**Finding 38:** Goal 13 encourages communities to look within existing urban neighborhoods for areas of potential redevelopment before looking to expand, to "recycle and re-use vacant land." In the present case, the proposed zone change will allow an additional use to an underutilized parcel within the urban growth boundary. The proposed zone change is consistent with this Goal.

Statewide Planning Goal 14 – Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

**Finding 39:** The subject property is located within the Urban Growth Boundary (UGB), and public facilities required to serve future development are located nearby. Existing transportation and utility infrastructure is available in the vicinity. The request allows for the efficient use and development of property without requiring extension of new public services. The proposed zoning map amendment will allow the efficient use of urbanized land within the UGB in compliance with Goal 14.

Statewide Planning Goal 15 – Willamette Greenway; Goal 16 – Estuarine Resources; Goal 17 – Coastal Shorelands; Goal 18 – Beaches and Dunes; and Goal 19 – Ocean Resources

**Finding 40:** The above-listed statewide planning goals are inapplicable. The subject property does not lie within the borders of the Willamette Greenway and the other goals are only applicable to coastal communities.

***SRC 265.005(e)(1)(E): If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed rezone is consistent with its most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed rezone; or include both the demonstration and an amendment to the Comprehensive Plan.***

**Finding 41:** This criterion is not applicable because the existing Industrial Commercial designation will remain and a change to the comprehensive plan map designation for the property is not required.

***SRC 265.005(e)(1)(F): The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.***

**Finding 42:** In 2007, a comprehensive plan map amendment and zone change (CPC/ZC 07-01) was approved to change the comprehensive plan map designation for the subject property from 'Industrial' to 'Industrial Commercial', and to change the zoning designation from IBC (Industrial Business Campus) to IC (Industrial Commercial). The original zone change approval (CPC/ZC 07-01) was subject to use limitations, including a restriction on basic utility uses. A new zone change request is being submitted to amend the list of permitted uses for the subject property to include basic utility uses, while keeping the IC (Industrial Commercial) zoning designation and the Industrial Commercial comprehensive plan map designation. The Comprehensive Plan designation is used in planning transportation facilities in the Salem TSP, and in this case is not changing. Therefore, pursuant to OAR 660-012-0060(9), the proposed zone change to expand the permitted uses for the subject property does not significantly affect an existing or planned transportation facility.

**Conclusion:** The proposed zone change to modify Condition 2 of CPC-ZC07-1 to expand the permitted uses to include Basic Utilities and Power Generation Facilities is found to be consistent with the criteria of SRC 265.005(e)(1).

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

The combined size of the subject property is approximately 7.16 acres and located along Fairview Industrial Drive SE. The subject property is located entirely within the IC (Industrial Commercial) zone, which is a result of the comprehensive plan and zone change, CPC/ZC07-01, that changed the zoning of the site from IBC (Industrial Business Campus) to IC. A condition of the zone change required that the development standards of the IBC

zone as currently amended still adhere to the site. Therefore, the development standards of IBC (SRC Chapter 552) are applicable to development.

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.***

## **INDUSTRIAL COMMERCIAL USE STANDARDS**

***SRC 544.005(a) – Uses***

**Finding 43:** The prior rezoning of the subject property in CPC/ZC07–01 did not allow Basic Utilities and Power Generation uses. This consolidated application contains a zone change request to add this use to the zoning of the subject property.

## **SRC CHAPTER 552 – INDUSTRIAL BUSINESS CAMPUS DEVELOPMENT STANDARDS**

***SRC 552.010(b) – Lot Standards***

**Finding 44:** Lots within the IBC zone must conform to the standards set forth in Table 552–2. Table 552–2 requires a minimum of 16 feet of street frontage for all uses. The development site is composed of two unit of lands approximately 5.22–acres and 1.94–acres in size. Under Section 8 of this report, the applicant is seeking a property line adjustment to eliminate the common property line and consolidate the properties into a single unit of land. Following the property line adjustment, the subject property will have 385 feet of frontage along Fairview Industrial Drive SE. As conditioned below, the subject property is in compliance with the minimum lot standards of the IBC zone.

***SRC 552.010(c) – Setbacks***

### Abutting Streets

**Finding 45:** Tables 552–3 and 552–4 identify the setbacks required by the IBC Zone. Adjacent to the southwest is right-of-way for Fairview Industrial Drive SE. Buildings and accessory structures abutting a street require a minimum setback of 20 feet. Per Chapter 806, vehicle use areas require a minimum six–to–ten–foot setback adjacent to a street. Along the portion of the development site abutting Fairview Industrial Drive SE, the applicant is proposing to develop a new substation and vehicle access areas which are proposed to be setback a minimum 20 feet from the street abutting property line. There is an existing pump station located within the southern portion abutting the street which is not proposed to be modified. As proposed, the development meets the standard.

### Interior Side and Rear

**Finding 46:** Adjacent to the north, east, and south are interior lot lines abutting an IC zoned property. Vehicle use areas and structures require a minimum 10-foot setback with Type C landscaping. To the north, the development site abuts a property containing West Middle Fork of Pringle Creek and is zoned IC. Based on the applicant's plans, the proposed development of battery storage structures, operation and maintenance buildings, and vehicle use areas are proposed to be setback 55 feet from the northern property line with existing riparian vegetation, riparian mitigation areas, Type C landscaping, and stormwater facilities proposed within the setback area.

As noted above, the property is composed two units of land that are proposed to be consolidated through a property line adjustment. As currently configured, the proposed development includes structures and vehicle use areas that cross property boundaries where the minimum 10-foot setback would be required. As such, the following is conditioned to ensure that the property is consolidated prior to development.

**Condition 2:** Prior to Building Permit issuance, the applicant shall record the property line adjustment.

Following the property line adjustment, along the developments southern and eastern property lines, the applicant's site plans show that all structures and vehicle use areas will be setback a minimum of 10 feet with Type C landscaping provided. As conditioned, the proposed development meets the standard.

### ***SRC 552.010(d) – Lot Coverage, Height***

**Finding 47:** Buildings and accessory structures within the IBC zone shall conform to the lot coverage and height standards set forth in Table 552-5. There is no maximum lot coverage for buildings and accessory structures, and the allowed maximum building height is 70 feet for all uses. The battery systems height will be 12 feet while the substation will be a maximum 62 feet in height.

### ***SRC 552.010(f) – Landscaping***

**Finding 48:** Required setbacks shall be landscaped and landscaping shall conform to the standards set forth in SRC Chapter 807. Vehicle use areas must be landscaped as provided by SRC Chapters 806 and 807. Chapter 807 requires that a minimum of 20 percent of the development site shall be landscaped to meet the Type A standard of that chapter.

The development site is 7.16-acres in size, or 311,914 square feet, requiring a total of 62,382.8 square feet of landscaping across the development site. The applicant has proposed 54,543 square feet of new landscaped areas meeting Type A and Type C Landscaping standards within required setback areas and with approximately 18,900 square

feet of retained and replated areas within the riparian corridor. In total, approximately 73,443 square feet of landscaping is proposed thus meeting the development site landscaping standard.

## **SRC CHAPTER 800 – GENERAL DEVELOPMENT STANDARDS**

### ***SRC 800.055(a) – Applicability***

**Finding 49:** Solid waste service area design standards 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. This standard is not applicable as the applicant does not propose a new solid waste service area.

### ***SRC 800.065 – Pedestrian Access***

**Finding 50:** 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. The pedestrian access standards of SRC Chapter 800.065 therefore apply to the proposed development.

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

**Finding 51:** This criterion provides that a pedestrian connection shall be provided between the primary entrance of each building on the development site and each adjacent street and that 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. A pedestrian connection is not required between the primary building entrance of a building and each adjacent street if the development site is a corner lot and the building has a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting one of the adjacent streets; or the building is a service, storage, maintenance, or similar type of building not primarily intended for human occupancy.

There is no planned or existing planned transit stop along the street frontage of the site. Per SRC 800.065 (a)(1)(C)(ii), a pedestrian connection is not required between the primary building entrance of a building and each adjacent street when the building is a service, storage, maintenance, or similar type building not primarily intended for human occupancy. The proposed substation, maintenance buildings, and battery storage systems all are not intended for human occupancy; therefore, the standard is not applicable.

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

**Finding 52:** A pedestrian connection, or pedestrian connections, are not required between buildings if the buildings have a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting a street; and a public sidewalk within the adjacent street right-of-way provides pedestrian access between the primary building entrances; or the buildings are service, storage, maintenance, or similar type buildings not primarily intended for human occupancy.

Pedestrian connections are not required between the primary building entrance of a building and each adjacent street when the building is a service, storage, maintenance, or similar type building not primarily intended for human occupancy. The proposed substation, maintenance buildings, and battery storage systems all are not intended for human occupancy; therefore, the standard is not applicable.

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

***SRC 800.065(a)(3)(A) – Surface parking areas.***

**Finding 53:** 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. The development site does not include any existing or proposed parking areas greater than 25,000 square feet or including four or more consecutive parallel drive aisles; therefore, this standard is not applicable.

***SRC 800.065(a)(3)(B) – Parking structures and parking garages.***

**Finding 54:** 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. There are no proposed parking structures or parking garages as part of the proposed development; therefore, this standard is not applicable.

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

**Finding 55:** This criterion applies where there is 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. This standard is not applicable as there are no planned paths or trails that pass through the development site.

***SRC 800.065(a)(54) – Pedestrian Connection to Abutting Properties***

**Finding 56:** Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided. The development site does have vehicular access proposed through the abutting property to the southeast;

however, per SRC 800.065(a)(5), pedestrian connections are not required when where the use of an abutting property has specific security needs that make providing a connection impractical or undesirable. As the proposed development is intended to be a secured facility that is not open to the public, the pedestrian connection requirement is not applicable.

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

**Finding 57:** This standard provides that required pedestrian connections shall be in the form of a walkway or plaza and provides for the design of such facilities. This standard is not applicable as there are no required pedestrian connections required for the proposed development.

***SRC 800.065(c) – Lighting***

**Finding 58:** This standard provides lighting levels for on-site pedestrian circulation systems. It is not applicable as there are no required pedestrian connections for the proposed development.

**SRC CHAPTER 806 – OFF-STREET PARKING, LOADING AND DRIVEWAYS**

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

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

***SRC 806.015(a) – Amount of Off-Street Parking***

**Finding 59:** These standards are inapplicable as no off-street parking areas are proposed.

***SRC 806.015(d) – Required Electric Vehicle Charging Spaces***

**Finding 60:** This standard requires a minimum of off-street parking spaces for newly constructed buildings with five or more dwelling units. It is inapplicable as the proposed use does not include the development with a new building with dwelling units.

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

**Finding 61:** This standard regulates the location of off-street parking and vehicle use areas and their perimeter setbacks and landscaping. It is inapplicable as there are no off-street parking areas associated with the proposed development.

***SRC 806.040 – Driveway Development Standards For Uses Or Activities Other Than Single-Family, Two Family, Three Family, Or Four Family.***

**Finding 62:** Pursuant to SRC 806.040(d), Table 806-8, one-way driveways are required to have a minimum width of 12 feet and two-way driveways are required to have a minimum width of 22 feet. As shown on the site plan, vehicular access is proposed with

a 22-foot-wide two-way driveway from Fairview Industrial Drive SE and conforms to minimum required driveway width standards.

***SRC 806.045 – General Applicability (Bicycle Parking)***

***SRC 806.050 – Proximity of Bicycle Parking***

***SRC 806.055 – Amount of Bicycle Parking***

**Finding 63:** These standards provide that bicycle parking must be provided for each proposed new use or activity, any change in use, or any intensification, expansion or enlargement of a use or activity and that the amount of bicycle parking is determined by Table 806–9. Table 806–9 requires a minimum of four bicycle parking spaces for a Basic Utilities and Power Generation use. The proposed development provides a minimum of four bicycle parking spaces.

***SRC 806. 060(a) – Bicycle Parking Development Standards***

**Finding 64:** This standard provides that short-term bicycle parking should be located outside of a building within a convenient distance of and clearly visible from the primary building entrance. In no event should bicycle parking be located more than 50 feet from the primary building entrance. This standard is met as the applicant's site plan shows the short-term bicycle parking area to be within 50 feet of the primary entrance to the proposed new buildings and clearly visible to those sites.

***SRC 806. 060(b) – Access.***

**Finding 65:** This standard requires that the bicycle parking area has direct access to the public right-of-way and within 50-feet of the maintenance buildings, free of obstruction or barriers, in conformance with the requirements of SRC 806.060(b). As shown on the site plan, the bicycle parking area has direct access to the public right-of-way and is within 50-feet of the maintenance buildings. Further it is free of obstruction or barriers, in conformance with the requirements of SRC 806.060(b).

***SRC 806. 060(c) – Dimensions.***

**Finding 66:** Table 806–10 specifies the minimum dimensions for bicycle parking areas. SRC 806.060(c)(2) requires bicycle parking spaces to be served a minimum four-foot-wide access aisle.

The proposed bicycle parking spaces are located on a paved pad, with adequate dimensions to provide pedestrian passage for all proposed spaces; the length of each proposed stall is at least six feet, while the width is at least two feet wide. Each of the bicycle parking clusters is arranged in a manner that will adequately provide access to a primary building entrance via a pedestrian walkway; therefore, the standard is met.

***SRC 806. 060(d) – Surfacing.***

**Finding 67:** This standard requires that outside bicycle parking areas must consist of a hard surface material such as concrete, asphalt pavement, pavers or similar material. This standard is met as the proposed bicycle parking spaces will be placed on a hard surface material.

***SRC 806. 060(e) – Bicycle Racks.***

**Finding 68:** This standard provides that bicycle racks must support a bicycle frame in a stable position in two or more places without damage to wheels, frame, or components. The racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped lock. The rack must be securely anchored and must consist of a material that resists cutting, rusting, and bending or deformation. The applicant's site plan indicates that inverted staple-style back racks will be provided and will conform to the material requirements of SRC 806.060(e).

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

***SRC 806.075 – Amount of Off-Street Loading***

**Finding 69:** SRC 806.065 provides that off-street loading areas must 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. SRC 806.075 requires off-street loading to be provided in amounts and dimensions not less than set forth in Table 806-11.

Table 806-11 provides that basic utilities and power generation facilities with a total floor area less than 5,000 square feet are not required to provide an off-street loading area. This standard is not applicable as the proposed operations and maintenance building is about 1,645 square feet in size.

## **SRC CHAPTER 807 – LANDSCAPING**

***SRC 807.010 – Applicability***

SRC 552.010(f) requires setbacks, vehicle use areas, and a minimum of 15 percent of a development site to be landscaped with the Type A standards set forth in SRC Chapter 807. Fifteen (15) percent of 311,914 square feet is 46,787 square feet. Staff says 62,382 square feet is required.

**Finding 70:** The development site is 7.16-acres in size, or 311,914 square feet, requiring a total of 62,382.8 square feet of landscaping across the development site. The applicant has proposed 54,543 square feet of new landscaped areas meeting Type

A and Type C Landscaping standards within required setback areas and with approximately 18,900 square feet of retained and replanted areas within the riparian corridor. Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

## **SRC CHAPTER 601 – FLOODPLAIN**

### ***SRC 601.045(a) – Applicability***

**Finding 71:** This standard states that a development permit shall be obtained before construction or development begins within any area horizontally within the SFHA established in SRC 601.030(a) or within an interim flood hazard area established in SRC 601.030(c). The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in SRC 601.005, including fill and other development activities. In the present case, the Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no regulatory floodplain or floodway areas exist on the subject property.

## **SRC CHAPTER 808 – PRESERVATION OF TREES AND VEGETATION**

### ***SRC 808.020 – Trees and native vegetation in riparian corridors.***

**Finding 72:** This standard provides that no person shall remove a tree or native vegetation in a riparian corridor unless they have a tree and vegetation removal permit, or a tree conservation plan, or a tree variance. A tree is defined in SRC 808.005 as a living, woody plant that grows to 15 feet or more in height and typically has a trunk that is ten inches or more diameter at breast height (dbh).

The riparian corridor of the West Middle Fork of Pringle Creek abuts the subject property's northern property line. The applicant's plans delineate the boundary of the riparian corridor, measured as 50 feet horizontally from the top of the bank on each side of the waterway, and indicates that there are four trees with a dbh of 10 inches or more in size with two native bitter cherry trees with a dbh of 6.5 and 4 inches. The applicant's grading plans indicate that grading will be outside of the protection areas required for the bitter cherry trees located within the southern extent of the corridor. However, the applicant's plans indicate that grading and development will occur to accommodate the stormwater detention within the corridor. The required grading and location of the facility will impact two black cottonwoods with a dbh of 30 and 21 inches. The applicant is seeking a Tree Regulation Variance for the removal of the two black cottonwoods. There is one black cottonwood with a dbh of three inches also proposed to be removed within the riparian corridor. This tree species is not native to Oregon and is less than 10 inches dbh so no permit is required for the removal. Outside of the riparian corridor there are no significant or heritage trees proposed for removal.

## **SRC CHAPTER 809 – WETLANDS**

### ***SRC 809.015 – Notification of identification; request for redesignations; delineations***

**Finding 73:** The Salem–Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. This standard requires the applicant to 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. The applicant has sent wetland notice to the Oregon Department of State Lands pursuant to SRC 809.025.

## **SRC CHAPTER 810 – LANDSLIDE HAZARDS**

### **SRC 810.025 – Landslide hazard risk assessment**

**Finding 74:** According to the City’s adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-3-point landslide hazard areas on the subject property. The proposed development activity is not a regulated activity under SRC Chapter 810 and does not add any activity points to the proposal, which results in a total of 3 points. Table 810–1E provides that there are no requirements for a cumulative score of four or fewer points. The proposed development is classified as a low landslide risk and no additional information is required.

## **SRC CHAPTER 200 – URBAN GROWTH MANAGEMENT**

### **SRC 299.020(a) – Urban Growth Preliminary Declaration required; term and fee.**

**Finding 75:** **This standard requires the** issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City’s Urban Service Area or within the Urban Service Area but precedes city construction of required facilities. The subject property is located inside the Urban Service Area and adequate facilities are available, so no Urban Growth Preliminary Declaration is required.

## **SRC CHAPTER 71 – STORMWATER**

### **SRC 71.045(a) – Applicability**

**Finding 76:** SRC Chapter 71 applies to all projects, whether or not a permit is required. The applicant’s engineer has submitted a preliminary stormwater report that demonstrates the intent to utilize green stormwater infrastructure (GSI), as required by SRC Chapter 71 and the Public Works Design Standards (PWDS). However, there are a few errors contained in the report and pre-development flow rates for required storm events are not met. With corrections, the project can comply with the PWDS and SRC Chapter 71 requirements to utilize GSI for stormwater runoff generated by the

development. Prior to issuance of a Building Permit, the applicant shall submit a final stormwater report that demonstrates the stormwater system will be designed and constructed in accordance with the Public Works Design Standards.

**Condition 3:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

## SRC CHAPTER 802 – PUBLIC IMPROVEMENTS

**Finding 77:** The following table identifies the existing public infrastructure conditions available to the subject property:

Utilities & Parks	
Type	Existing Conditions
Water	Water Service Level: G— A 12-inch water main is located in Fairview Industrial Drive SE.
Sanitary Sewer	A 12-inch sanitary sewer main is located in Fairview Industrial Drive SE.
Storm Drainage	A 15-inch storm main is located in Fairview Industrial Drive SE. A 30-inch storm main crosses over the subject property.

### SRC 802.015 – Development to be served by city utilities.

**Finding 78:** This standard requires that all development shall be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and the Public Works Design Standards.

Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. The applicant must design and construct all utilities (sewer, water, and storm drainage) according to the Public Works Design Standards (PWDS) and to the satisfaction of the Public Works Director.

### SRC 802.020 – Easements.

**Finding 79:** This standard states that the conveyance or dedication of easements for city utilities may be required as conditions of development approval. Easements may be required that are necessary for the development of adjacent properties.

There is an existing 30-inch public storm main on the subject property. Public Works Design Standards Section 1.8 (Easements) requires a minimum 20-foot-wide easement

for storm mains of this diameter. As a condition of approval, the applicant shall dedicate an easement for existing public infrastructure on the site to current standards established in the PWDS.

**Condition 4:** Prior to issuance of a Certificate of Final Approval, dedicate an easement for the existing public storm main on the site to current standards in Public Works Design Standards Section 1.8 (Easements).

## SRC CHAPTER 803 – STREETS AND RIGHT-OF-WAY IMPROVEMENTS

**Finding 80:** the following table describes the existing conditions of the streets abutting the subject property:

Streets			
Street Name		Right-of-way Width	Improvement Width
Fairview	Standard:	72-feet	46-feet
Industrial Drive	Existing Condition:	76-feet	53-feet
SE (Minor Arterial)			

### *SRC 803.035(k) – Street Standards*

**Finding 81:** Pursuant to SRC 803.035(k) and SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. There is an existing landscape planter along Fairview Industrial Drive SE; however, there are no existing street trees within the landscape planter. The applicant's landscape plans show new street trees to be planted along the street frontage in compliance with the requirements of SRC Chapter 86. Street tree plantings will be required prior to issuance of a Certificate of Final Approval for the Civil Site Work permits.

**Condition 5:** Prior to issuance of a Certificate of Final Approval, install street trees to the maximum extent feasible along Fairview Industrial Drive SE.

### *SRC Chapter 803.040 – Boundary Streets*

**Finding 82:** 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.

Fairview Industrial Drive SE abuts the subject property and is classified as a minor arterial street according to the Salem Transportation System Plan (TSP). Fairview Industrial Drive SE meets the minimum right-of-way width and pavement width standards established in SRC 803.025; therefore, improvements along Fairview Industrial Drive SE are not required. In addition, the development generates less than 20 new average daily vehicle trips; therefore, no right-of-way dedication or street improvements are required (SRC 803.040(d)). The existing street system is adequate to serve the proposed development.

## **SRC CHAPTER 804 – DRIVEWAY APPROACHES**

### ***SRC 805.015 – Driveway approach permit required***

**Finding 83:** Except as otherwise provided by SRC Chapter 804, a driveway approach permit is required prior to constructing, relocating, reconstructing, enlarging or altering any driveway approach. The proposed development site is served by a private shared accessway on adjacent property to the south. The private shared accessway is accessed via Fairview Industrial Drive through an existing driveway approach. No new driveway approaches to the public right-of-way are proposed. A Class 2 Driveway Approach Permit is not required for the proposed vehicular connection to the existing private accessway.

## **SRC CHAPTER 805 – VISION CLEARANCE**

### ***SRC 805.005 – Vision clearance areas.***

### ***SRC 805.010 – Obstructions to vision prohibited.***

**Finding 84:** SRC 805.005(b)(1)(B) provides that driveways serving uses other than single and two family uses must have a vision clearance area on each side of the driveway. SRC 805.010 prohibits obstructions from 30 inches above curb level to 8.5 feet above curb level. The proposal does not include any new structures, and the proposed electrical equipment does not cause a vision clearance obstruction;

### ***SRC 220.005(f)(3)(B): The transportation system into and out of the proposed development conforms to all applicable city standards.***

**Finding 85** 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): The proposed development mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where***

*applicable.*

**Finding 86:** The proposed battery energy storage facility generates less than 1,000 average daily vehicle trips to the arterial street system. Therefore, a TIA is not required as part of the development submittal per SRC 803.015(b)(1). This criterion is not applicable.

***SRC 220.005(f)(3)(D): The proposed development will be served with City water, sewer, stormwater facilities, and other utilities;***

**Finding 87:** 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.

**Conclusion:** The application meets the approval criterion of SRC 220.005(f)(3).

## **8. Analysis of Property Line Adjustment Approval Criteria**

**Finding 88:** Pursuant to SRC 205.055(a), a property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a), or to incorporate into another unit of land, as provided by ORS 92.010(9)(e), excess right-of-way that was acquired for street or other right-of-way purposes and subsequently sold by a public body.

Salem Revised Code (SRC) 205.055(d) provides that an application for a property line adjustment shall be granted if the following criteria are met:

***SRC 205.055(d)(1): The property line adjustments will not create an additional unit of land;***

**Finding 89:** The proposed property line adjustment will eliminate a common property line between two existing units of land; resulting in one consolidated unit of land. This criterion is met.

***SRC 205.055(d)(2): The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;***

**Finding 90:** The proposed property line adjustment will consolidate two existing units of land into one property 7.16-acres in size. As described in the site plan review findings above, the proposed consolidated property will have a minimum 385 linear feet of frontage along Fairview Industrial Drive SE. The IBC zone requires that lots have a minimum 16 feet of frontage along street abutting property lines. This criterion is met.

***SRC 205.055(d)(3): The property line adjustments involve only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded, or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established;***

**Finding 91:** The two units of land were lawfully created as Parcel 2 and Parcel 3 of Partition Plat 2007–53, Fairview Industrial Park–Phase II. This criterion is met.

***SRC 205.055(d)(4): The property line adjustments are not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;***

**Finding 92:** There are no existing land use approvals or previous conditions of approval applicable to the properties that would prohibit the proposed property line adjustment. This criterion is met.

***SRC 205.055(d)(5): The property line adjustments do not involve the relocation or elimination of any public easement or right-of-way;***

**Finding 93:** The proposed property line adjustment does not involve the relocation or elimination of any public easements or right-of-way. Additionally, no right-of-way will be relocated or eliminated as a result of the consolidation; therefore, this criterion is met.

***SRC 205.055(d)(6): The property line adjustments do not adversely affect the availability or access to public and private utilities or streets;***

**Finding 94:** The proposed property line adjustment does not affect availability or access to public and private utilities or streets; therefore, his criterion is met.

**Conclusion:** The application is consistent with the approval criteria of SRC 205.055(d).

## **9. Analysis of Tree Regulation Variance Approval Criteria**

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

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

**Finding 95:** . The applicant's plans indicate for the grading and development to provide the stormwater detention area, the area of two black cottonwoods with a dbh of 30 and 21 inches will be impacted. The applicant is seeking a tree regulation variance for the removal of the two black cottonwoods within a riparian corridor. There is one black cottonwood with a dbh of three inches also proposed to be removed within the riparian corridor; however, the tree is not native and has a dbh of less than 10 inches dbh so no permit is required for the removal.

The record indicates that no reasonable design exists that would enable the preservation of the trees without impacting the capacity required for the stormwater facility or impacting battery storage infrastructure. The applicant has redesigned the proposed grading and development to enable preservation of native vegetation within the corridor with removal only including non-native black cotton woods. The Hearings Official agrees that 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 or activity.**

**Finding 96:** The applicant's proposal to remove two trees and additional non-native vegetation within the riparian corridor is the minimum needed to allow for the lawful development of the subject property. In addition, the applicant has made efforts to limit the impact to the riparian corridor by offsetting the grading to be closer to unvegetated areas of the corridor, 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:***

- (A) Altered riparian corridor areas that can be reasonably restored, shall be restored; and***
- (B) In no case shall alterations to the riparian corridor:***
  - (i) Occupy more than 50 percent of the width of the riparian corridor measured from the upland edge of the corridor; or***
  - (ii) Result in less than 15 feet of vegetated corridor on each side of the waterway.***

**Finding 97:** The applicant has indicated that affected areas of the riparian corridor will be mitigated, and removed trees will be replaced with native trees and vegetation in conformance of SRC 808.055. The following condition will memorialize this responsibility:

**Condition 6:** At the time of building permit, the applicant shall submit a landscaping and irrigation plan conforming with SRC

808.045(e)(2)(B), SRC 808.055, and SRC 807 with all vegetation and trees planted within the riparian corridor required to be native.

## **DECISION**

Based upon the Record, Facts and Findings herein, the Hearings Officer **APPROVES** the consolidated application for a zone change, site plan review, property line adjustment and tree regulation variance for the subject property located at 3750 Fairview Industrial Drive SE (Marion County Assessor Map and Tax Lot Number: 083W0200/1804:

**A. APPROVE** the quasi-judicial zone change subject to the following condition of approval:

**Condition 1:** In addition to the permitted uses identified in Condition 2 of CPC/ZC07-01, Basic Utilities and Power Generation Facilities as classified under SRC 400.110 are a permitted use.

**B. APPROVE** the class 3 site plan review subject to the following conditions of approval:

**Condition 2:** Prior to Building Permit issuance, the applicant shall record the property line adjustment.

**Condition 3:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code (SRC) Chapter 71* and *Public Works Design Standards (PWDS)*.

**Condition 4:** Prior to issuance of a Certificate of Final Approval, dedicate an easement for the existing public storm main on the site to current standards in Public Works Design Standards Section 1.8 (Easements).

**Condition 5:** Prior to issuance of a Certificate of Final Approval, install street trees to the maximum extent feasible along Fairview Industrial Drive SE.

**C. APPROVE** property line adjustment.

**D. APPROVE** the tree regulation variance subject to the following condition of approval:

**Condition 6:** At the time of building permit, the applicant shall submit a landscaping and irrigation plan conforming with SRC 808.045(e)(2)(B), SRC 808.055, and SRC 807 with all vegetation and trees planted within the riparian corridor required to be native.

**DATED:** January 16, 2026

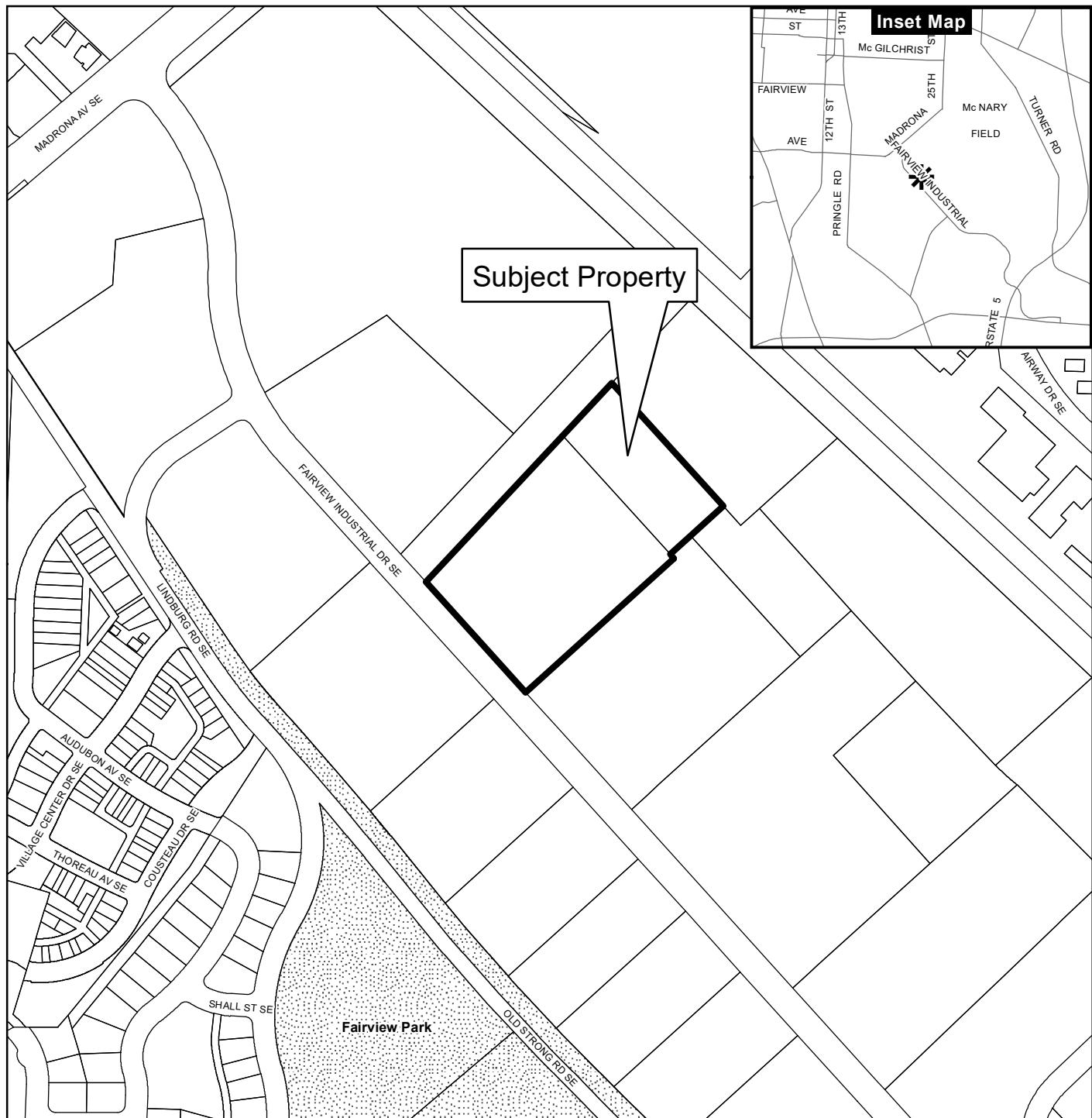
A handwritten signature in black ink that reads "Gary Darnielle". The signature is fluid and cursive, with "Gary" on the first line and "Darnielle" on the second line.

---

Gary Darnielle, Hearings Officer

# Vicinity Map

## 3750 Fairview Industrial Drive SE



### Legend

- Taxlots
- Urban Growth Boundary
- City Limits

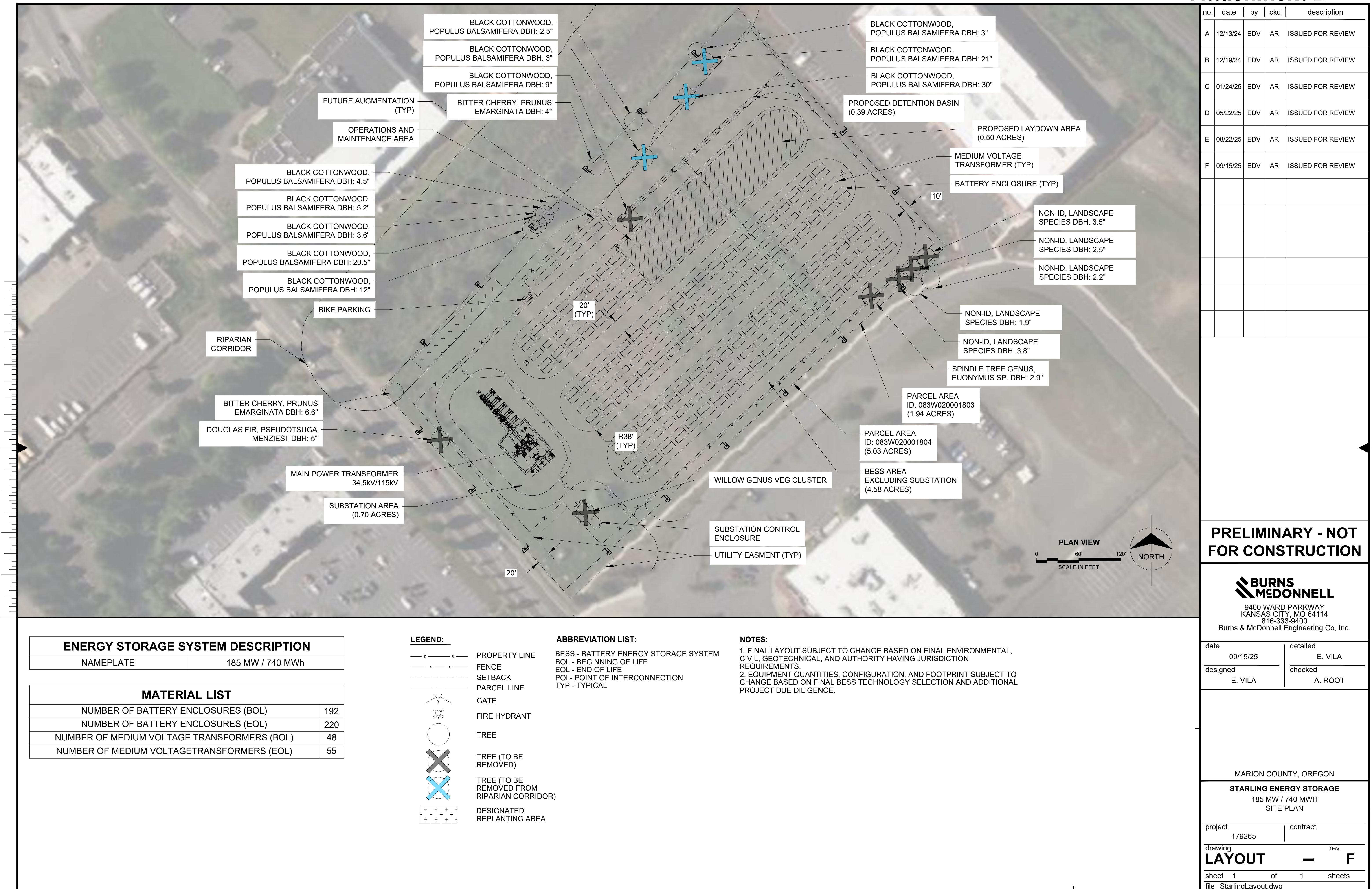
- Outside Salem City Limits
- Parks
- Historic District
- Schools

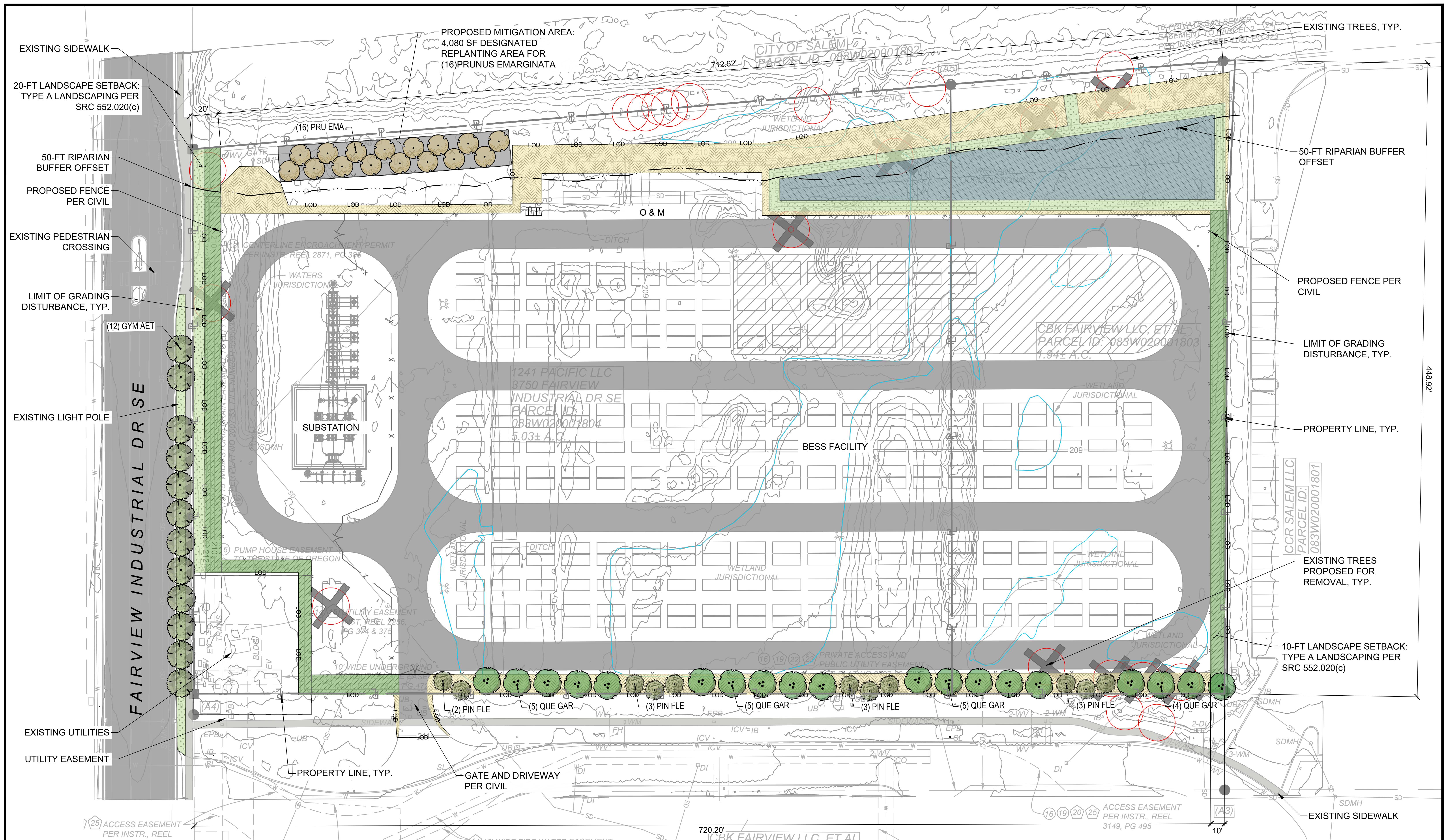
0 100 200 400 Feet



**CITY OF Salem**  
AT YOUR SERVICE  
Community Planning and Development

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# PLANNING ENTITLEMENTS FOR: STARLING ENERGY STORAGE SYSTEM

**CLIENT: STARLING ENERGY STORAGE, LLC**  
PROJECT LOCATION: CITY OF SALEM, OREGON

SUBMITTAL DATE: 10/17/2025

NOT FOR C

# NOT FOR CONSTRUCTION

# FINAL PRELIMINARY LANDSCAPE PLAN

A circular compass rose with a diagonal line from the top-left to the bottom-right. A thicker segment of the line points towards the top-right, indicating the North direction.

0                    30                    60                    90 feet

1" = 30'

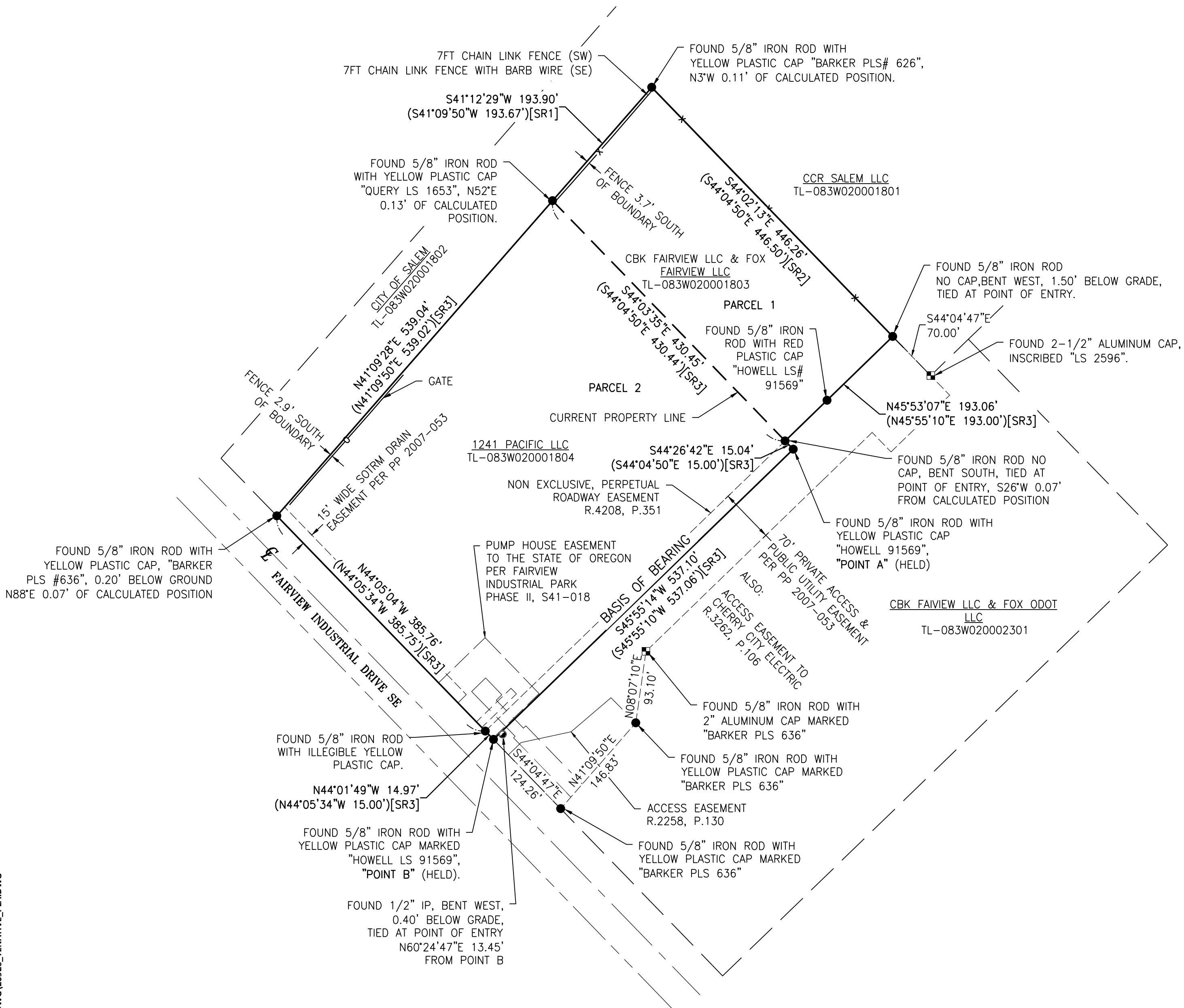
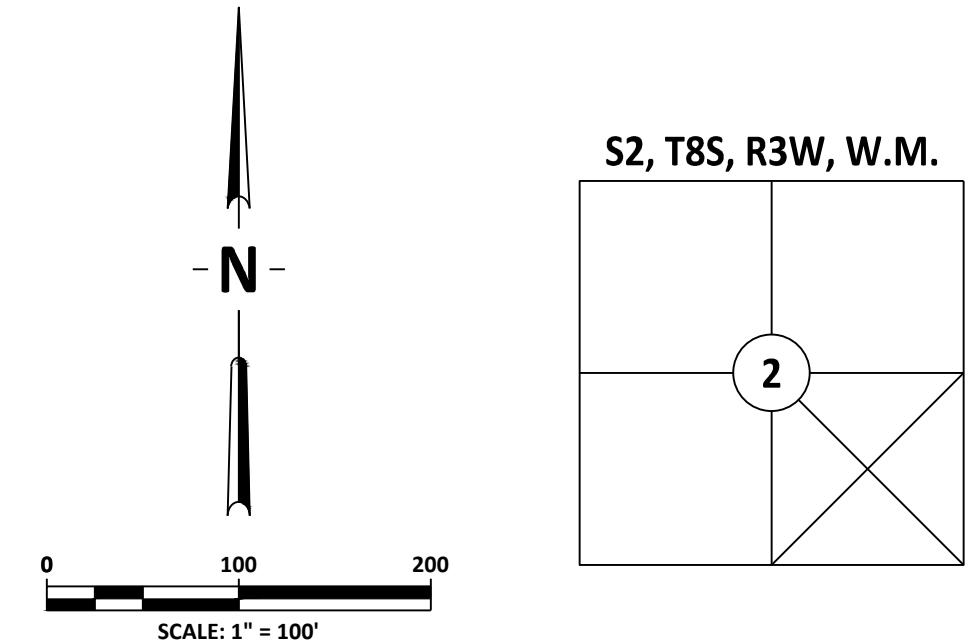
SEE L2 FOR PLANTING SCHEDULE, IMAGES, AND NOTES

**DUDEK**  
605 NE 21ST STREET, SUITE 200  
PORTLAND, OR 97232

# TENTATIVE PLA

LOCATED IN THE SOUTHEAST QUARTER OF  
SECTION 2, TOWNSHIP 8 SOUTH, RANGE 3 WEST  
WILLAMETTE MERIDIAN  
CITY OF SALEM, MARION COUNTY, OREGON

APRIL 2025



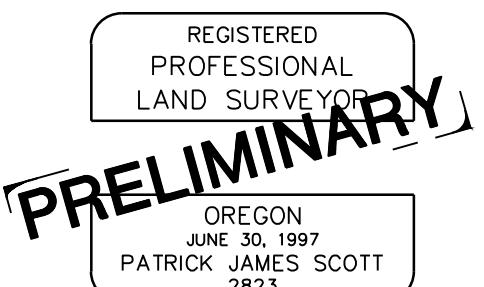
## AREA CALCULATIONS

PARCEL 1 - CONTAINING 84,669 SQFT OR 1.94 ACRES MORE OR LESS.  
PARCEL 2 - CONTAINING 227,245 SQFT OR 5.22 ACRES MORE OR LESS.  
COMBINED LOTS - CONTAINING 311,914 SQFT OR 7.16 ACRES MORE OR LESS

## LEGEND

- 
- 
- 

FOUND MONUMENT, AS NOTED (DECEMBER 2024)  
FOUND ALUMINUM CAP, AS NOTED (DECEMBER 2024)  
FOUND MONUMENT, AS NOTED (DECEMBER 2024)



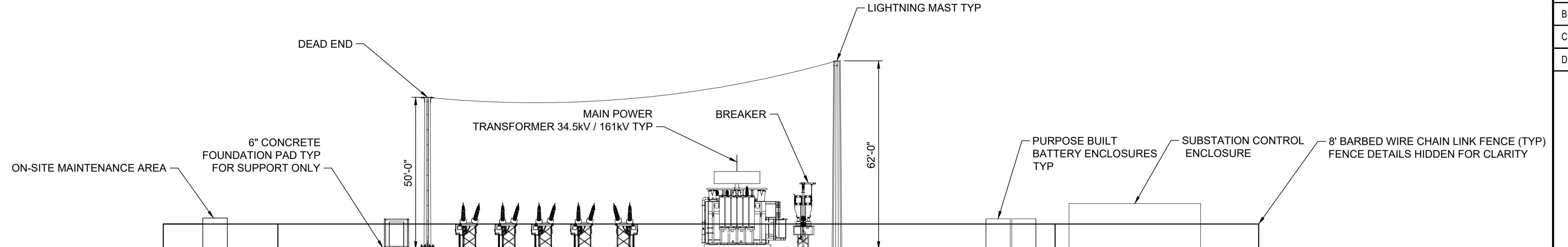
**Mackay Sposito**  
ENERGY PUBLIC WORKS LAND DEVELOPMENT  
[www.mackaysposito.com](http://www.mackaysposito.com)

18405 SE MILL PLAIN BLVD., SUITE 100  
VANCOUVER, WA 98683  
PHONE: (360) 695-3411

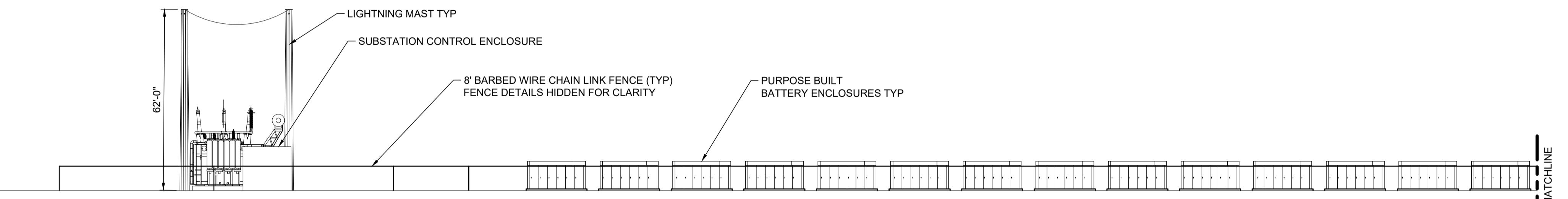
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CHECKED BY: _____	PJS	FILE: 20926_TENTATIVE_PLA.DWG		SHEET 1 OF 1

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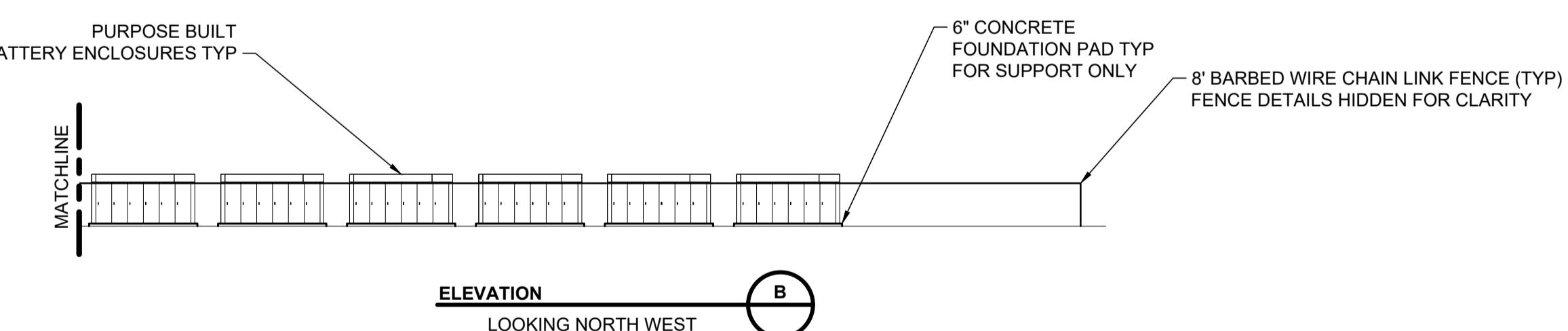
no.	date	by	ckd	description
A	12/13/24	KEJ	AR	ISSUED FOR REVIEW
B	12/19/24	KEJ	AR	ISSUED FOR REVIEW
C	01/24/25	KEJ	AR	ISSUED FOR REVIEW
D	09/15/25	KEJ	AR	ISSUED FOR REVIEW



ELEVATION  
LOOKING NORTH EAST  
0 10' 20' 40'  
SCALE IN FEET



ELEVATION  
LOOKING NORTH WEST  
0 10' 20' 40'  
SCALE IN FEET



**PRELIMINARY - NOT FOR CONSTRUCTION**

**BURNS MCDONNELL**

9400 WARD PARKWAY  
KANSAS CITY, MO 64114  
816-333-9400  
Burns & McDonnell Engineering Co, Inc.  
LICENSEE NO. 000165

date  detailed   
designed  checked   
C. BRYAN

MARION COUNTY, OREGON

STARLING ENERGY STORAGE  
SITE ELEVATION VIEWS LOOKING  
NORTH EAST AND NORTH WEST

project  contract   
179265

drawing  rev.   
EXS-101 - D

sheet  of  sheets  
file EXS-101.DWG

<b>Exhibit 1: IC (Industrial Commercial) Zoning District Use Matrix</b>	
<b>Agriculture and forestry</b>	
Agricultural production - crops (01)	
Landscape and horticultural services (078)	
Timber tracts (081)	
Forest nurseries and gathering of forest products	
Forestry services (085)	
<b>Construction</b>	
Building construction - general contractors and operative builders (15)	
Construction - special trade contractors (17)	
<b>Manufacturing</b>	
Dairy products (202)	
Canned, frozen and preserved fruits, vegetables and food specialities (203)	
Canned, frozen and preserved fruits, vegetables and food specialities (203)	
Bakery products (205)	
Candy and other confectionery products (2064 & 2068)	
Chocolate and cocoa products (2066)	
Chewing gum (2067)	
Beverages (208)	
Miscellaneous food preparations and kindred products (209)	
Tobacco manufacturers (21)	
Textile mill products (22)	
Apparel and other finished products made from fabrics and similar materials (23)	
Wood kitchen cabinets (2434)	
Paperboard containers and boxes (265)	
Printing, publishing, and allied industries (27)	
Leather and leather products (31) BUT EXCLUDING leather tanning and finishing (311)	
Metal cans and shipping containers (341)	
Cutlery, hand tools and general hardware (342)	
Heating equipment, except electric and warm air; and plumbing fixtures (343)	
Metal forgings and stampings (346)	
Computer and office equipment (357)	

### **Exhibit 1: IC (Industrial Commercial) Zoning District Use Matrix**

Electronic and other electrical equipment and components, except computer equipment (36) BUT EXCLUDING storage batteries (3691) and primary batteries, dry and wet (3692)
Motor vehicles and motor vehicle equipment (371)
Aircraft and parts (372)
Measuring, analyzing, and controlling instruments; medical and optical goods; watches and clocks (38) BUT EXCLUDING photographic equipment and supplies (386)
Signs and advertising specialties (3993)
<b>Transportation communication, electric, gas, and sanitary services</b>
Railroad transportation (40)
Motor freight transportation and warehousing (42)
US Postal Service (43)
Transportation services (47)
Communication (48)
<b>Wholesale trade</b>
Wholesale trade-durable goods (50) BUT EXCLUDING automobiles and other motor vehicles (5012), lumber and other construction materials (503), coal and other minerals and ores (5052), construction and mining machinery and equipment (5082), and scrap and waste materials (5093)
Wholesale trade-nondurable goods (51) BUT EXCLUDING livestock (5154) and chemicals and allied products (516)
<b>Retail trade</b>
Eating and drinking places (58)
Direct Selling Establishments (5963)
Catalog and Mail Order Houses (5961)
<b>Finance, insurance and real estate</b>
Depository Institutions (60)
Nondepository Credit Institutions (61)
Security and commodity brokers, dealers, exchanges and services (62)
Insurance carriers (63)
Insurance agents, brokers, and services (64)
Real estate (65)
Holding and other investment offices (67)
<b>Services</b>
Hotels and motels (701) BUT EXCLUDING casino hotels

**Exhibit 1: IC (Industrial Commercial) Zoning District Use Matrix**

Mailing, reproduction, commercial art and photography, and stenographic services (733)
Disinfecting and pest control services (73420)
Building Cleaning and maintenance services not elsewhere classified (7349)
Photofinishing laboratories (7384)
Miscellaneous repair services (76)
Welding repair (7692)
Repair shops and related services, not elsewhere classified (7699)
Motion pictures (78)
Amusement and recreation services (79) BUT EXCLUDING casinos, racing, including track operation (7948) and entertainment establishments, except as permitted as a special use in SRC 155.030(a)(2)
Health services (80) BUT EXCLUDING hospitals (806)
Legal services (81)
Educational services (82)
Vocational school; except vocation high schools, not elsewhere classified (8249)
Social services (83) BUT EXCLUDING residential care (836)
Child day care services (835)
Membership organizations (86)
Civic, social, and fraternal organizations (864)
Engineering, Accounting, Research, Management, and Related Services (87)
Research development and testing laboratories (873)
Testing laboratories (8734)
Management, consulting, and public relations services (874)
Management and public relations services (8749)
Services not elsewhere classified (899)
<b>Public Administration</b>
General government, not elsewhere classified (919)
Fire protection (9224)
Executive Offices (911)
Finance, taxation, and monetary policy (93)
Administration of human resources programs (94)
Administration of environmental quality & housing programs (95)

## **Exhibit 1: IC (Industrial Commercial) Zoning District Use Matrix**

Administration of economic programs (96)
<b>Other uses</b>
Utilities-truck and equipment storage and parking, and material storage yard.
Accessory building and uses normal and incidental to the uses permitted in this district
Transit stop shelters