

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 / PARTITION / URBAN GROWTH PRELIMINARY
DECLARATION / SITE PLAN REVIEW / ADJUSTMENT / DRIVEWAY APPROACH
CASE NO.: CU-PAR-UGA-SPR-ADJ-DAP19-01**

**APPLICATION NO. : 19-105556-ZO, 19-105563-LD, 19-105567-RP, 19-105571-ZO,
19-105566-LD, 19-105569-ZO**

NOTICE OF DECISION DATE: MAY 29, 2019

SUMMARY: A conditional use, partition, urban growth area preliminary declaration, site plan review, adjustment and driveway approach permit application to create two parcels, construct two new buildings, vehicle use area, and gravel storage area for a contractor's office.

DESCRIPTION: A consolidated applications including a Conditional Use permit to allow a gravel storage yard within the IC zone; a Partition resulting two parcels approximately 1.05 acres in size and 1.65 acres in size; an Urban Growth Preliminary Declaration; a Class 3 Site Plan Review for a proposed 12,000 square foot building, a 3,800 square foot steel building over, new vehicle use area and gravel storage yard to be located on the newly created 1.65 acre parcel; and two Class 2 Adjustments for: 1) a proposed reduction to the setback abutting a street for 63 feet, near the southerly property line, abutting Turner Road and 2) a proposed reduction for the minimum 15 percent development site landscape standard to 12 percent. The subject property is 2.7 acres in size, zoned IC (Industrial Commercial), and located in the 4900 block of Turner Rd SE - 97317 (Marion County Assessor Map and Tax Lot 082W07 / 501).

APPLICANT: Blake Bural of AC+CO on behalf of Jon Taylor of Valley Roofing

LOCATION: 4910 Turner Rd SE

CRITERIA: Salem Revised Code (SRC) Chapters 240.005(d), 205.005(d), 200.025(d) and (e), 220.005(f)(3), 250.005(d)(2), and 804.025(d)

FINDINGS: The findings are in the attached Order dated May 29, 2019.

DECISION: The **Hearings Officer APPROVED** Conditional Use CU-PAR-UGA-SPR-ADJ-DAP19-01 subject to the following conditions of approval:

CONDITIONAL USE:

Condition 1: Provide a 10-foot setback, a 6-foot sight-obscuring fence and Type D perimeter landscaping along the western boundary of proposed Parcel 2, except for the southerly approximately 63-feet, between paved vehicle use area and approximately 268-feet south, as shown in the site plan.

PARTITION:

Condition 2: Convey land for dedication where needed to equal a minimum half-width right-of-way of 36 feet on the development side of Turner Road SE.

Condition 3: Construct a half-street improvement along the frontage of Turner Road SE and Kuebler Boulevard. These improvements are eligible for fee-in-lieu of improvements to be paid to the Mill Creek Corporate Center Development District, at the time of building permit issuance. For the frontage of the undeveloped northerly parcel, this improvement is eligible for deferral pursuant to SRC 803.070, until the time of Site Plan Review.

Condition 4: Construct an 18-inch S-1 water main in Turner Road SE from Boone Road SE to Kuebler Boulevard.

Condition 5: Acquire a private sewer easement, pursuant to Oregon State Plumbing Specialty Code, for the sewer services located on the easterly adjacent property.

Condition 6: Provide a minimum 22-foot-wide access easement within the southerly parcel to provide vehicular access to the northerly parcel from the proposed driveway.

SITE PLAN REVIEW:

Condition 7: Construct all new structures a minimum of one foot above the base flood elevation pursuant to SRC 601.045(b)(1).

Condition 8: Convey land for dedication where needed to equal a minimum half-width right-of-way of 36 feet on the development side of Turner Road SE for the entire 2.7 acre parcel.

Condition 9: Construct a half-street improvement along the frontage of Turner Road SE and Kuebler Boulevard. These improvements are eligible for fee-in-lieu of improvements to be paid to the Mill Creek Corporate Center Development District, at the time of building permit issuance.

Condition 10: Install street trees along the frontage of Turner Road SE.

Condition 11: Acquire a private sewer easement, pursuant to Oregon State Plumbing Specialty Code, for the sewer services located on the easterly adjacent property.

Condition 12: Construct an 18-inch S-1 water main in Turner Road SE from Boone Road SE to Kuebler Boulevard.

Condition 13: 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).

ADJUSTMENT:

Condition 14: Phase 2 (Parcel 1) shall meet the 15% landscaping standard of the IC zone at the time of development of Phase 2 or Parcel 1.

Condition 15: The adjusted setback requirements, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable setback requirements, unless adjusted through a future land use action.

DRIVEWAY APPROACH PERMIT:

Condition 16: The applicant shall install striping along Turner Road SE to provide a center turn lane for the northerly driveway as shown in the application materials pursuant to PWDS.

Condition 17: Traffic movements for the southerly driveway shall be limited to out-only.

Condition 18: For the southerly driveway, the applicant's engineer shall demonstrate compliance with AASHTO Intersection Sight Distance along Turner Road SE, at the time of building permit.

The rights granted by the attached Site Plan Review decision must be exercised, or an extension granted, by June 14, 2023 or this approval shall be null and void. The rights granted by the attached Conditional Use, Partition, Urban Growth Preliminary Declaration, and Driveway Approach Permit decision must be exercised, or an extension granted, by June 14, 2021 or this approval shall be null and void.

| | |
|----------------------------------|-----------------------|
| Application Deemed Complete: | <u>March 21, 2019</u> |
| Public Hearing Date: | <u>April 24, 2019</u> |
| Notice of Decision Mailing Date: | <u>May 29, 2019</u> |
| Decision Effective Date: | <u>June 14, 2019</u> |
| State Mandate Date: | <u>July 19, 2019</u> |

Case Manager: Olivia Glantz, OGlantz@cityofsalem.net, 503-540-2343

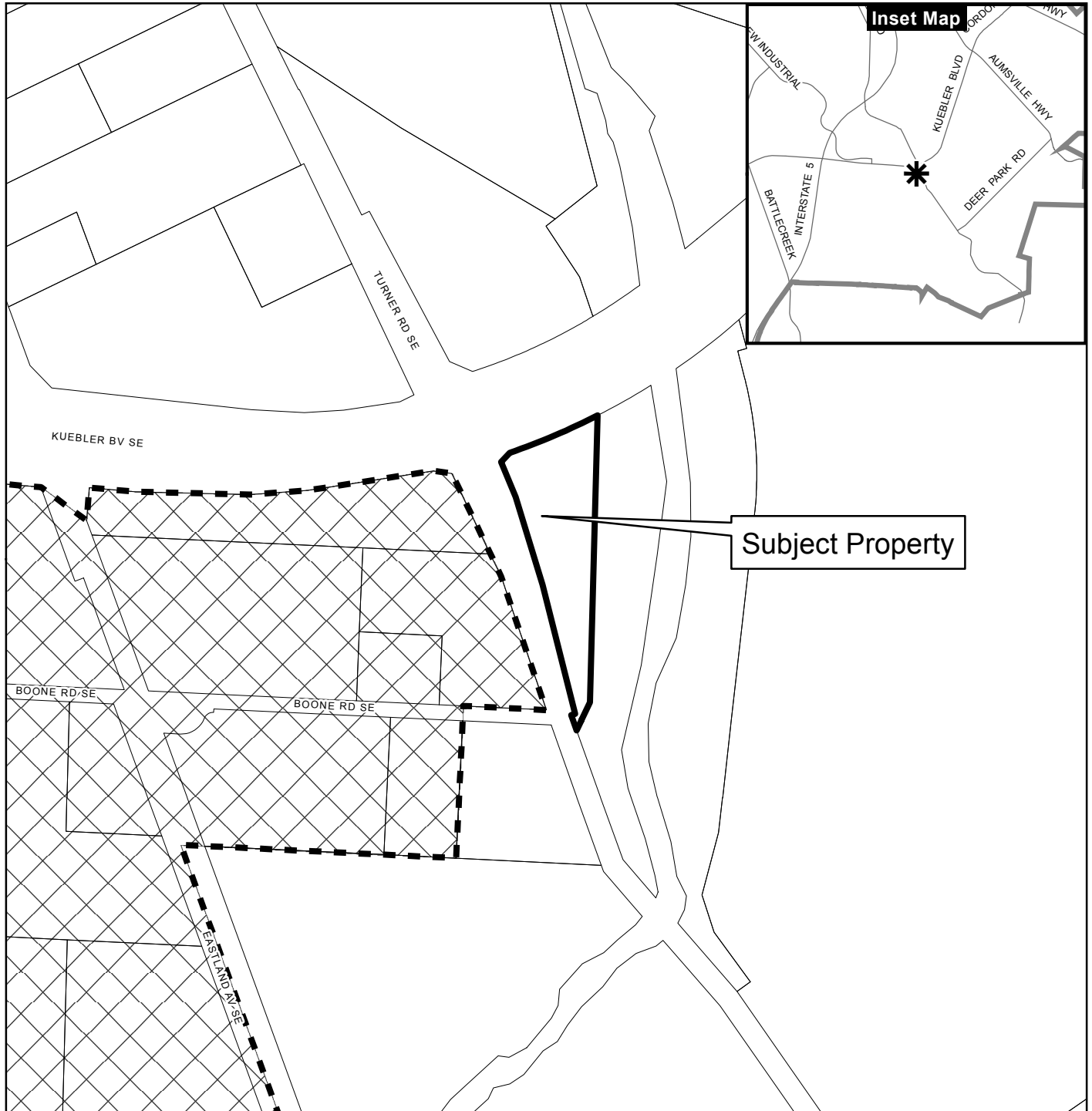
This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than 5:00 p.m., Thursday, June 13, 2019. Any person who presented evidence or testimony at the hearing may appeal the decision. 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 Chapters 240, 205, 200, 220, 250, and 804. 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>

Vicinity Map

4900 Block Turner Road SE



Legend

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

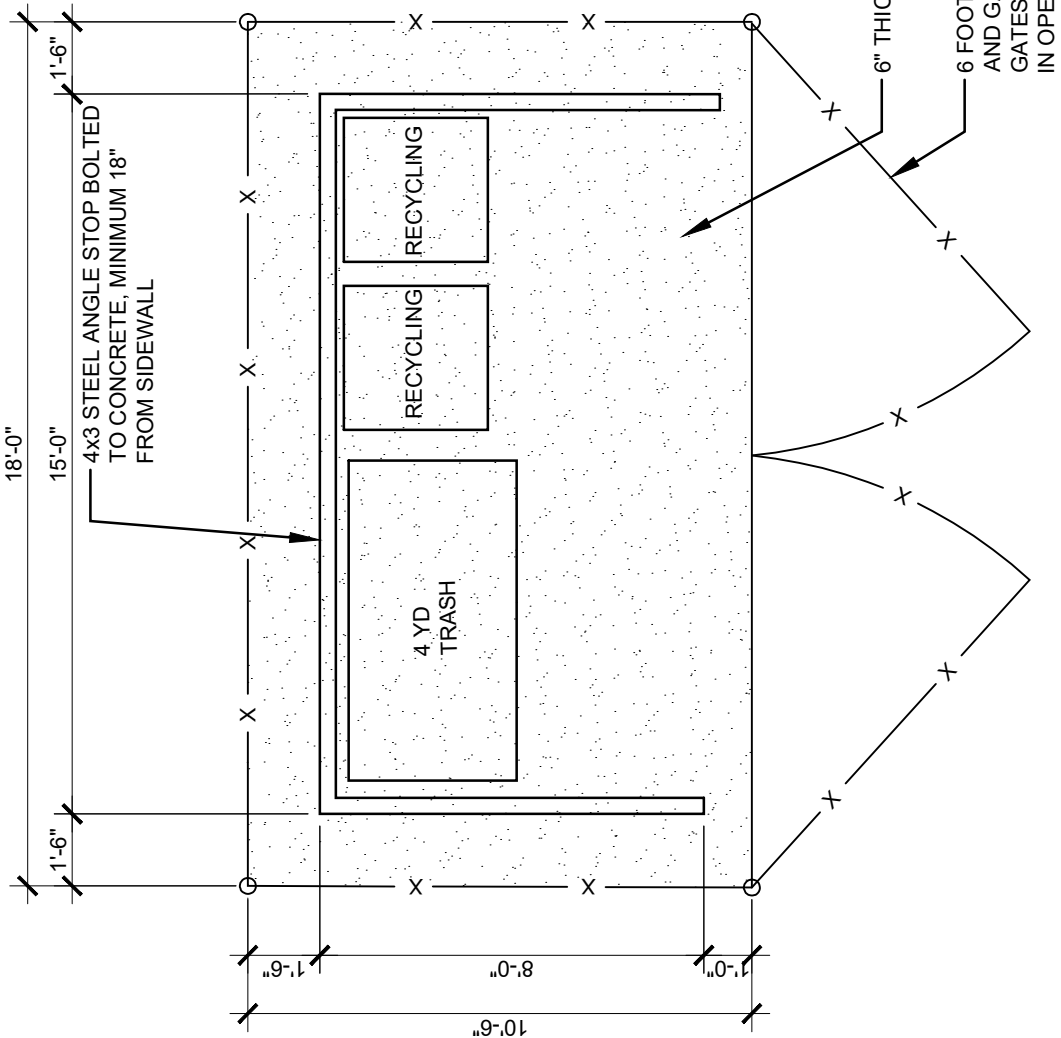
Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

0 100 200 400 Feet



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2 ENLARGED TRASH
SCALE: 1/4" = 1'-0"

SITE SUMMARY:

| | |
|---------------------------|---|
| ZONING DESIGNATION: | = IC |
| TOTAL SITE AREA | = 72,596 SF (1.66 ACRES) |
| GROSS FLOOR AREA | = 12,000 SF (USE IS CONSTRUCTION CONTRACTING) |
| BUILDING HEIGHT: | = LESS THAN 50 FEET |
| PARKING: | = 15 FULL SIZE STALL |
| HANDICAP PARKING | = 1 STALLS |
| BICYCLE PARKING | = 4 BICYCLE STALLS PROPOSED |
| GROSS PARKING AREA | = 18,072 SF |
| TOTAL LOT LANDSCAPE AREA | = 14,012 SF |
| PERCENTAGE | = 19% |
| INT PARKING LOT LANDSCAPE | = 1,831 SF |
| PERCENTAGE | = 10% |
| TOTAL LOT COVERAGE | = 54,833 SF (PARKING LOT, BLDG, GRAVEL LOT) |
| PERCENTAGE | = 76% |

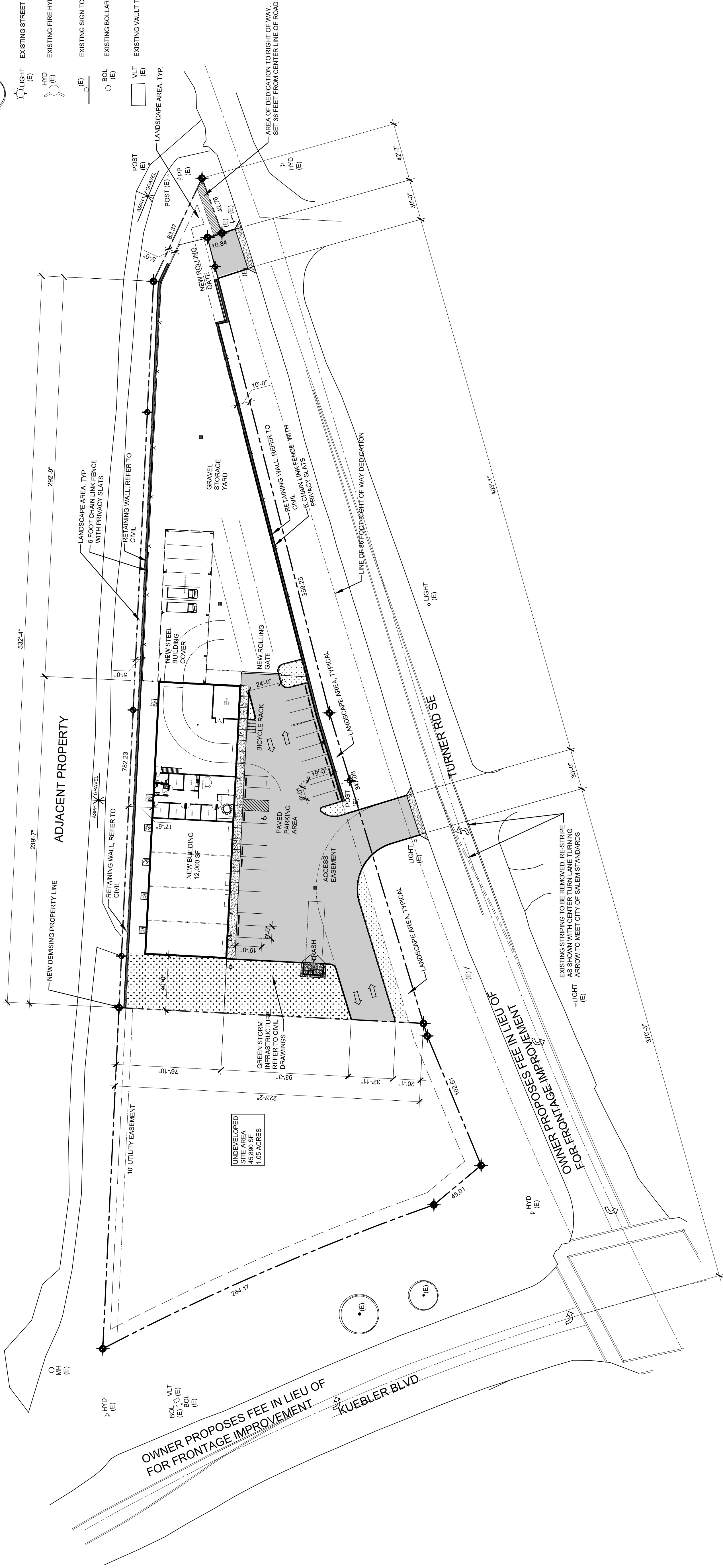
GENERAL NOTES:

- GENERAL NOTES APPLY TO ALL DRAWINGS.
- DIMENSIONS ARE TO FACE OF STUDS, FACE OF MASONRY AND FACE OF CONCRETE, UNLESS OTHERWISE NOTED. ("CLEAR" DIMENSION IS TO FACE OF FINISHED SURFACE).
- DRAWINGS ARE DIAGRAMMATIC ONLY AND SHOULD NOT BE SCALED. NOTIFY ARCHITECT IMMEDIATELY OF ANY DISCREPANCIES OR FOR CLARIFICATION PRIOR TO PROCEEDING WITH AREA OF REQUIRED WORK.

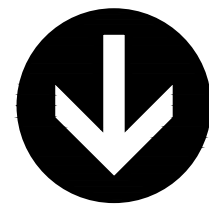
SYMBOL LEGEND:

- EXISTING (OR PROPOSED) PROPERTY LINE, REFER TO SURVEY
- SETBACK LINE
- NEW PARKING LOT LANDSCAPE AREA (SITE LANDSCAPE AREAS NOT HATCHED, REFER TO NOTES SHOWING LOCATIONS)
- CONCRETE SIDEWALK AND/OR PAVEMENT, REFER TO CIVIL DRAWINGS
- ASPHALT PAVING, REFER TO CIVIL DRAWINGS
- NEW CHAIN LINK FENCE, HEIGHT PER PLAN
- EXISTING CONCRETE CURB, REFER TO CIVIL DRAWINGS
- EXISTING MANHOLE TO REMAIN, REFER TO CIVIL DRAWINGS
- EXISTING POWER POLE TO REMAIN, REFER TO CIVIL DRAWINGS
- EXISTING TREE TO REMAIN, PROTECT AT ALL TIMES, REFER TO LANDSCAPE DRAWINGS

- EXISTING STREET LIGHT TO REMAIN, REFER TO CIVIL DRAWINGS
- EXISTING FIRE HYDRANT TO REMAIN, REFER TO CIVIL DRAWINGS
- EXISTING SIGN TO REMAIN
- EXISTING BOLLARD TO REMAIN
- EXISTING VAULT TO REMAIN, REFER TO CIVIL DRAWINGS
- LANDSCAPE AREA, TYP.



1 OVERALL SITE PLAN
SCALE: 1" = 40'-0"



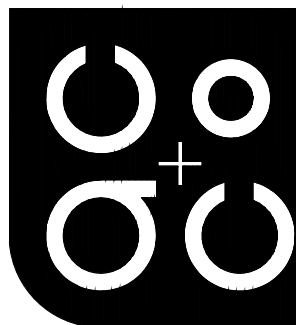
THIS PROJECT HAS BEEN REVIEWED AND APPROVED FOR THE CITY OF SALEM. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PROJECT AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OR COMPLETENESS OF THE DOCUMENTS TRANSMITTED BY MAIL. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PROJECT AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OR COMPLETENESS OF THE DOCUMENTS TRANSMITTED BY MAIL. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PROJECT AND DOES NOT CONSTITUTE A GUARANTEE OF THE ACCURACY OR COMPLETENESS OF THE DOCUMENTS TRANSMITTED BY MAIL.

JOB NO. 2018.0011

DATE MARCH 12, 2019

DRAWN BB

REVISIONS



ARCHITECTURE
COMMUNITY
363 State Street
SEASIDE, OREGON 97138
P: 503.981.4114
WWW.ACARCH.COM

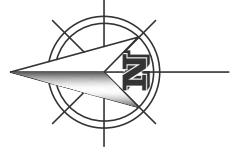
VALLEY
INDUSTRIAL
PARK

SALEM, OREGON

SHEET

A1.1

TENTATIVE PARTITION PLAT



SCALE: 1" = 50'
DATE: 2/20/2019

OWNER:
JSRE INVESTMENTS LLC
5340 CAPLINGER RD SE
SALEM, OR 97317

ZONE:
1C

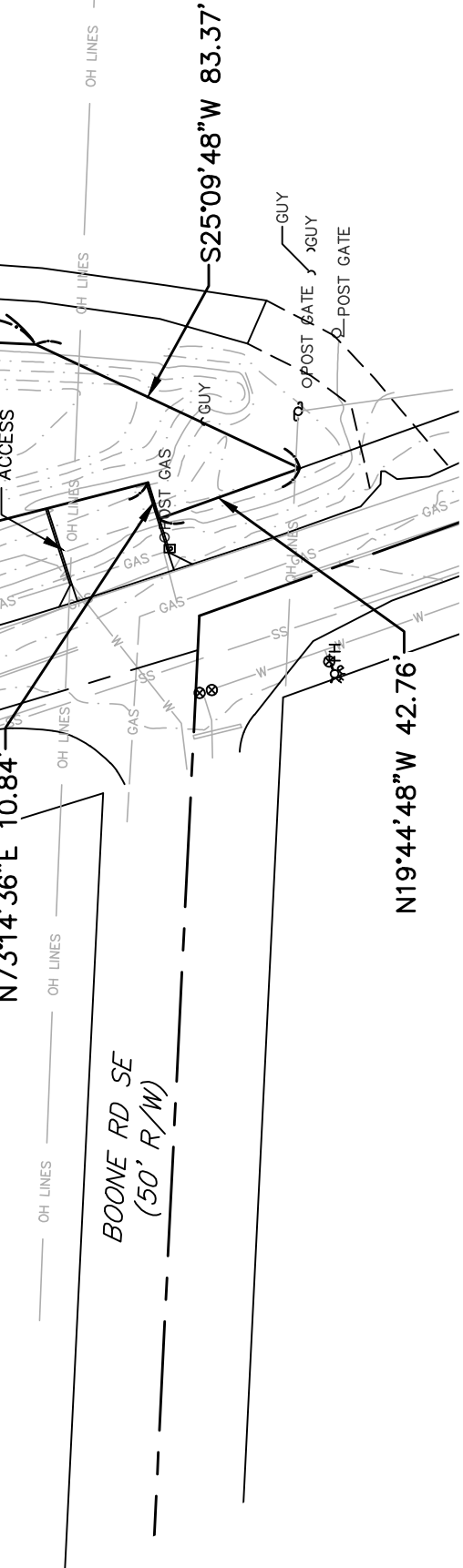
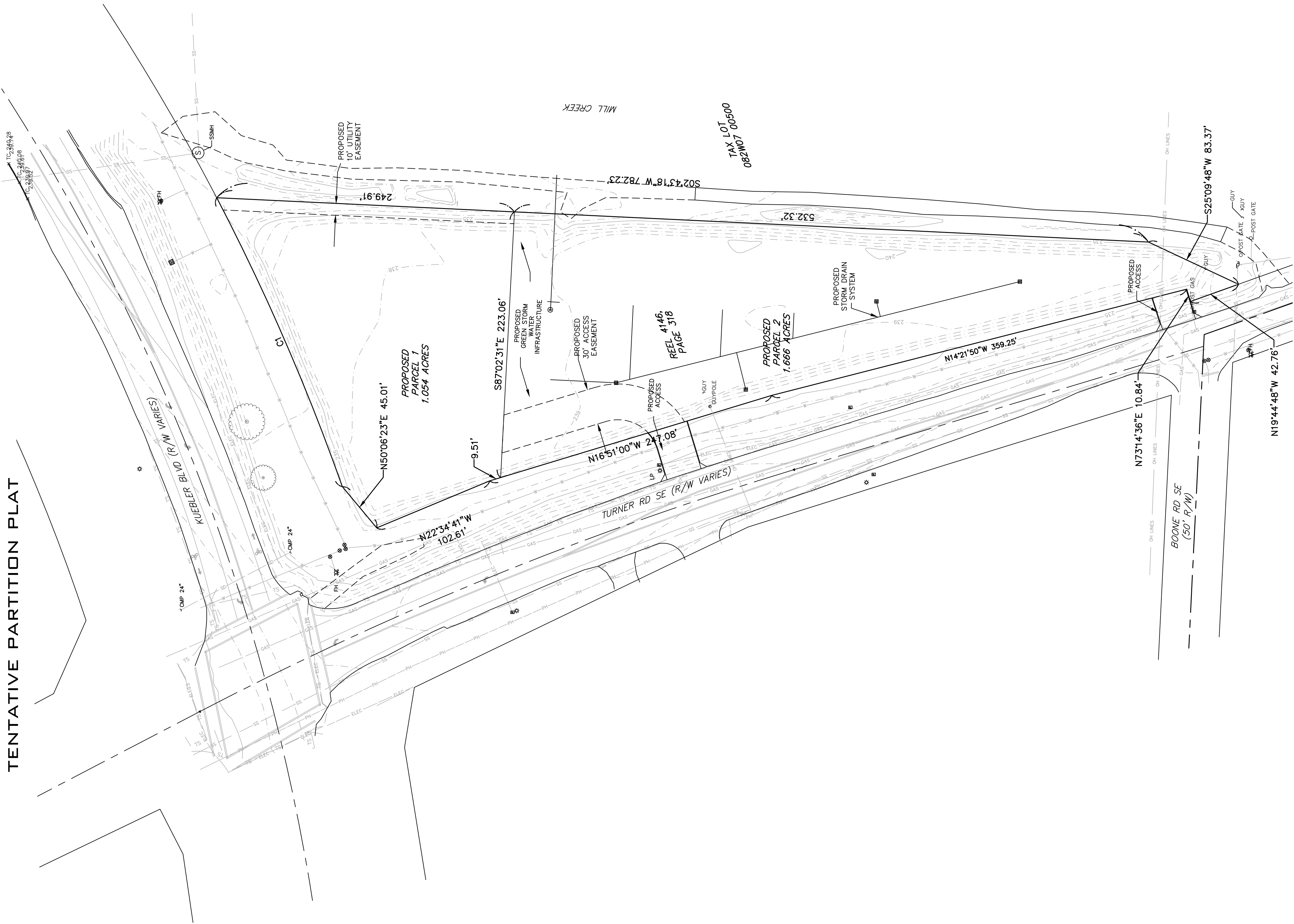
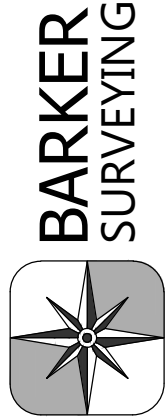
TOTAL AREA:
2.72 AC

TAX LOT:
082W07 00501

SURVEYOR:
GREG WILSON
BARKER SURVEYING
3657 KASHMIR WAY S.E.
SALEM, OR 97317
(503) 598-8800
GREG@BARKERWILSON.COM

NOTE:
1) A LOWR-F WAS SUBMITTED
IN 2018 FOR SUBJECT
PROPERTY TO REMOVE IT
FROM THE FLOOD ZONE.
2) UTILITIES LOCATES ARE
BASED ON FIELD
OBSERVATIONS
CONDUCTED WITH CITY
OF SALEM AS-BUILTS.

| CURVE TABLE | | | | |
|-------------|---------|----------|-----------|--------------------------|
| CURVE # | LENGTH | RADIUS | DELTA | CHORD BEARING & DISTANCE |
| C1 | 264.39' | 1872.95' | 08°05'17" | N66°30'14"E 264.17' |



| | | |
|--|---|---|
| A REQUEST TO ALLOW A GRAVEL STORAGE YARD WITHIN THE IC ZONE (INDUSTRIAL COMMERCIAL); A PARTITION RESULTING IN TWO PARCELS | } | CU-PAR-UGA-SPR-ADJ-DAP19-01 |
| APPROXIMATELY 1.05 ACRES IN SIZE AND 1.65 ACRES IN SIZE; AN URBAN GROWTH PRELIMINARY DECLARATION; A CLASS 3 SITE PLAN REVIEW FOR A PROPOSED 12,000 SQUARE FOOT BUILDING, A 3,800 SQUARE FOOT STEEL BUILDING OVER, NEW VEHICLE USE AREA AND GRAVEL STORAGE YARD TO BE LOCATED ON THE NEWLY CREATED 1.65 ACRE PARCEL; AND TWO CLASS 2 ADJUSTMENTS FOR LOCATION IN THE 4900 BLOCK OF TURNER RD SE, 97317 (MARION COUNTY ASSESSOR MAP AND TAX LOT 082W07/501). | | |
| | } | FINDINGS OF FACT, CONCLUSIONS, AND DECISION |
| | | |

April 24, 2019, Salem City Council Chambers, Room 240, Civic Center, 555 Liberty Street SE, Salem, Oregon.

APPEARANCES:

Staff: Olivia Glantz, Planner III

Neighborhood Association: None

Proponents: Blake Bural, AC+CO Architectural Community for
John Taylor, Applicant

Opponents: None

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

The City of Salem held a duly authorized and noticed public hearing on April 24, 2019, regarding a request to construct a 12,000 square foot building, a 3,800 square foot steel building and a gravel storage yard, which requires a Conditional Use permit within the IC zone. The property is proposed to be partitioned, resulting in two parcels approximately 1.05 acres in size and 1.65 acres in size and to determine what public facilities are needed to serve the property through an Urban Growth Preliminary Declaration. The proposal includes two adjustments for a reduced setback abutting a street and a reduction of the minimum 15 percent development site landscape standard to 12 percent.

During the hearing, Olivia Glantz requested that the Staff Report and Staff Presentation be entered into the Record, and the Hearings Officer granted the request. Prior to the close of the public hearing, Staff and the Applicant's representative discussed a technical issue with notice for the hearing, which had only recently been corrected. The Hearings Officer held the record open for an additional seven days to give the public the opportunity to comment. As no additional written testimony was submitted, the applicant waived the additional 7-day period for final argument.

The Staff Report and Staff presentation stated, observed, noted and alleged the following:

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 but outside of the Urban Service Area. The applicant has applied for an Urban Growth Preliminary Declaration to determine public facilities required to fully serve the development in conformance with the City's adopted Master Plans and Area Facility Plans which are included as Attachment F of the staff report.

2. Zoning and Surrounding Land Use

The subject property is zoned IC (Commercial Industrial). Building and grounds services and construction contracting uses are Permitted in the IC zone. The proposed development of a gravel storage area within the IC zone requires a Conditional Use approval.

The zoning of surrounding properties is as follows:

North: Across Kuebler Boulevard; IC (Commercial Industrial);

East: PH (Public and Private Health Services);

West: Across Turner Road SE; Marion County IG (General Industrial);

South: PH (Public and Private Health Services);

3. Site Analysis

The subject property consists of a lot approximately 155 feet wide from east to west and 750 feet from north to south. The lot is bounded on the east by Turner Road SE, designated as a Minor Arterial in the Transportation System Plan, and by Kuebler Blvd SE on the north, a Parkway.

4. Neighborhood and Citizen Comments

The subject property is located within the Southeast Mill Creek Association (SEMCA). Notice was provided to SEMCA and surrounding property owners within 250 feet of the subject property and adjoining lot under common ownership.

As of the date of the writing of the staff report, no comments were received from SEMCA or surrounding property owners.

The Hearings Officer agrees with City Staff and adopts the findings in paragraphs 1-4, above.

5. City Department and Public Agency Comments

The Salem Building and Safety Division reviewed the proposal and identified no issues.

The Salem Fire Department reviewed the proposal and commented:

“Fire department access is required to be within 150 feet of all portions of the structure. All portions of the structure are required to be within 400 feet of a fire hydrant (600 feet if there is an approved fire sprinkler system). Measurements are made along an approved route. The Fire Department will provide comment for items including Fire Department access and water supply at time of building permit plan review.”

The Public Works Department reviewed the proposal and provided a memo which is included as Attachment E in the staff report.

Portland General Electric (PGE) reviewed the proposal and indicated that development costs are determined by current tariff and service requirements, and PGE facilities will need to be relocated for the project.

6. Analysis of Conditional Use Criteria

The proposed development of a gravel storage area within the IC zone requires Conditional Use approval.

SRC Chapter 806.035 (g) provides that:

Surfacing. Off-street parking and vehicle use areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, up to two feet of the front of a parking space may be landscaped with ground cover plants (see Figure 806-9). Such two-foot landscaped area counts towards meeting interior off-street parking area landscaping requirements, but shall not count towards meeting perimeter setbacks and landscaping requirements. Paving is not required for:

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

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 the requested conditional use is for a gravel vehicle use area to be used for loading areas and storage for the contracting services use. SRC 806.035(g)(3) provides that paving is not required for gravel off-street parking and vehicle use areas approved through a conditional use permit. The proposed use of the site is for contractor office and storage which is classified as Building and Ground Services and Construction Contracting, an allowed use under the IC (Industrial Commercial) zoning and proposed as part of this consolidated application.

The Hearings Officer finds that this criterion met.

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 potential adverse impacts of the proposal on the immediate neighborhood include increased traffic, increased noise, and the visual effect of large graveled areas on site. The Hearings Officer notes the findings of the City Staff that these impacts will be moderate, and that the proposed graveled vehicle use area is generally consistent with the established character of the industrial and commercial uses to the west of the subject property. Vehicle movements on the site will mainly be for staging, and equipment storage, and the surface will not be under constant vehicular activity. The site plan indicates that new landscaping is proposed along the perimeter of the property to minimize the visual impact and potential noise generated by the graveled vehicle use areas.

The Hearings Officer notes that the applicant proposes to provide a 6-foot chain link fence with privacy slats approximately 10 feet inside the west property line, and to landscape the area between the fence and the property line abutting Turner Road SE. The applicant is proposing a small section of the fence/gate to be located at the property line to accommodate vehicle maneuvering. The applicant is requesting an adjustment for the small section of fence/gate, which is addressed below in Section 10, in order to ensure that adequate perimeter screening remains in place along the west property line.

To minimize the likely adverse impacts on the immediate neighborhood, the Hearings Officer imposes the following condition:

Condition 1: Provide a 10-foot setback, a 6-foot sight-obscuring fence and Type D perimeter landscaping along the western boundary of proposed Parcel 2, except for the southerly approximately 63-feet, between the paved vehicle use area and approximately 268-feet south, as shown in the site plan.

The Hearings Officer finds that the development, as proposed and conditioned, minimizes reasonably likely adverse impacts of the use on the immediate neighborhood.

Criterion 3:

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

The Hearings Officer notes that the proposed use is allowed in the zone and the proposed conditional use permit is to allow a gravel loading and storage area for a contractor office and storage which is classified as building and ground services and construction contracting, an allowed use under the IC (Industrial Commercial) zoning. In the IG (Industrial Commercial) zone, paving of a storage area is not required, and though in the IC zone paving of any vehicle use area is required, the proposed use is often found in the IG zone. The potential adverse impact of the proposal on livability is the possible

visual effect of large graveled areas on site. Since the use is allowed, the applicant could operate to the same level with a paved storage and loading area. To mitigate those impacts and provide for minimal impact to surrounding property owners, the applicant is proposing a six-foot sight obscuring fence and landscaping areas around the proposed gravel storage area.

Staff recommends that the Hearings Officer imposes a requirement for the Type D landscaping (Condition 1) to abut the western property line, which will minimize the impacts to surrounding property owners. The Applicant's representative, Mr. Bural, asked for some relief from this recommendation, and particularly asked whether a sight-obscuring fence of some sort would satisfy the Type D landscaping requirements as set out in Table 807-1, "Landscaping Types". Without any SRC context, the Hearings Officer sees this as a potentially plausible interpretation. However, the Hearings Officer notes that Table 807-1 describes the required screening for Type D Landscaping as "Min. 6-foot-tall sight-obscuring landscaping or wall." The Hearings Officer notes that Table 807-1 describes the required screening for Landscaping Types B and C as "Min. six-foot-tall fence, wall, or hedge" and "Min six-foot-tall fence or wall", respectively. Read in context, the SRC language regarding Landscaping Types does not leave room to interpret a "wall" as including a "fence." The Council clearly distinguishes between the two screening types in the SRC.

7. Analysis of Partition Criteria

Salem Revised Code (SRC) 205.005(d) sets forth the following criteria that must be met before approval can be granted to a tentative partition plan. The following subsections are organized with approval criteria shown in **bold**, followed by findings evaluating the tentative partition plan for conformance with the criteria. Lack of compliance with the following land division criteria is grounds for denial of the tentative plan or for the issuance of certain conditions necessary to more fully satisfy the criteria.

Criterion 1

SRC 205.005(d)(1): The tentative partition complies with all of the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to the following:

- (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines.

The Hearings Officer notes that the Unified Development Code (UDC) implements the Salem Area Comprehensive Plan land use goals and governs the development of property within the City limits. The Hearings Officer

agrees with City Staff that the proposed partition meets all applicable provisions of the UDC as detailed below.

SRC Chapter 205 (Land Division and Reconfiguration): The intent of SRC Chapter 205 is to provide for orderly development through the application of appropriate standards and regulations. The partitioning process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan, and the Water, Sewer, and Storm Drain System Master Plans. The applicant has met all application submittal requirements necessary for adequate review of the proposed partitioning. The Hearings Officer finds that the proposed partition conforms to the applicable requirements of SRC Chapter 205.

Lot Standards: The property subject to the proposed partition is approximately 2.7 acres in size and zoned IC (Industrial Commercial). The proposed partition creates two parcels. Proposed Parcel 1, which is approximately 1.05 acres in size and Proposed Parcel 2, which is approximately 1.65 acres in size.

The Hearings Officer notes that the minimum lot size, dimension, and frontage requirements of the IC zone are established under SRC 551.010(a), Table 551-2. The Hearings Officer finds that each of the proposed parcels satisfies minimum lot size, dimension, and frontage standards. Each of the parcels within the proposed partition are suitable for the general purpose for which they are intended to be used, and each of the parcels are of a size and design that will not be detrimental to the public health, safety, and welfare.

(B) City infrastructure standards.

The Hearings Officer notes that the Public Works Department reviewed the proposal for compliance with the City's public facility plans pertaining to the provision of streets, water, sewer, and storm drainage facilities and determined that the proposed partition conforms to the requirements of SRC Chapter 802 (Public Improvements) and SRC Chapter 803 (Streets and Right-of-Way Improvements) with regards to provision of City infrastructure.

The Hearings Officer notes the following summary of existing improvements:

Street Improvements and Right-of-Way Dedication: The property abuts Kuebler Boulevard SE to the north, which is designated a Parkway in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within up to a 120-foot-wide right-of-way. The property is located on Turner Road SE to the west, which is designated a Minor Arterial in

the Salem TSP. The standard for this street classification is an 46-foot wide improvement within a 72-foot wide right-of-way.

The Hearings Officer notes that the Public Works Department indicates that Kuebler Boulevard is an approximate 60-foot improvement within a 240-foot-wide right-of-way abutting the subject property and Turner Road SE is a variable width (minimum 29-foot-wide) improvement within a variable width (minimum 60-foot-wide) right-of-way abutting the subject property.

The Hearings Officer notes that the standard for a parkway street within the TSP is an 80-foot-wide improvement within a 120-foot-wide right-of-way, and for a minor arterial street within the TSP is a 46-foot-wide improvement within a 72-foot-wide right-of-way. The right-of-way dedication and street improvements along both streets are warranted, but improvements may not be feasible in conjunction with the proposed development. The proposal meets the criteria for fee-in-lieu of construction pursuant to SRC 200.405, as follows:

1. Additional portions of the improvements are required to be constructed in order to have an operational, fully functioning public improvement.
2. These boundary improvements are planned to be constructed with Development District Fees and other funding in conjunction with Mill Creek Corporate Center southwest of the subject property.
3. Any construction of improvements along the subject property would impede construction of the future improvements because additional turn lanes may be required at the Turner/Kuebler intersection.

Therefore, the Hearings Officer finds that the conveyance of land is required as part of the partition, and the improvements are eligible for a fee-in-lieu of improvements to be paid at the time of building permit issuance. To ensure the partition conforms, the following conditions are to be imposed:

Condition 2: Convey land for dedication where needed to equal a minimum half-width right-of-way of 36 feet on the development side of Turner Road SE.

Condition 3: Construct a half-street improvement along the frontage of Turner Road SE and Kuebler Boulevard. These improvements are eligible for fee-in-lieu of improvements to be paid to the Mill Creek Corporate Center Development District, at the time of

building permit issuance. For the frontage of the undeveloped northerly parcel, this improvement is eligible for deferral pursuant to SRC 803.070, until the time of Site Plan Review.

Water: The Public Works Department indicates the subject property is located in the G-0 and S-1 water service level and that there is an existing 36-inch G-0 public water line located in Turner Road SE and 18-inch S-1 public water main located in Boone Road SE.

To ensure the subject property has adequate water supply the Hearings Officer imposes the following condition:

Condition 4: Construct an 18-inch S-1 water main in Turner Road SE from Boone Road SE to Kuebler Boulevard.

Sanitary Sewer: The Public Works Department indicates there is an existing 21-inch sewer line located in Turner Road SE, approximately 1,300 feet north of the property. The Wastewater Management Master Plan shows that up to a 21-inch sewer main is planned in Turner Road SE from the existing 21-inch sewer to the Urban Growth Boundary.

As an alternate, the applicant has proposed to connect to an 18-inch sewer line that is located in Kuebler Boulevard approximately 100 feet east of the subject property. This main is planned to serve the Mill Creek Corporate Center. As a condition of connection, the Hearings Officer requires the applicant to acquire a private sewer easement pursuant to Oregon State Plumbing Specialty Code for the sewer services located on the easterly adjacent property.

Condition 5: Acquire a private sewer easement, pursuant to Oregon State Plumbing Specialty Code, for the sewer services located on the easterly adjacent property.

Storm Drainage: The Public Works Department indicates there is a culvert located in Kuebler Boulevard SE. The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities.

The Hearings Officer finds that with the imposed conditions, the tentative partition plan complies with city infrastructure standards.

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

Service Area. The subject property is located outside the Urban Service Area; an Urban Growth Preliminary Declaration is addressed below in Attachment F of the staff report. The conditions listed above are identified as required facilities for development, including partitioning and site plan review applications for the subject property.

- (C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

The Hearings Officer notes that there is not a mapped landslide area or special setback on the subject property; therefore, the requirements are not applicable.

SRC Chapter 601 (Floodplain): The Hearings Officer notes that the subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodplain. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. The proposed structures are being constructed in the floodplain area and will be required to meet applicable floodplain standards at time of development.

SRC Chapter 808 (Preservation of Trees and Vegetation): SRC Chapter 808 (Preservation of Trees and Vegetation) requires tree conservation plans in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees.

The Hearings Officer notes that the property is currently undeveloped, with no trees located on the subject property. Because the proposed development does not involve the creation of lots or parcels to be used for Single Family or Two Family uses, a tree conservation plan is not required. Any future tree removals from the subject property must conform to the requirements of SRC Chapter 808.

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

The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetlands as being present on the subject property.

SRC Chapter 810 (Landslide Hazards): According to the City's adopted landslide hazard susceptibility maps, the subject property is mapped with areas of 0 landslide hazard susceptibility points. There are 2 activity points associated with the proposed partition. Pursuant to the requirements of SRC Chapter 810, the cumulative total of 2 points between those associated with the land and those associated with the proposed development activity indicates a low landslide risk and therefore a geotechnical report is not required.

Criterion 2

SRC 205.005(d)(2): The tentative partition plan does not impede the future use or development of the property or adjacent land.

The Hearings Officer notes that the proposed partition divides the existing property into two parcels. The property is currently vacant, and Parcel 2 is proposed to construct two commercial buildings and a parking and vehicle use area. The Hearings Officer finds that the proposed partition will not impede the future use or development of any portion of the subject property or any adjacent land. Properties adjoining the subject property are developed and have access to public streets.

Criterion 3

SRC 205.005(d)(3): Development within the tentative partition plan can be adequately served by City infrastructure.

The Public Works Department reviewed the proposal and indicated that development within the tentative partition plan can be adequately served by City infrastructure, as conditioned above.

The Hearings Officer finds that water and sewer infrastructure is available or will be constructed to be available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary partition plan.

Criterion 4

SRC 205.005(d)(4): The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

The City Staff report that the Turner Road SE and Kuebler Boulevard which abut the subject property and do not meet the current standard for a Minor Arterial or Parkway street, respectively. Pursuant to SRC 803.040(a), boundary street improvements are required, but are not feasible in conjunction with the proposed development and meet the criteria for fee-in-lieu of construction, pursuant to SRC 200.405 as follows:

1. Additional portions of the improvements are required to be constructed in order to have an operational, fully functioning public improvement.
2. These boundary improvements are planned to be constructed with Development District Fees and other funding in conjunction with Mill Creek Corporate Center southwest of the subject property.
3. Any construction of improvements along the subject property would impede construction of the future improvements because additional turn lanes may be required at the Turner/Kuebler intersection.

As conditioned above, these improvements are eligible for a fee-in-lieu of improvements to be paid to the Mill Creek Corporate Development District, at the time of building permit issuance.

The Hearings Officer finds that this criterion is met.

Criterion 5

SRC 205.005(d)(5): The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through and out of the partition.

The Hearings Officer notes that the existing street system, as conditioned, serves the proposed parcels. The applicant is proposing a shared driveway between the new parcels. The Hearings Officer finds that as conditioned below, the circulation through the site will provide for safe, orderly and efficient circulation of traffic.

Condition 6: Provide a minimum 22-foot-wide access easement within the southerly parcel to provide vehicular access to the northerly parcel from the proposed driveway.

The Hearings Officer finds that this criterion is met.

Criterion 6

SRC 205.005(d)(6): The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

City Staff reports that the topography of the subject property is relatively flat, with a slight slope towards the eastern property line. Parcel 2 is proposed for development, which is being reviewed as part of this application.

Variances to lot size or lot dimensions are not requested with the proposed partition; however, the applicant has requested an adjustment to reduce the vehicle use area abutting a street setback requirement from 10 feet to 0 feet for a small portion near the south. The applicant is requesting an adjustment to the 15% landscaping standard to develop Parcel 2, prior to final plat review. Any future development on Parcel 1 would need to meet the 15% landscaping standard.

The Hearings Officer finds that this criterion met.

Criterion 7

SRC 205.005(d)(7): The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.

The layout, size, and dimensions of the proposed parcels are sufficient to allow for reasonable development or redevelopment of the site for commercial or other uses allowed in the IC zone, in a manner that minimizes impacts to the site, topography, and vegetation.

The Hearings Officer finds that this criterion is met.

Criterion 8

SRC 205.005(d)(8): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:

- (A) The property is zoned residential;
- (B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and
- (C) The proposed parcels are at least 5 acres in size and, except for flag lots, have no dimensions less than 100 feet.

Comments from the Public Works Department indicate that sewer and water infrastructure is available to serve the property in compliance with the City's public facility plan. Because the subject property can be served by sewer in compliance with the City's public facility plan, and because the partitioned property is not intended to be served by on-site sewage disposal systems, this criterion is not applicable. No participant objected to or challenged the written evidence or testimony.

The Hearings Officer finds that this criterion met.

8. Analysis of Urban Growth Preliminary Declaration Review Approval Criteria

Salem Revised Code (SRC) 200.025(d) & (e) set forth the applicable criteria that must be met before approval can be granted to an Urban Growth Preliminary Declaration. The findings identifying those public facilities that are currently in place and those that must be constructed in order to fully serve the development in conformance with the City's adopted Master Plans and Area Facility Plans can be found in Attachment F of the Staff Report.

Construction needed to fully serve the development will be required in the conditions of approval addressed though decision criterion of other consolidated applications found in this final decision.

9. Analysis of Class 3 Site Plan Review Approval Criteria

SRC 220.005(f)(3) establishes the following approval criteria for a Class 3 Site Plan Review:

Criterion 1:

The application meets all applicable standards of the UDC.

City Staff reports that the applicant is requesting to develop a 12,000 square foot building, 3,800 square foot steel building cover, new vehicle use area and gravel storage yard. The proposed site plan complies with all applicable development standards with the exception of the minimum required setback adjacent to Turner Road SE for a small section near the south property line, and landscaping standard of the IC zone. The request includes adjustments to reduce the required setback and landscaping, which are addressed below in Section 10.

Development Standards – IC (Industrial Commercial) Zone:

SRC 551.005(a) – Uses:

The Hearings Officer notes that the proposed development includes construction of buildings and vehicle use are for a contractor. Permitted, special and conditional uses for the IC zone are found in SRC Chapter 551, Table 551-1. Building and grounds services and Construction Contracting uses are allowed as a permitted use in the IC zone.

SRC 551.010(a) – Lot Standards:

The Hearings Officer notes that there are no minimum lot area or dimension requirements in the IC zone. All uses are required to have a minimum of 16 feet of street frontage.

The Hearings Officer notes that Proposed Parcel 2 (subject property) is approximately 1.65 acres in size and has approximately 750 feet of frontage along Turner Road SE, exceeding the minimum lot standards of the IC zone.

SRC 551.010(b) – Setbacks:

West: Adjacent to the west is right-of-way for Turner Road SE. There is a minimum 5-foot building setback and a minimum 6-10-foot vehicle use area setback adjacent to a street.

The Hearings Officer notes that City Staff reports that the proposed off-street parking area is setback approximately 10 feet from the property line adjacent to Turner Road SE, except for a 63-foot section near the south property line, in compliance with the minimum standard. The applicant has requested an adjustment to the setback standard, which is addressed in Section 10.

South: Adjacent to the south is property zoned PH (Public and Private Health Services). There is a minimum 5-foot building and vehicle use are setback.

East: Adjacent to the east is property zoned PH (Public and Private Health Services). There is a minimum 5-foot building and vehicle use are setback.

City Staff reports that the proposed off-street parking area and building are setback approximately 5 feet or more from the property line adjacent to the public zone, in compliance with the minimum standard.

North: Adjacent to the north is property (proposed Parcel 1) zoned IC (Industrial Commercial). There is a minimum five-foot vehicle use area setback required adjacent to IC zone and no building setback.

City Staff reports that the proposed off-street parking area and building is setback approximately 40 feet from the abutting IC zoned property to the north (Parcel 1).

SRC 551.010(c) – Lot Coverage, Height:

There is no maximum lot coverage standard in the IC zone, the maximum height allowance for all buildings and structures is 70 feet.

City Staff reports the proposed development includes a new off-street parking area, and the development complies with the lot coverage and height limitation of the IC zone.

SRC 551.010(d) – Landscaping:

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

City staff reports that the applicant is requesting an adjustment to the landscaping standard for the entire parent parcel (2.7 acres) to allow for development to precede the final plat review for the proposed partition.

The subject property is approximately 117,612 square feet in size, requiring a minimum of 17,642 square feet of landscaping ($117,612 \times 0.15 = 17,641.8$). The applicant is proposing 14,012 square feet (12%), less than the required 15% of the site. The applicant is requesting an adjustment to this standard, which is detailed below in Section 10.

The development site (proposed Parcel 2) is approximately 1.65 acres (71,874 square feet) in size, requiring a minimum of 10,781 square feet of landscaping ($71,874 \times 0.15 = 10,781.1$). The site plan indicates approximately 14,012 square feet, which would exceed the minimum standard for Parcel 2, once platted.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005 - Off-Street Parking; When Required.

Off-street parking shall be provided and maintained for each proposed new use or activity.

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

Required off-street parking shall be located on the same development site as the use or activity it serves.

SRC 806.015 - Amount of Off-Street Parking.

- a) Minimum Required Off-Street Parking. The proposal is for two building and vehicle use are for Building and grounds services and Construction

Contracting business. A minimum of 0.75 space per employee is required for office uses.

- b) Compact Parking. Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- c) Maximum Off-Street Parking. Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

City Staff reports that the proposed buildings will have approximately 13 employees, requiring a minimum of 10 off-street parking spaces ($0.75 \times 13 = 9.75$). A minimum of 2 spaces are required to be standard size, the remaining spaces may be compact. A maximum of 40 off-street parking spaces are allowed for the office building ($10 \times 2.5 = 25$). No carpool/vanpool spaces are required for the proposed development.

The proposed site plan indicates that 17 new off-street parking spaces will be provided. One of the parking spaces is ADA, and 16 are standard size parking spaces, meeting the requirements of SRC Chapter 806.

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

- a) General Applicability. The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.
- b) Location. Off-street parking and vehicle use areas shall not be located within required setbacks.
- c) Perimeter Setbacks and Landscaping. Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

Adjacent to Buildings and Structures: The off-street parking or vehicle use area shall be setback from the exterior wall of the building or structure by a minimum 5-foot-wide landscape strip or by a minimum 5-foot-wide paved pedestrian walkway.

City Staff reports that the proposed vehicle use area complies with the minimum perimeter setback standards identified in the IC zone development standards and by SRC Chapter 806, and the minimum 5-foot setback requirement adjacent to a building or structure.

- a) *Interior Landscaping. Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For parking areas less than 50,000 square feet in size, a minimum of 5 percent of the interior parking area shall be landscaped.*

City Staff reports that the proposed parking area is approximately 15,000 square feet in size, requiring a minimum of 750 square feet of interior parking lot landscape area ($15,000 \times 0.05 = 750$). Approximately 1,470 square feet (9.8 percent) of interior parking lot landscaping is proposed, which exceeds the minimum interior parking lot landscaping requirement.

A minimum of 1 deciduous shade tree shall be planted for every 12 parking spaces within the off-street parking area. Landscape islands and planter bays shall have a minimum planting area of 25 square feet, and shall have a minimum width of 5 feet.

- b) *Off-Street Parking Area Dimensions. Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6.*

City Staff reports that the proposed parking spaces, driveway and drive aisle for the off-street parking area meet the minimum dimensional requirements of SRC Chapter 806.

- c) *Additional Off-Street Parking Development Standards 806.035(f)-(m).*

City Staff reports that except for the proposed gravel storage area (addressed above), the proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. Bumper guards and wheel barriers are shown on the proposed site plan.

The parking area striping, marking, signage and lighting shall be consistent with SRC Chapter 806, required compact parking spaces shall be marked and signed per SRC 806.035(k)(2).

Bicycle Parking

SRC 806.045 - General Applicability.

Bicycle parking shall be provided and maintained for each proposed new use or activity.

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

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

SRC 806.055 - Amount of Bicycle Parking.

Per SRC Chapter 806, Table 806-8, Building and Grounds Services and Construction Contacting uses are required to provide a minimum of four bicycle parking space.

City Staff reports that a minimum of four bicycle parking space is required for the proposed development. The proposed site plan indicates that a new bicycle parking will be provided next to the primary entrance for the proposed building meeting the minimum bicycle parking requirement.

SRC 806.060 – Bicycle Parking Development Standards.

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

- (a) Location. Bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.
- (b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance.
- (c) Dimensions. Bicycle parking spaces shall be a minimum of six feet by two feet, and shall be served by a minimum four-foot-wide access aisle.
- (d) Bicycle racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall accommodate the bicyclist's own locking device.

City Staff reports that the proposed site plan indicates that a new bicycle parking (staple rack) will be provided next to the primary entrance for the proposed building and will be within 50 feet of a building entrance in compliance with minimum dimensional requirements of this section. The design of the bike rack will be reviewed at the time of building permit application.

Off-Street Loading Areas

SRC 806.065 - General Applicability.

Off-street loading areas shall be provided and maintained for each proposed new use or activity.

SRC 806.075 - Amount of Off-Street Loading.

One off-street loading space is required for Building and Grounds Services and Construction Contacting between 5,000 square feet and 100,000 square feet.

City Staff reports that the proposed site plan indicates several loading spaces in from of the new building, meeting this criterion.

Landscaping

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

City Staff reports that the entire subject property is approximately 117,612 square feet in size, requiring a minimum of 17,642 square feet of landscaping ($117,612 \times 0.15 = 17,641.8$). The applicant is proposing 14,012 square feet (12%), less than the required 15% of the site. The applicant is requesting an adjustment to this standard, which is detailed below in Section 10. The proposed site plan indicates that 14,012 square feet of landscaping will be provided for the development site requiring a minimum of 701 plant units ($14,012 / 20 = 700.6$). Of the required plant units, a minimum of 280 plant units ($701 \times 0.4 = 280.4$) shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees.

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

Natural Resources

SRC Chapter 601 (Floodplain): The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodplain. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. The proposed structures are being constructed in the floodplain area. To ensure that the structures meet SRC Chapter 601, the following condition shall be imposed:

Condition 7: Construct all new structures a minimum of one foot above the base flood elevation pursuant to SRC 601.045(b)(1).

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.

City Staff reports that no protected riparian trees or significant trees have been identified on the site plan for removal.

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 wetland 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.

According to the Salem-Keizer Local Wetland Inventory (LWI) there are no mapped wetlands or hydric soils found on the subject property. The applicant should contact the Department of State Lands to verify if 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. Since there is no landslide area identified Chapter 810 does not apply.

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.

City Staff reports that the proposal abuts Turner Road SE and Kuebler Boulevard which do not meet the current standards of the Salem TSP. Pursuant to SRC 803.040(a), boundary street improvements are required.

Except for street trees as described below, boundary street improvements are not feasible in conjunction with the proposed development and meet the criteria for fee-in-lieu of construction pursuant to SRC 200.405 as follows:

1. Additional portions of the improvements are required to be constructed in order to have an operational, fully functioning public improvement.
2. These boundary improvements are planned to be constructed with Development District Fees and other funding in conjunction with Mill Creek Corporate Center southwest of the subject property.

3. Any construction of improvements along the subject property would impede construction of the future improvements because additional turn lanes may be required at the Turner/Kuebler intersection.

As conditioned, these improvements are eligible for a fee-in-lieu of improvements to be paid at the time of building permit issuance. Street trees shall be installed along the frontage of the southerly parcel pursuant to SRC 803.040 as part of development. The tree species and location shall minimize the need for removal at the time of future street construction.

Condition 8: Convey land for dedication where needed to equal a minimum half-width right-of-way of 36 feet on the development side of Turner Road SE for the entire 2.7 acre parcel.

Condition 9: Construct a half-street improvement along the frontage of Turner Road SE and Kuebler Boulevard. These improvements are eligible for fee-in-lieu of improvements to be paid to the Mill Creek Corporate Center Development District, at the time of building permit issuance.

Condition 10: The applicant shall install street trees along the frontage of Turner Road SE.

Criterion 3:

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

City Staff reports that the northerly driveway access onto Turner Road SE provides for safe turning movements into and out of the property with installation of a center turn lane, as shown in the application materials. The southerly driveway access does not appear to meet AASHTO Intersection Sight Distance due to the horizontal alignment of Turner Road SE. The applicant shall be required to demonstrate compliance with AASHTO Intersection Sight Distance to insure the driveway is safe. The driveway approaches are reviewed below in Section 11.

The driveway access onto Turner Road SE, as conditioned below, 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.

City Staff reports that the Public Works Department has reviewed the applicant's preliminary utility plan for this site. As identified in the Urban Growth Preliminary Declaration memo, water, sewer, and storm infrastructure can be made available within surrounding streets / areas.

The applicant has proposed to connect to an 18-inch sewer line that is located in Kuebler Boulevard approximately 100 feet east of the subject property. This main is planned to serve the Mill Creek Corporate Center. As a condition below, the applicant shall acquire a private sewer easement, pursuant to Oregon State Plumbing Specialty Code, for the sewer services located on the easterly adjacent property, as part of any development on the subject property.

Condition 11: Acquire a private sewer easement, pursuant to Oregon State Plumbing Specialty Code, for the sewer services located on the easterly adjacent property.

The subject property is located in the G-0 and S-1 water service levels. The entire property may be served from the S-1 service level. The Water Master Plan shows that this area is to be served by an 18-inch water main in Turner Road SE along the frontage of the subject property. As identified in the Urban Growth Preliminary Declaration memo, prior to development the applicant shall be required to construct an 18-inch S-1 water main in Turner Road SE from Boone Road SE to Kuebler Boulevard. To ensure adequate facilities, the following conditions are imposed:

Condition 12: Construct an 18-inch S-1 water main in Turner Road SE from Boone Road SE to Kuebler Boulevard.

The proposed development is subject to SRC Chapter 71 and the revised PWDS as adopted in Administrative Rule 109, Division 004.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

Condition 13: 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).

The applicant shall design and construct all utilities water, sewer and storm drainage according to the PWDS and to the satisfaction of the Public Works Director.

10. Analysis of Class 2 Zoning Adjustment Permit Criteria

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

Criterion 1:

The purpose underlying the specific development standard proposed for adjustment is:

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

The City Staff reports that the applicant is requesting two Class 2 Adjustments:

- 1) To reduce the vehicle use area setback adjacent to Turner Street SE from 10 feet to 0 feet for approximately 63 feet near the southern property line, and;
- 2) To reduce the 15% total landscaping, or 17,642 square feet, development site landscaping for the subject property prior to final plat.

Phase one (Parcel 2) will install 14,012 square feet of the required 17,642 square feet.

Adjustment to setback abutting Turner Road SE:

The Hearings Officer notes that due to the narrow dimensions of the lot on the southern boundary, compliance with the full setback requirements make turning movements for large trucks used for the business difficult. The applicant has requested an adjustment to reduce required setbacks, demonstrating that the adjusted setbacks equally or better meet the underlying purpose of the setback and will provide screening from the right-of-way.

Adjustment to 15% Landscaping standard:

The subject property is zoned IC, which requires 15 percent of the site to be landscaped at the time of development. The applicant is proposing to develop the site over two phases (consistent with the proposed partition) and is requesting to phase the landscaping. The request is to facilitate development that may precede the creation of each parcel. As proposed, 12 percent of the total development site will be landscaped during Phase 1 (Parcel 2) for the entire 2.7-acre property. At the time of development of Phase 2 or future Parcel 1, the 15% standard will be applied to that land area. When development of Phase 2 occurs, each parcel will have at least 15%

landscaping, resulting in a development which exceeds the minimum landscaping requirement overall.

Phase 1 is approximately 72,571 square feet in size and 15 percent of Phase 1 is 10,886 square feet. The applicant proposes to landscape 14,012 square feet of Phase 1, thereby exceeding the 15 percent landscaping for this portion of the development. To ensure the entire development is landscaped to the 15% standard as development occurs, the following conditions applies:

Condition 14: Phase 2 (Parcel 1) shall meet the 15% landscaping standard of the IC zone at the time of development of Phase 2 or Parcel 1.

City Staff reports that the development is orderly and will meet the standard at the time of completion; therefore, the proposal is equally or better suited for this use.

Criterion 2:

If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

City Staff reports that the subject property is not located within a residential zone; therefore this criterion is not applicable.

Criterion 3:

If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

The Hearings Officer notes that two separate adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The Hearings Officer finds that the cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

The Hearings Officer finds that any future development, beyond what is shown in the proposed plans, must conform to the landscaping requirements of the underlying zone, unless adjusted through a future land use action.

Condition 15: The adjusted setback requirements, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable setback requirements, unless adjusted through a future land use action.

11. Analysis of Class 2 Driveway Approach Permit Criteria

Salem Revised Code (SRC) 804.025(d) sets forth the following criteria that must be met before approval can be granted to an application for a Driveway Approach Permit.

Criterion 1:

The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

City Staff reports that the proposed driveways meet the standards for SRC 804 and PWDS, as conditioned below. A center turn lane is required to provide ingress and egress for the northern driveway. The southerly driveway will be limited to egress only, until Turner Road SE is constructed to meet a minor arterial standard.

The Hearings Officer finds that the proposal can meet the standards of SRC 804.025(d) with the imposition of conditions of approval 16 and 17:

Condition 16: The applicant shall install striping along Turner Road SE to provide a center turn lane for the northerly driveway, as shown in the application materials, pursuant to PWDS.

Condition 17: Traffic movements for the southerly driveway shall be limited to out-only.

Criterion 2:

No site conditions prevent placing the driveway approach in the required location.

City Staff reports that there are no site conditions prohibiting the location of the proposed driveway.

The Hearings Officer finds that this criterion is satisfied.

Criterion 3:

The number of driveways onto an arterial is minimized.

City Staff reports that the property is abutted by Turner Road SE, a minor arterial street, and Kuebler Boulevard, a parkway street. The applicant is proposing two accesses onto Turner Road SE, which is the lowest classification street abutting the property. The proposed driveways meet the 370-foot spacing standard along a minor arterial.

The Hearings Officer finds that by meeting the spacing standard, the proposal has minimized the number of driveways onto Turner Road SE and satisfies the criterion.

Criterion 4:

The proposed driveway approach, where possible:

- a) Is shared with an adjacent property; or
- b) Takes access from the lowest classification of street abutting the property.

City Staff reports that the proposed driveways are located on a minor arterial street, which is the lowest classification of street abutting the subject property. The northerly driveway is shared among the two proposed parcels.

The Hearings Officer finds that the proposal satisfied this criterion.

Criterion 5:

The proposed driveway approach meets vision clearance standards.

The proposed northerly driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805. However, the southerly driveway access may not be able to meet AASHTO Intersection Sight Distance because of the horizontal alignment of Turner Road SE. The applicant shall demonstrate compliance with AASHTO Intersection Sight Distance to insure the driveway is safe, as part of any development permits.

The Hearings Officer finds that the proposal satisfies the criterion with the imposition of Condition 18:

Condition 18: For the southerly driveway, the applicant's engineer shall demonstrate compliance with AASHTO Intersection Sight Distance along Turner Road SE, at the time of building permit.

Criterion 6:

The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

City Staff reports that no evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, Staff analysis of the proposed driveway indicate that the two driveways will not create a traffic hazard and will provide for safe turning movements for access to the subject property with construction of center turn lanes along Turner Road SE. The Hearings Officer finds that the proposal satisfies this criterion.

Criterion 7:

The proposed driveway approach does not result in significant adverse impacts in the vicinity.

City Staff reports that the location of the proposed driveway does not appear to have any adverse impacts to the adjacent properties or streets. Analysis of the proposed driveway and the evidence that has been submitted into the record indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets.

The Hearings Officer finds that the proposal satisfies this criterion.

Criterion 8:

The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

City Staff reports that the proposed two driveway approaches do not create a significant impact to adjacent streets and intersections. As conditioned above, a center turn lane along Turner Road SE will be constructed with any development.

The Hearings Officer finds that the proposal satisfies this criterion.

Criterion 9:

The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

City Staff reports that the proposed development is surrounded by residentially zoned property. The development proposes is taken from the lowest classification street abutting the subject property. The driveway balances the adverse impacts to residentially zoned property and will not have an effect on the functionality of the adjacent streets.

No participant objected to or challenged the testimony or evidence. Based on the Record and testimony, the Hearings Officer finds that this criterion is met.

DECISION

The Hearings Officer **APPROVES** the consolidated request for a Conditional Use, a Partition, an Urban Growth Preliminary Declaration, a Site Plan Review, an Adjustment and a Driveway Approach Permit, approving a 1.05 acre parcel and a 1.65 acre parcel; the construction of a 12,000 square foot building and a 3,800 square foot building, a new vehicle use area, and a gravel storage area for a contractor's office on property located at 4910 Turner Road SE, subject to the following conditions of approval:

CONDITIONAL USE:

Condition 1: Provide a 10-foot setback, a 6-foot sight-obscuring fence and Type D perimeter landscaping along the western boundary of proposed Parcel 2, except for the southerly approximately 63-feet, between paved vehicle use area and approximately 268-feet south, as shown in the site plan.

PARTITION:

Condition 2: Convey land for dedication where needed to equal a minimum half-width right-of-way of 36 feet on the development side of Turner Road SE.

Condition 3: Construct a half-street improvement along the frontage of Turner Road SE and Kuebler Boulevard. These improvements are eligible for fee-in-lieu of improvements to be paid to the Mill Creek Corporate Center Development District, at the time of building permit issuance. For the frontage of the undeveloped northerly parcel, this improvement is eligible for deferral pursuant to SRC 803.070, until the time of Site Plan Review.

Condition 4: Construct an 18-inch S-1 water main in Turner Road SE from Boone Road SE to Kuebler Boulevard.

Condition 5: Acquire a private sewer easement, pursuant to Oregon State Plumbing Specialty Code, for the sewer services located on the easterly adjacent property.

Condition 6: Provide a minimum 22-foot-wide access easement within the southerly parcel to provide vehicular access to the northerly parcel from the proposed driveway.

SITE PLAN REVIEW:

Condition 7: Construct all new structures a minimum of one foot above the base flood elevation pursuant to SRC 601.045(b)(1).

Condition 8: Convey land for dedication where needed to equal a minimum half-width right-of-way of 36 feet on the development side of Turner Road SE for the entire 2.7 acre parcel.

Condition 9: Construct a half-street improvement along the frontage of Turner Road SE and Kuebler Boulevard. These improvements are eligible for fee-in-lieu of improvements to be paid to the Mill Creek Corporate Center Development District, at the time of building permit issuance.

Condition 10: Install street trees along the frontage of Turner Road SE.

Condition 11: Acquire a private sewer easement, pursuant to Oregon State Plumbing Specialty Code, for the sewer services located on the easterly adjacent property.

Condition 12: Construct an 18-inch S-1 water main in Turner Road SE from Boone Road SE to Kuebler Boulevard.

Condition 13: 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).

ADJUSTMENT:

Condition 14: Phase 2 (Parcel 1) shall meet the 15% landscaping standard of the IC zone at the time of development of Phase 2 or Parcel 1.

Condition 15: The adjusted setback requirements, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable setback requirements, unless adjusted through a future land use action.

DRIVEWAY APPROACH PERMIT:

Condition 16: The applicant shall install striping along Turner Road SE to provide a center turn lane for the northerly driveway as shown in the application materials pursuant to PWDS.

Condition 17: Traffic movements for the southerly driveway shall be limited to out-only.

Condition 18: For the southerly driveway, the applicant's engineer shall demonstrate compliance with AASHTO Intersection Sight Distance along Turner Road SE, at the time of building permit.

DATED: May 29, 2019.



James K. Brewer, Hearings Officer