

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 CASE NO: CU17-06

APPLICATION NO. : 17-107897-ZO

NOTICE OF DECISION DATE: JUNE 1, 2017

SUMMARY: Proposed development of a 36,000 square foot gravel surface vehicle storage area.

REQUEST: A Conditional Use Permit request to allow a gravel surface vehicle storage area approximately 36,000 square feet in size for a period not to exceed five years, for property approximately 11.9 acres in size, zoned IC (Industrial Commercial), and located at the 900 Block of Auto Group Avenue NE - 97301 (Marion County Assessor's Map and Tax Lot number: 073W14BA / 00100).

APPLICANT: Rural Castle LLC (Bob Myers, Alex Casebeer)

LOCATION: 900 Block of Auto Group Avenue NE

CRITERIA: SRC Chapter 240.005(d)

FINDINGS: The findings are in the attached Order dated June 1, 2017.

DECISION: The Hearings Officer **APPROVED** Conditional Use Case No. CU17-06, subject to the following conditions of approval:

Condition 1: The proposed perimeter landscaping area shall be planted with a minimum of 1 plant unit per 20 square feet of landscape area.

Condition 2: Vehicle storage shall only occur within the screened gravel surface vehicle storage area, no other areas on the subject property shall be used for vehicle storage.

Condition 3: No washing, detailing or servicing of vehicles shall occur within the gravel surface vehicle storage area.

Condition 4: The existing gravel driveway approach to Auto Group Avenue NE shall be improved with a hard surface between the edge of pavement and the property line in an alignment and width meeting the Public Works Design Standards.

Condition 5: The Conditional Use Permit shall not exceed a maximum period of five years from the effective date of decision. Upon expiration or termination of the Conditional Use Permit, the gravel surface vehicle storage area shall be closed to vehicle access by a physical barrier.

The rights granted by the attached decision must be exercised, or an extension granted, by **June 17, 2019** or this approval shall be null and void. A copy of the decision is attached. A copy of the decision is attached.

Application Deemed Complete: May 2, 2017
Public Hearing Date: May 24, 2017
Notice of Decision Mailing Date: June 1, 2017
Decision Effective Date: June 17, 2017
State Mandate Date: August 30, 2017

Case Manager: Aaron Panko, APanko@cityofsalem.net

AP

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., Friday, June 16, 2017.** 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 Chapter 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>

**CITY OF SALEM
BEFORE THE HEARINGS OFFICER**

A CONDITIONAL USE PERMIT REQUEST TO ALLOW A GRAVEL SURFACE VEHICLE STORAGE AREA APPROXIMATELY 36,000 SQUARE FEET IN SIZE FOR A PERIOD NOT TO EXCEED FIVE YEARS, FOR PROPERTY APPROXIMATELY 11.9 ACRES IN SIZE, ZONED IC (INDUSTRIAL COMMERCIAL), AND LOCATED AT THE 900 BLOCK OF AUTO GROUP AVENUE NE (MARION COUNTY ASSESSOR'S MAP AND TAX LOT NUMBER: 073W14BA / 00100)	} CU17-06 } FINDINGS OF FACT, CONCLUSIONS AND } DECISION
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DATE AND PLACE OF HEARING:

Wednesday, May 24, 2017, Council Chambers, Room 240, Civic Center, 555
Liberty St. SE, Salem, OR.

APPEARANCES:

<u>Staff:</u>	Aaron Panko, Case Manager
<u>Neighborhood Association:</u>	N/A
<u>Proponents:</u>	Jeff Tross, Tross Consulting, Inc., Applicant
<u>Opponents:</u>	N/A

SUMMARY OF THE APPLICATION AND HEARING

The City of Salem held a duly authorized and noticed public hearing on May 24, 2017. The Applicant filed and the City accepted an application requesting a Conditional Use Permit, to allow a gravel surface vehicle storage area approximately 36,000 square feet in size for a period not to exceed five years, for property approximately 11.9 acres in size, zoned IC (Industrial Commercial), and located at the 900 Block of Auto Group Avenue NE, Salem, OR 97301.

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). Storage of motor vehicles is classified as Warehousing and Distribution, which is a permitted use in the IC zone.

The zoning and uses of surrounding properties include:

North: Across Auto Group Avenue NE, IC (Industrial Commercial) – Retail Sales (Building Materials, Hardware, Nurseries, and Lawn and Garden Supply Store), and Vehicle Storage Area

South: PE (Public and Private Education Services) – Oregon School for the Deaf

East: Across Cherry Avenue NE, IG (General Industrial) – Warehousing and Distribution

West: Across Maple Avenue NE, IC (Industrial Commercial) – Motor Vehicle Sales

3. Site Analysis

The subject property is approximately 11.9 acres in size and was formerly part of the Oregon School for the Deaf campus. In February 2016, a Comprehensive Plan Change and Zone Change (CPC/ZC16-12) was approved to change the comprehensive plan from Community Services – Education to Industrial Commercial, and to change the zoning from PE (Public and Private Education Services) to IC (Industrial Commercial). A Property Line Adjustment was also approved in February 2016 (PLA16-06) establishing the current property boundary. A demolition permit was issued in October 2016 to remove two existing out buildings from the property.

The subject property abuts Cherry Avenue NE to the east, which is designated as a major arterial street within the Salem TSP (Transportation System Plan). The property also abuts Auto Group Avenue NE to the north

and Maple Avenue NE to the west, both of which are designated as local streets.

Natural Resources

SRC 808 - Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 24 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

No trees are identified for removal on the proposed site plan.

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

The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetland areas or hydric soils on the subject property. The applicant should contact DSL to verify if any permits are required for the proposed development.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. There is a small area on the north side of the property which contains areas of minor landslide hazard, but is outside of the proposed development area. The Hearings Officer notes that the applicant's proposal does not appear to disturb any portion of a mapped landslide hazard area with regulated activities; therefore, a geological assessment is not required.

4. Neighborhood and Citizen Comments

The subject property is located within the Highland Neighborhood Association (Highland) and is adjacent to the Northgate Neighborhood Association (Northgate). Notice was provided to Highland, Northgate and surrounding property owners within 250 feet of the subject property. The Hearings Officer notes no comments were received from surrounding property owners.

A comment was received from Highland requesting that a portion of the driveway be paved back from the curb to avoid gravel continuously spilling out into the street.

The Hearings Officer notes that the City Staff concurs with this assessment and the Applicant agrees that imposing a condition to improve the existing gravel driveway approach serving the proposed vehicle storage area with a paved driveway apron between the edge of pavement and the property line would address this concern.

5. City Department and Public Agency Comments

No City Department or public agency had concerns about the current proposal, so long as it is a gravel lot for a limited time frame. The Hearings Officer notes that there likely will be additional requirements for fire, stormwater treatment and flow control if/when the gravel parking area is paved.

The Building and Safety Division has reviewed the proposal and indicated that they have no concerns for the Conditional Use Permit application.

6. Analysis of Conditional Use Criteria

SRC Chapter 240.005(a)(1) provides that:

No building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

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

Criterion 1:

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

The Hearings Officer notes that SRC 806.035(g) requires off-street parking and vehicle use areas to be paved with a hard surface material meeting the Public Works Design Standards. Paving is not required for gravel off-street parking areas that have been approved through a conditional use permit. The Hearings Officer finds that the proposal satisfies this criterion.

Criterion 2:

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

The Hearings Officer notes that the City Staff concurs with the Applicant's assessment of potential likely adverse impacts from the proposed gravel surface vehicle storage area, including potential for dust, noise, odor, traffic, and visual appearance.

The subject property is approximately 11.88 acres in size and is currently vacant. The proposed gravel surface vehicle storage area is approximately 36,000 square feet in size, with a 15- foot wide landscape strip and six foot tall sight obscuring fence provided around the perimeter of the vehicle storage area. The vehicle storage area is proposed near the center of the property, approximately 166 feet from the nearest street, and approximately 26 feet from the abutting PE zoned property to the south. The proposed screening as well as the distance from property lines help to minimize the visual impact of the gravel surface vehicle storage area.

Condition 1: The proposed perimeter landscaping area shall be planted with a minimum of 1 plant unit per 20 square feet of landscape area.

Condition 2: Vehicle storage shall only occur within the screened gravel surface vehicle storage area, no other areas on the subject property shall be used for vehicle storage.

The Hearings Officer notes that the Applicant indicates that this vehicle storage area will be used for temporary short-term storage of excess vehicles, which will arrive by transporter truck which will have little or no impact on the surrounding transportation system. No other detailing, washing or servicing of vehicles will occur within the gravel surface storage area, minimizing the amount of dust and noise generated by the vehicle storage activity.

Condition 3: No washing, detailing or servicing of vehicles shall occur within the gravel surface vehicle storage area.

With these three conditions, the Hearings Officer finds that the proposed development will have a minimal impact on the immediate neighborhood. Accordingly, the proposal satisfies the criterion.

Criterion 3:

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

The Hearing Officer notes the findings of the staff report that nearby uses include a retail home improvement store, motor vehicle sales, general warehousing and the Oregon School for the Deaf campus. Further to the southwest is a residential neighborhood. The planned Winter-Maple bicycle and pedestrian route runs through this neighborhood and along the frontage of the subject property. Bicycle and pedestrian access is provided by a shared use pathway through Maple Avenue NE; however, a motor vehicle connection to Maple Avenue NE is not provided.

The existing driveway approach leading from the proposed vehicle storage area onto Auto Group Avenue NE is gravel surfaced. Because the neighborhood association, staff and the applicant agree about the potential impact of the gravel from the driveway approach being spilled onto the public street, which in this case includes a planned bicycle and pedestrian transportation route, the Hearing Officer imposes a condition that the driveway approach onto Auto Group Avenue NE be paved from the edge of the street to the property line.

Condition 4: The existing gravel driveway approach to Auto Group Avenue NE shall be improved with a hard surface between the edge of pavement and the property line in an alignment and width meeting the Public Works Design Standards.

The Hearing Officer notes that the applicant indicated that the vehicle storage area will be a temporary use until the property is developed, with a duration not to exceed five years. Staff recommends and the Hearings Officer imposes the following condition of approval:

Condition 5: The Conditional Use Permit shall not exceed a maximum period of five years from the effective date of this decision. Upon expiration or termination of the Conditional Use Permit, the gravel surface vehicle storage area shall be closed to vehicle access by a physical barrier.

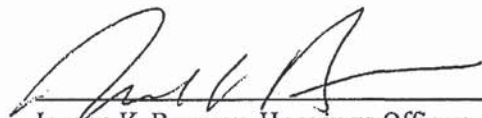
With these two conditions, the Hearings Officer finds that the gravel surface vehicle storage area will be reasonably compatible with, and will have a minimal impact on the livability or appropriate development of, surrounding property. Accordingly, the proposal satisfies the criterion.

DECISION

The Hearings Officer APPROVES the Application for a Conditional Use Permit to allow a gravel surface vehicle storage located at the 900 Block of Auto Group Avenue NE subject to the following five conditions of approval:

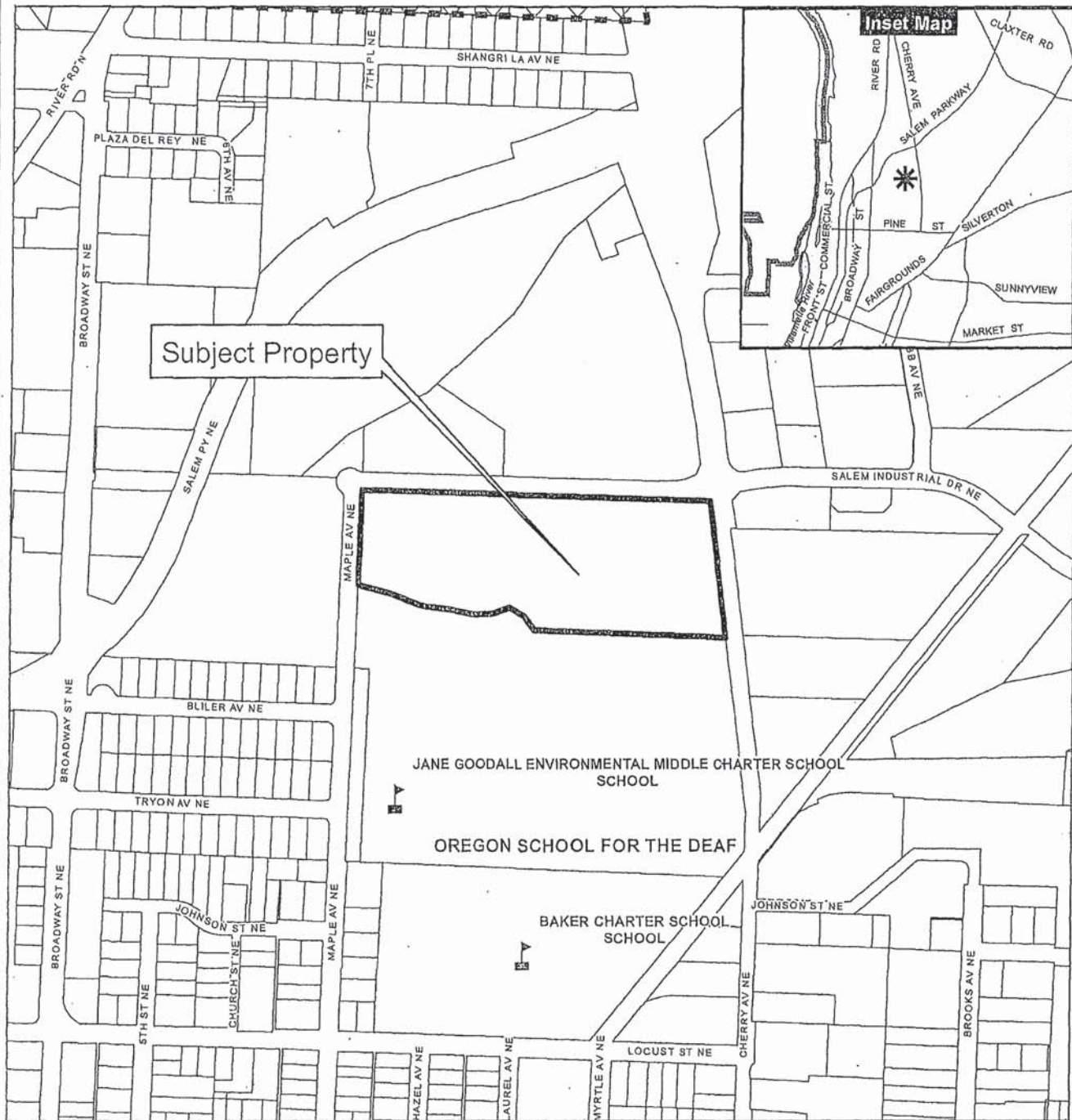
- Condition 1:** The proposed perimeter landscaping area shall be planted with a minimum of 1 plant unit per 20 square feet of landscape area.
- Condition 2:** Vehicle storage shall only occur within the screened gravel surface vehicle storage area, no other areas on the subject property shall be used for vehicle storage.
- Condition 3:** No washing, detailing or servicing of vehicles shall occur within the gravel surface vehicle storage area.
- Condition 4:** The existing gravel driveway approach to Auto Group Avenue NE shall be improved with a hard surface between the edge of pavement and the property line in an alignment and width meeting the Public Works Design Standards.
- Condition 5:** The Conditional Use Permit shall not exceed a maximum period of five years from the effective date of decision. Upon expiration or termination of the Conditional Use Permit, the gravel surface vehicle storage area shall be closed to vehicle access by a physical barrier.

DATED: June 1, 2017


James K. Brewer, Hearings Officer

Vicinity Map

900 Block of Auto Group Avenue NE



Legend

Taxlots

Urban Growth Boundary

City Limits

0 100 200 400 Feet

Outside Salem City Limits

Historic District

Schools



Parks

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

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DRAWINGS FOR:

CAPITAL AUTO GROUP AUTO STORAGE YARD

FOR:

RURAL CASTLE
PO BOX 7550
SALEM, OREGON

BOB MYERS
503-XXX-XXXX

DRAWING INDEX

DWG	TITLE
C1.0	COVER SHEET
C2.0	AERIAL MAP
C3.0	OVERALL SITE PLAN
C4.0	SITE PLAN



Know what's below.
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BENCHMARK UTILITIES
CITY OF SALEM BRASS TACK IN CONCRETE POST AT THE
NORTHWEST CORNER OF DODGE STREET, RAILROAD AND
CHERRY AVENUE 2043 FEET NORTH OF CENTERLINE OF
RAILROAD TRACKS AND 20 FEET WEST OF THE CENTERLINE
OF CHERRY AVENUE, SALEM, OREGON
ELEV: 146.47
(NSVD 29/47)

PROJECT LOCATION



VICINITY MAP

GENERAL LEGEND

SYMBOL	DESCRIPTION	EXISTING
—S—	SANITARY SEWER	—S—
—SD—	STORM DRAIN	—SD—
—W—	WATER	—W—
—G—	GAS	—G—
—T—	TELEPHONE	—T—
—P—	POWER	—P—
—X—	FENCE	—X—
—B—	BARRICADE	—B—
⊙	TELEPHONE MANHOLE	⊙
⊙	TELEPHONE PEDestal	⊙
⊙	SANITARY SEWER MANHOLE	⊙
⊙	STORM DRAIN MANHOLE	⊙
⊙	DITCH BASIN	⊙
⊙	FIRE HYDRANT AND VALVE	⊙
⊙	WATER METER	⊙
⊙	WATER VALVE	⊙
⊙	POWER POLE	⊙
⊙	POWER POLE W/HIGHVOLT	⊙
⊙	POLE W/ALTERNATE	⊙
⊙	LIGHT POLE	⊙
⊙	SIGN POST	⊙
⊙	WALLBOX	⊙
⊙	KEDGE OR BRUSH	⊙
⊙	Trees	⊙
—R/W—	STREET OR ALLEY RIGHT OF WAY	—R/W—
—PL—	PLATTED LOT LINE	—PL—
—DL—	DIVIDING LINE	—DL—
—E/T—	EASEMENT OR TEMPORARY RIGHT OF WAY	—E/T—
—C/L—	PROJECT CENTERLINE AND	—C/L—

NO.	DATE	DESCRIPTION	BY
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			



BOB MYERS
REGISTERED PROFESSIONAL ENGINEER
STATE OF OREGON
LICENSE NO. 11143
EXPIRATION DATE 12/31/2011
OFFICE: 503-XXX-XXXX

CAPITAL AUTO GROUP
AUTO STORAGE YARD
COVER SHEET

DRAWING
C1.0
JOB NUMBER

The site plan shows a rectangular gravel storage yard with the following dimensions:

- Top side: 198'
- Bottom side: 202'
- Left side: 185'
- Right side: 182'

 The yard is surrounded by a hatched border representing a 15-foot landscaped screening buffer. Labels include:

- PROPOSED 15' LANDSCAPED SCREENING BUFFER (top and bottom)
- EXISTING GRAVEL ASSESS (top right)
- EXISTING GATE (right side)
- GRAVEL STORAGE YARD (center)
- AUTO GROUP AVE. NE (bottom right)

 The plan also shows topographic contour lines and a north arrow pointing towards the top of the page.



CAPITAL AUTO GROUP
AUTO STORAGE YARD

SITE PLAN

DRAWING
C4.0
JOB NUMBER

WESTLE ENGINEERING, INC.
CONSULTING GEOTECHNICAL ENGINEERS

11 Farber Boulevard, S.E., Atlanta, GA 30316
Phone: (404) 526-2171 Fax: (404) 526-3906

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