

# NOTICE OF DECISION

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



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

## DECISION OF THE HEARINGS OFFICER

**CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW CASE NO. CU-SPR16-09**

**APPLICATION NO. : 16-115802-ZO & 16-115803-RP**

**NOTICE OF DECISION DATE: SEPTEMBER 30, 2016**

**SUMMARY:** A request for a Conditional Use Permit and Site Plan Review to allow a vinyl window manufacturing use within an existing building.

**REQUEST:** A request for a Conditional Use Permit and Class 3 Site Plan Review to allow a vinyl window manufacturing use within an existing building for a space approximately 11,900 square feet in size and striping nine additional parking spaces in the existing parking area, for property approximately 2.16 acres in size, zoned IC (Industrial Commercial), and located at 3855 Cascadia Canyon Avenue SE - 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W01CC / 00600 and 00700).

**APPLICANT:** Window Assembly Service

**LOCATION:** 3855 Cascadia Canyon Avenue SE

**CRITERIA:** Salem Revised Code Chapters 220 and 240

**FINDINGS:** The findings are in the attached Order.

**DECISION:** The Hearings Officer **APPROVED** Conditional Use/Class 3 Site Plan Review Case No. CU-SPR16-09, subject to the following conditions of approval:

**Condition 1:** The proposed development shall be in substantial conformance with the approved site plan included as Attachment B in the staff report, which is part of the record.

The rights granted by the attached decision must be exercised, or an extension granted, as follows or this approval shall be null and void:

Conditional Use: October 18, 2018

Site Plan Review: October 18, 2020

Application Deemed Complete: September 7, 2016

Public Hearing Date: September 28, 2016

Notice of Decision Mailing Date: September 30, 2016

Decision Effective Date: October 18, 2016

State Mandate Date: January 5, 2017

**Case Manager:** Aaron Panko, [APanko@cityofsalem.net](mailto:APanko@cityofsalem.net), 503-540-2356

*Aaron Panko*

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., October 17, 2016.** 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 in SRC Chapters 220 and 240. The appeal must be filed in duplicate with the City of Salem Planning Division. 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 at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

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**CITY OF SALEM  
BEFORE THE HEARINGS OFFICER**

A REQUEST FOR A CONDITIONAL USE  
PERMIT AND CLASS 3 SITE PLAN  
REVIEW TO ALLOW A VINYL WINDOW  
MANUFACTURING USE WITHIN AN  
EXISTING BUILDING FOR A SPACE  
APPROXIMATELY 11,900 SQUARE  
FEET IN SIZE AND STRIPPING NINE  
ADDITIONAL PARKING SPACES IN THE  
EXISTING PARKING AREA, FOR  
PROPERTY APPROXIMATELY 2.16  
ACRES IN SIZE, ZONED IC  
(INDUSTRIAL COMMERCIAL), AND  
LOCATED AT 3855 CASCADIA CANYON  
AVENUE SE SALEM, OREGON.

CU-SPR16-09

FINDINGS OF FACT, CONCLUSIONS  
AND DECISION

**DATE AND PLACE OF HEARING:**

September 28, 2016, Salem City Council Chambers, 555 Liberty Street  
SE, Salem, Oregon.

**APPEARANCES:**

Staff: Aaron Panko, Planner III

Neighborhood Association: Morningside Neighborhood Association Land  
Use Chair: Geoffrey James

Proponents: Nathan Levin

Opponents: NONE

**SUMMARY OF THE APPLICATION AND HEARING**

A request for a Conditional Use Permit and Class 3 Site Plan Review to allow a vinyl window manufacturing use within an existing building for a space approximately 11,900 square feet in size and stripping nine additional parking spaces in the existing parking area, for property approximately 2.16 acres in size, zoned IC (Industrial Commercial), and located at 3855 Cascadia Canyon Avenue SE, Salem, Oregon.

## FINDINGS OF FACT AND CONCLUSIONS

1. The Salem Area Comprehensive Plan Map for the subject property is Industrial Commercial.
2. The subject property is zoned IC (industrial Commercial). The proposed use is a manufacture of vinyl windows.
3. The zoning of surrounding properties is as follows:  
  
Northwest: IC (Industrial Commercial)  
Southwest: Cascadia Canyon Avenue SE  
Northeast: IBC (Industrial Business Campus)  
Southeast: IC (Industrial Commercial)
4. The conditional use criteria is contained in SRC 240.005(d)

### Criterion 1:

The proposed use is allowed as a conditional use in the zone.

It is the finding of the Hearings Officer that this criterion has been satisfied. Vinyl window assembly (General Manufacturing – Plastic and Rubber Products) requires Conditional Use approval based on the current UDC Table 551-1. The proposed use is classified as a plastics and rubber products manufacturing use, therefore, the proposed use is allowed as a conditional use.

### Criterion 2:

The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

It is the finding of the Hearings Officer that this criterion has been satisfied. The primary impact of the use on the neighboring uses in the immediate area is from noise from the machinery used for the cutting process. The existing building was constructed with 8" thick concrete walls, which will help to reduce noise impacts on the neighboring tenants. In addition, the subject property is located adjacent to the Union Pacific Railroad and the Salem Municipal Airport, which have noise impact themselves. Therefore, the proposed development, minimizes reasonably likely adverse impacts of the use on the adjacent tenants and neighboring uses.

### Criterion 3:

The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

It is the findings of the Hearings Officer that this criterion has been satisfied. Adjacent tenants in the same building include a wholesale distributor of paint balls and accessories, and a custom soap maker/seller. Neighboring tenants in the building complex include a wholesale clothing distributor and an indoor rock climbing gym. There is adequate parking and truck circulation space to serve all uses on the development site. Existing trash facilities are developed and are adequate to serve all tenants. As proposed, the use will be reasonably compatible with the other tenants in the development site and will have minimal impact on the livability or development of surrounding property. However, to ensure the proposal is in substantial conformance with the use and development presented in the application. The Hearings Officer adopts this condition:

**Condition 1:** The proposed development shall be in substantial conformance with the approved site plan included in the staff report as Attachment B and is in the record.

5. Class 3 Site Plan Review Criteria is contained in SRC 220.005(f)(3)

Criterion 1:

The application meets all applicable standards of the UDC.

It is the findings of the Hearings Officer that this criterion is satisfied. A comprehensive plan change and zone change was approved for the property changing the zoning to IC (Industrial Commercial) and the comprehensive plan designation too Industrial Commercial. Subject to conditions of approval which limited permitted uses for the property and required future uses and development to adhere to the standards of the IBC (Industrial Business Campus) zone. The following is a summary of the applicable IBC standards that this proposal satisfies.

a. *CPC/ZC07-01 - Uses*

Within the IC zone, plastics and rubber products manufacturing is listed as a conditional use. As stated earlier in this order the Hearings Officer addressed the conditional use criteria and this application meet this criterion.

b. *SRC 552.010(b) – IBC Zone Lot Standards*

The subject property has approximately 320 feet of frontage along Cascadia Canyon Avenue SE, which exceeds the minimum frontage requirement.

c. *SRC 552.010(c) – IBC Zone Setbacks*

The proposed development includes a first time tenant within an existing building and striping parking spaces in an existing vehicle use area. There is no change to the existing site configuration, the existing site complies with all applicable setbacks.

d. *SRC 552.010(d) - Lot Coverage, Height*

The proposed development complies with the lot coverage and maximum height standards of the IBC zone.

e. *SRC 552.010(f) - Landscaping*

The proposed development includes a first time tenant within an existing building and striping parking spaces in an existing vehicle use area. Landscaping is not required for the proposed development.

f. *Off-Street Parking, Loading, and Driveways SRC 806*

The proposed window assembly use will have 12 employees, requiring a minimum of 9 off-street parking spaces. The maximum off-street parking allowance for the use is 23 spaces. The subject property is part of a multi-tenant complex with shared parking between several tenants. The minimum requirements according to the code for the shared tenants is 74 spaces. Nine additional spaces are being added to the parking area for a total of 84 off-street parking spaces, which means this proposal complies with the parking requirements.

This means that SRC 806.035 does not apply, because the proposed development does not include a new off-street parking area or expansion of an existing vehicle use area.

g. *Bicycle Parking*

The proposed tenant space is approximately 11,900 square feet in size, a minimum of 4 bicycle parking spaces are required for the proposed use. The site plan indicates that 4 bicycle parking spaces are provided for the use and the proposed bicycle parking spaces are within 50 feet of the main entry for the building meeting the requirements.

h. *Off-Street Loading Areas*

The building was originally constructed with two off-street loadings spaces, meeting the requirements of the code.

i. *Landscaping*

Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

j. *Natural Resources*

There are no protected trees on the site plan for removal. The applicant should contact the Oregon Department of State Lands to verify if permits are required for development or construction in the vicinity of the mapped wetland and hydric soil areas. The applicant's proposal does not appear to disturb any portion of a mapped landslide hazard area.

Criterion 2:

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.

It is the findings of the Hearings Officer that this criterion has been satisfied. The existing street system is adequate to serve the proposed development and the development is not proposing a building addition pursuant to 803.040(a); therefore, no right-of-way dedication or street improvements are required.

Criterion 3:

Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

It is the findings of the Hearing Officer that the existing driveway access onto Cascadia Canyon Avenue SE provides for safe turning movements into and out of the property.

Criterion 4:

The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

The Public Works Department has reviewed the applicant's preliminary utility plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets and appear to be adequate to serve the proposed development. According the public works department.

Based upon the foregoing, the Hearings Officer makes the following:

**DECISION**

The Hearings Officer APPROVES the request for a consolidated conditional use permit and class 3 site plan review to allow a vinyl window manufacturing use within an existing building for property located at 3855 Cascadia Canyon Avenue SE subject to the following condition:

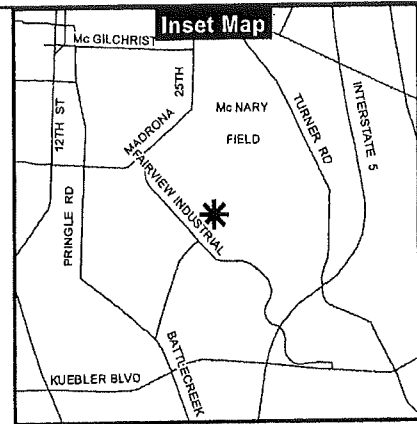
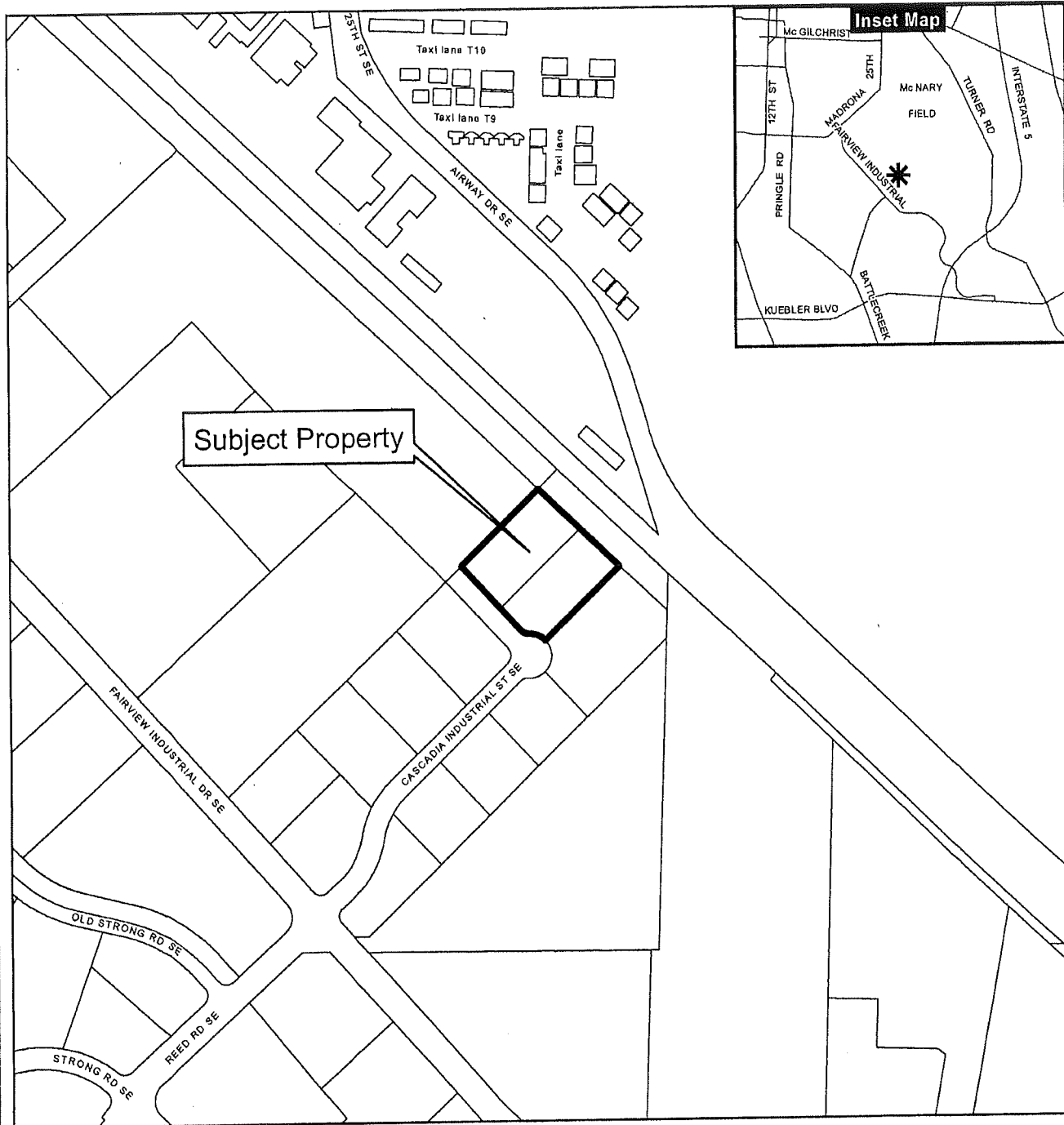
**Condition 1:** The proposed development shall be in substantial conformance with the approved site plan included as Attachment B in the staff report, which is part of the record.

DATED: September 30, 2016

  
Scott A. Fewel, Hearings Officer

# Vicinity Map

## 3855 Cascadia Canyon Avenue SE



### Legend

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

Parks

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

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Professional Engineer Seal for Oregon, No. 12345, signed by J. D. Smith, dated 10/1/2010.

**CARLSON  
VEIT**  
ARCHITECTS PC



ARCHITECTURE • INTERIOR DESIGN

503-390-0281 • FAX 503-390-2450 • [WWW.CARLSONVEIT.COM](http://WWW.CARLSONVEIT.COM)  
3085 RIVER ROAD NORTH, SALEM, OREGON 97303

DESIGNED AMERICAN INTERIORS FOR ARCHITECTS

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project:  
 VISTA PROPERTY INVESTMENTS, LLC - NORTH BLDG  
 CASCADIA INDUSTRIAL PARK  
 3555 CASCADIA CANYON AVE SE  
 SALEM, OREGON  
 coord: JLF/MS

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