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

DECISION OF THE PLANNING ADMINISTRATOR

MODIFICATION OF CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW CASE NO.: CU-SPR14-05-MOD2

APPLICATION NO.: 19-126208-ZO / 19-126209-RP

NOTICE OF DECISION DATE: MARCH 11, 2020

SUMMARY: An application to add a 6,535 square foot asphalt concrete storage

pad.

REQUEST: Second Modification of Conditional Use-Class 3 Site Plan Review Application No. CU-SPR14-05 to add a 6,535 square foot asphalt concrete storage pad for storage of Public Works construction materials including signal pole and streetlight storage racks to the previously approved City of Salem construction waste processing and transfer center that occupies approximately 7 acres of a 39 acre property designated IND (Industrial) and POS (Parks, Open Space and Outdoor Recreation) in the Salem Area Comprehensive Plan, zoned IP (Industrial Park) and PS (Public Service), located within the McNary Field Overlay Zone, and located at 3121 Airway Drive SE 97302 (Marion County Assessor Map and Tax Lot 083W12A 00500).

APPLICANT: Luke Gmazel, City of Salem Public Works, on behalf of City of Salem

LOCATION: 3121 Airway Dr SE / 97302

CRITERIA: Salem Revised Code (SRC) Chapters 240.010 – Modification of Conditional Use Approval; 220.010 – Modification of Site Plan Review Approval

FINDINGS: The findings are in the attached Decision dated March 11, 2020.

DECISION: The **Planning Administrator APPROVED** Conditional Use / Class 3 Site Plan Review CU-SPR14-05-MOD2 subject to the following conditions of approval:

Condition 1: Coordinate with the Parks Operations Division and Airport to select appropriate trees and shrubs that will not penetrate the Airport, FAA, Part 77 Approach and Departure Surfaces, now or in the future, and include these trees and shrubs in the landscaping and irrigation plans that will be submitted with the building permit application.

Condition 2: Provide a sight-obscuring fence at least six feet in height along the southeast side of the proposed asphalt concrete storage pad.

Condition 3: Provide a 20-foot-wide landscaped area planted with one plant unit per 20 square feet outside the sight-obscuring fence required in Condition 2 to screen open storage equipment and materials that are over six feet in height.

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

Conditional Use: March 27, 2022Site Plan Review: March 27, 2024

Application Deemed Complete: February 5, 2020
Notice of Decision Mailing Date: March 11, 2020
Decision Effective Date: March 27, 2020
State Mandate Date: June 4, 2020

<u>Case Manager</u>: Pamela Cole, <u>pcole@cityofsalem.net</u>, 503-540-2309

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, no later than 5:00 p.m., Thursday, March 26, 2020. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 240 and 220. 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 Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer 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 320, City Hall, 555 Liberty Street SE, during regular business hours.

http://www.cityofsalem.net/planning

\\allcity\amanda\amandaforms\4431Type2-3NoticeOfDecision.doc

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

MODIFICATION OF CONDITIONAL USE-SITE PLAN REVIEW CASE NO. CU-SPR 14-05MOD2 DECISION

)	MODIFICATION OF CONDITIONAL
)	USE - CLASS 3 SITE
)	PLAN REVIEW
)	
)	MARCH 11, 2020
)))

In the matter of the application for a second modification of a previous Conditional Use-Class 3 Site Plan Review approval submitted by Luke Gmazel, PE, City of Salem Public Works Department, on behalf of the applicant and property owner, City of Salem, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: An application to add a 6,535 square foot asphalt concrete storage pad.

Request: Second Modification of Conditional Use-Class 3 Site Plan Review Application No. CU-SPR14-05 to add a 6,535 square foot asphalt concrete storage pad for storage of Public Works construction materials including signal pole and streetlight storage racks to the previously approved City of Salem construction waste processing and transfer center that occupies approximately 7 acres of a 39 acre property designated IND (Industrial) and POS (Parks, Open Space and Outdoor Recreation) in the Salem Area Comprehensive Plan, zoned IP (Industrial Park) and PS (Public Service), located within the McNary Field Overlay Zone, and located at 3121 Airway Drive SE 97302 (Marion County Assessor Map and Tax Lot 083W12A 00500)..

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

DECISION

<u>APPROVED</u> subject to the applicable standards of the Salem Revised Code, the findings contained herein, conformance with the approved site plan, and the following conditions:

Condition 1: Coordinate with the Parks Operations Division and Airport to select appropriate trees and shrubs that will not penetrate

the Airport, FAA, Part 77 Approach and Departure Surfaces, now or in the future, and include these trees and shrubs in the landscaping and irrigation plans that will be submitted with the building permit application.

Condition 2: Provide a sight-obscuring fence at least six feet in height

along the southeast side of the proposed asphalt concrete

storage pad.

Condition 3: Provide a 20-foot-wide landscaped area planted with one

plant unit per 20 square feet outside the sight-obscuring fence required in Condition 2 to screen open storage equipment and materials that are over six feet in height.

FINDINGS

1. Modification of Conditional Use Applicability

Pursuant to SRC 240.010(a), a conditional use permit approval may be modified after its effective date if the proposed modification meets the criteria in section SRC 240.010(d). Proposed modifications that do not meet the criteria in this section require submittal of a new application for site plan review.

2. Modification of Class 3 Site Plan Review Applicability

Pursuant to SRC 220.010(a), a site plan review approval may be modified after its effective date if the proposed modification meets the criteria in section SRC 220.010(d). Proposed modifications that do not meet the criteria in this section require submittal of a new application for site plan review.

The site plan review application approved by the Hearings Officer on June 26, 2014, was a Class 3 Site Plan Review. The proposed modification must meet the requirements for modification of a Class 3 Site Plan Review approval under SRC 220.010(d)(2).

3. Background

On December 31, 2019, an application to modify a previous Conditional Use-Class 3 Site Plan Review approval (CU-SPR14-05) was filed for the subject property. The application was deemed complete for processing on February 5, 2020. The applicant's written statement is included as **Attachment B**. The applicant's site plans for the modification request are included as **Attachment C**.

Neighborhood and Citizen Comments:

Notice of the application was sent to the Southeast Mill Creek Association (SEMCA), Morningside Neighborhood Association, and all property owners of record and tenants within 250 feet of the subject property. No comments were received from SEMCA, Morningside, or surrounding property owners or tenants during the public comment period.

City Department Comments:

The Public Works Department reviewed the proposal and provided a memo which is included as **Attachment D**.

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

The Fire Department received notice of the proposal and had no concerns.

Public Agency Comments:

PGE reviewed the proposal and commented, "Development cost per current tariff and service requirements. Protect existing PGE facilities."

4. Analysis of Modification of Conditional Use Approval Criteria

SRC 240.010(d) states that Modification of a Conditional Use approval shall be granted if all of the following criteria are met:

- (A) The proposed modification does not substantially change the original approval; and
- (B) When compared with the original approval, the proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

Criterion (A):

The proposed modification does not substantially change the original approval.

Finding: Conditional Use-Site Plan Review SPR14-05 was approved June 26, 2014, for the proposed development on the subject property, consisting of a construction waste processing and transfer center with large drying buildings and decanting buildings, a septage receiving facility, and a construction material processing and storage area.

After building permits were issued for the first phase of the proposed development, the applicant determined that a small office would be necessary to house a full-time onsite employee. The 128-square foot modular building was approved under CU-SPR 14-05-MOD1, effective November 10, 2016. The proposed addition of the modular building did not require any modifications to the conditions of the original approval and was thus substantially consistent with the conditions of the original approval.

The second request for modification is a 44-foot by 150-foot asphalt concrete pad for the purpose of storing Public Works construction materials including signal pole and streetlight storage racks. This use would be accessory to the existing use of construction waste and processing. No buildings would be added to the area currently developed with buildings and pavement, which is approximately 143,000 square feet. The proposed pavement is approximately 4.5 percent of the 143,000 square-foot area.

The proposed pad would be located behind and abutting an existing, paved construction material processing and storage area. The site plan for the original approval for the facility included a large, future material and storage/recovered snow melt area that would be paved adjacent to Airway Drive SE and in front of the existing, paved construction material processing and storage area. The proposed pad would serve a similar function as the future material and storage/recovered snow melt area, but the modification is required because the pad location was not anticipated in the original application.

The Public Works Department reviewed the modification application and commented that the proposed development meets applicable criteria related to Public Works infrastructure (**Attachment D**). The proposed modification does not substantially impact the demands for public utilities or traffic generation and is in substantial conformance with the previous modified approval conditions.

The purpose of the proposed modification and the configuration of the proposed storage pad are substantially consistent with original proposal. The only required condition of approval for the original conditional use application was a condition related to the allowable height of landscaping for the subject property, which is in the airport approach. The proposed modification will include additional landscaping as described in the conditions of the site plan review modification below. The following condition of approval ensures that the proposed landscaping is consistent with the conditions of the original conditional use approval and the proposed modification does not substantially change the original approval:

Condition 1:

Coordinate with the Parks Operations Division and Airport to select appropriate trees and shrubs that will not penetrate the Airport, FAA, Part 77 Approach and Departure Surfaces, now or in the future, and include these trees and shrubs in the landscaping and irrigation plans that will be submitted with the building permit application.

As conditioned, the proposal meets this criterion.

Criterion B:

When compared with the original approval, the proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties

Finding: As indicated in the findings addressing Criterion A above, the modification has been requested to add an asphalt concrete pad to the site. The pad would be located near the rear of the site and would be small in scale in comparison with the existing development. The proposed modification does not result in significant change to the physical appearance of the property in comparison with the site plan approved for CU-SPR14-05. The proposed modification is accessory to the use approved for the site and does not result in a significant change to the uses approved for the site or significant changes to the impacts on the surrounding properties.

The Public Works Department reviewed the modification application and commented that the proposed development meets applicable criteria related to Public Works infrastructure (**Attachment D**). The construction of the storage pad will be incorporated into the existing development and stormwater impacts will be mitigated pursuant to SRC Chapter 71.

The proposal meets this criterion.

5. Analysis of Modification of Site Plan Review Approval Criteria

SRC 220.010(d)(2) states that Modification of a Class 3 Site Plan Review approval shall be granted if all of the following criteria are met:

- (A) The proposed modification does not substantially change the original approval; and
- (B) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

Criterion (A):

The proposed modification does not substantially change the original approval.

Finding: Conditional Use-Site Plan Review SPR14-05 was approved June 26, 2014, for the proposed development on the subject property, consisting of a construction waste processing and transfer center with large drying buildings and decanting buildings, a septage receiving facility, and a construction material processing and storage area.

After building permits were issued for the first phase of the proposed development, the applicant determined that a small office would be necessary to house a full-time onsite employee. The 128-square foot modular building was approved under CU-SPR 14-05-MOD1, effective November 10, 2016. The proposed addition of the modular building did not require any modifications to the conditions of the original approval and was thus substantially consistent with the conditions of the original approval.

The second request for modification is a 44-foot by 150-foot asphalt concrete pad for the purpose of storing Public Works construction materials including signal pole and streetlight storage racks. This use would be accessory to the existing use of construction waste and processing. No buildings would be added to the area currently developed with buildings and pavement, which is approximately 143,000 square feet. The proposed pavement is approximately 4.5 percent of the 143,000 square-foot area.

The proposed pad would be located behind and abutting an existing, paved construction material processing and storage area. The site plan for the original approval for the facility included a large, future material and storage/recovered snow melt area that would be paved adjacent to Airway Drive SE and in front of the existing, paved construction material processing and storage area. The proposed pad would serve a similar function as the future material and storage/recovered snow melt area, but the

modification is required because the pad location was not anticipated in the original application.

The Public Works Department reviewed the modification application and commented that the proposed development meets applicable criteria related to Public Works infrastructure (**Attachment D**). The proposed modification does not substantially impact the demands for public utilities or traffic generation and is in substantial conformance with the previous modified approval conditions.

The purpose of the proposed modification and the configuration of the proposed storage pad are substantially consistent with original proposal. To comply with open storage standards of the IP (Industrial Park) zone, the original site plan review approval included conditions requiring a sight-obscuring fence and landscaped area around the construction material processing and storage area and future material and storage area/recovered snow melt area. Because the proposed modification will extend the pavement and expand the open storage area, the following conditions ensure that the proposed modification does not substantially change the original site plan review approval:

Condition 2: Provide a sight-obscuring fence at least six feet in height

along the southeast side of the proposed asphalt concrete

storage pad.

Condition 3: Provide a 20-foot-wide landscaped area planted with one

plant unit per 20 square feet outside the sight-obscuring fence required in Condition 2 to screen open storage equipment and materials that are over six feet in height.

As conditioned, the proposal meets this criterion.

Criterion B:

The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

Finding: As indicated in the findings addressing Criterion A above, the modification has been requested to add an asphalt concrete pad to the site. The pad would be located near the rear of the site and would be small in scale in comparison with the existing development. The proposed modification does not result in significant change to the physical appearance of the property in comparison with the site plan approved for CU-SPR14-05. The proposed modification is accessory to the use approved for the site and does not result in a significant change to the uses approved for the site or significant changes to the impacts on the surrounding properties.

The Public Works Department reviewed the modification application and commented that the proposed development meets applicable criteria related to Public Works infrastructure (**Attachment D**). The construction of the storage pad will be incorporated

into the existing development and stormwater impacts will be mitigated pursuant to SRC Chapter 71.

With the conditions of approval above, the proposal meets this criterion.

6. Based upon review of SRC Chapter 240, SRC Chapter 220, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the request to modify a previous site plan review decision complies with the requirements for an affirmative decision.

ORDER

Final approval of Conditional Use-Class 3 Site Plan Review Case No. 14-05-MOD2 is hereby APPROVED subject to SRC Chapter 240, SRC Chapter 220, the applicable standards of the Salem Revised Code, conformance with the approved site plan included in CU-SPR14-05 and the modified site plan included in CU-SPR14-05-MOD2, and the following conditions:

Condition 1: Coordinate with the Parks Operations Division and Airport to

select appropriate trees and shrubs that will not penetrate the Airport, FAA, Part 77 Approach and Departure Surfaces, now or in the future, and include these trees and shrubs in the landscaping and irrigation plans that will be submitted

with the building permit application.

Condition 2: Provide a sight-obscuring fence at least six feet in height

along the southeast side of the proposed asphalt concrete

storage pad.

Condition 3: Provide a 20-foot-wide landscaped area planted with one

plant unit per 20 square feet outside the sight-obscuring fence required in Condition 2 to screen open storage equipment and materials that are over six feet in height.

Pamela Cole, Planner II, on behalf of

Lisa Anderson-Ogilvie, AICP

Planning Administrator

Prepared by Pamela Cole, Planner II

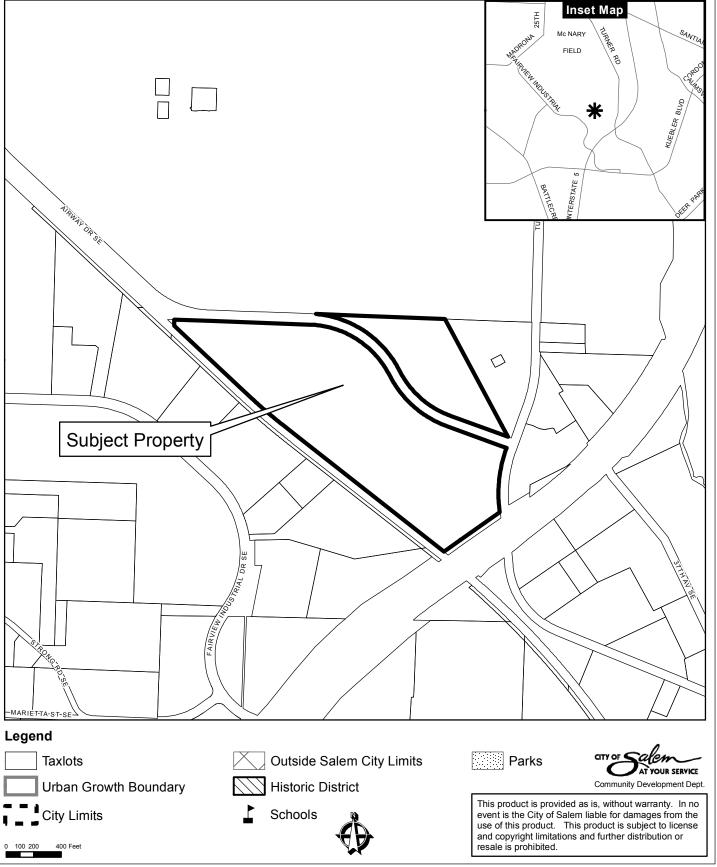
Attachments: A. Vicinity Map

B. Applicant's Written Statement

C. Applicant's Modified Site Plan

D. Public Works Memo

Vicinity Map 3121 Airway Drive SE

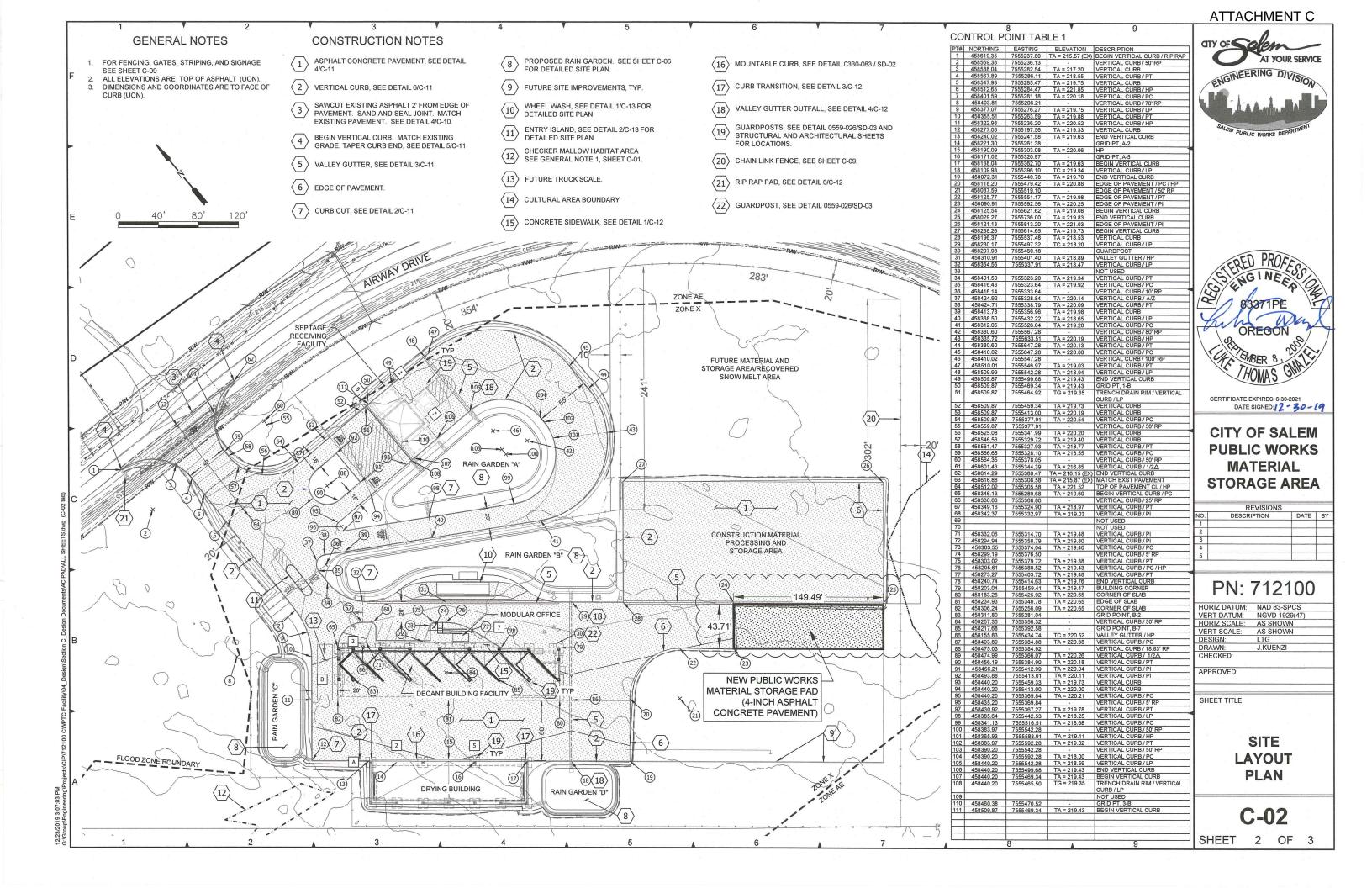


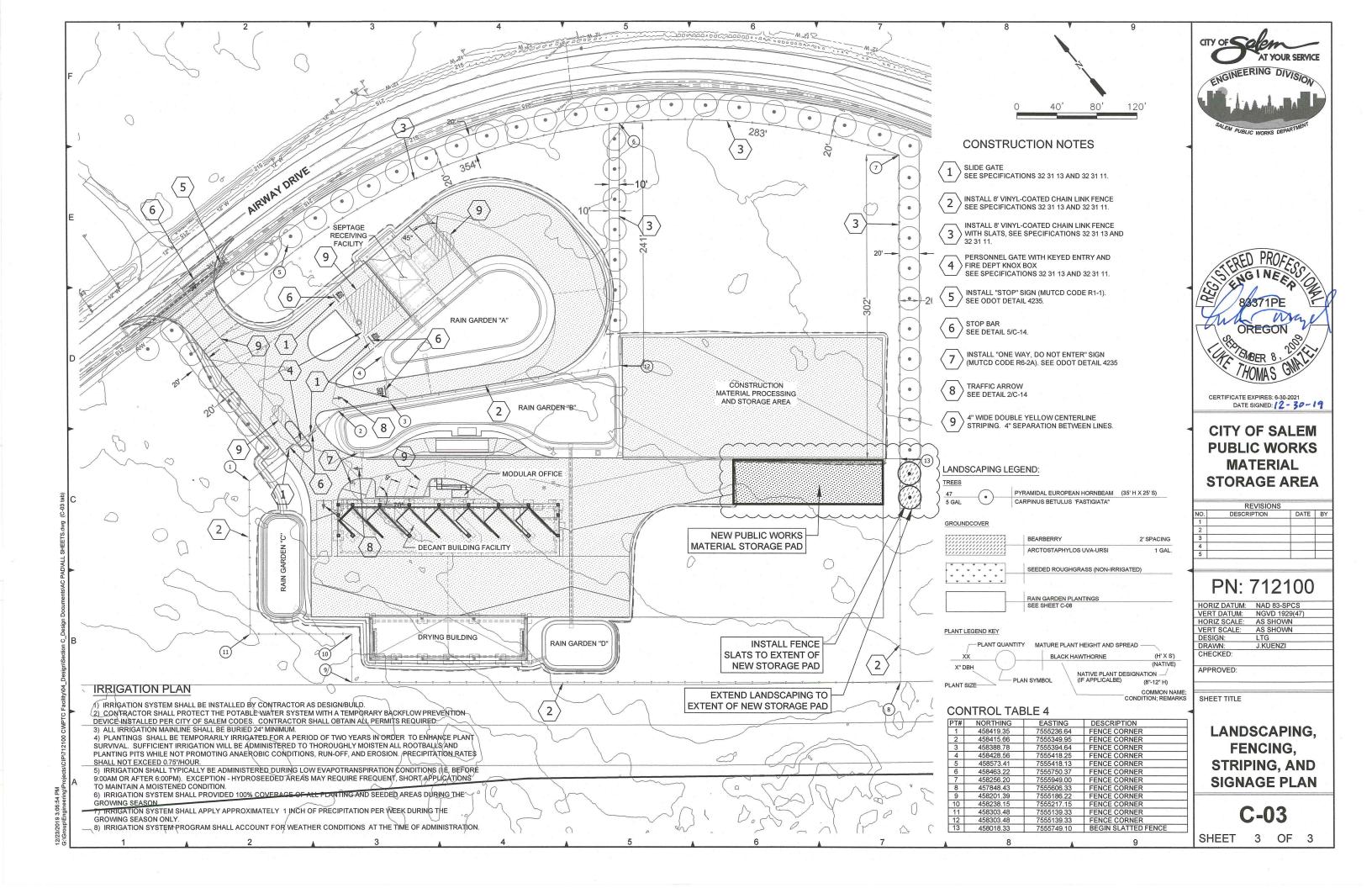
City of Salem Construction Waste Processing and Transfer Center – Modification of Conditional Use Permit (Case No. CU-SPR14-05-MOD1) Site Plan Review Summary Table:

Taxlot ID	Zoning	Site Area/Lot	Gross Floor Area	Building Height	Parking Spaces	Total Lot
		Size				Coverage
083W12A00500	IND; POS (project activity taking place exclusively in IND	48.97	Previously Approved Gross Floor Area: 30,020 sq.ft. Modified Gross Floor Area Including Modular Office Building: 30,148 sq. ft.	 Decant Building: 32'-3.1875" Drying Building: 29-9" Septage Facility: 25'-6" Modular Office Building: 12' 	- No new spaces	- 7.15 acres (includes all development hardscape and softscape improvements)

Criteria for Modification of Conditional Use:

The proposed addition of a 44-foot by 150-foot asphalt concrete pad for the purpose of storing public works construction materials including signal pole and streetlight storage racks is consistent with the conditions of the original approval. Furthermore, when compared to the current approval, the proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impact on surrounding properties.







MEMO

TO:

Pamela Cole, Planner II

Community Development Department

FROM:

Glenn J. Davis, PE, CFM, Chief Development Engineer

Public Works Department

DATE:

February 20, 2020

SUBJECT:

PUBLIC WORKS RECOMMENDATIONS

CU-SPR14-05-MOD2 (19-126208-ZO)

3121 AIRWAY DRIVE SE

6,535-SQUARE-FOOT CONCRETE STORAGE PAD

PROPOSAL

Second Modification of Conditional Use-Class 3 Site Plan Review Application No. CU-SPR14-05 to add a 6,535-square-foot asphalt concrete storage pad for storage of Public Works construction materials including signal pole and streetlight storage racks to the previously approved City of Salem construction waste processing and transfer center that occupies approximately 7 acres of a 39-acre property designated IND (Industrial) and POS (Parks, Open Space, and Outdoor Recreation) in the Salem Area Comprehensive Plan, zoned IP (Industrial Park) and PS (Public Service), located within the McNary Field Overlay Zone, and located at 3121 Airway Drive SE 97302 (Marion County Assessor Map and Tax Lot 083W12A 00500).

SUMMARY OF FINDINGS

The proposed development meets applicable criteria related to Public Works infrastructure.

FACTS

Streets

- Airway Drive SE
 - a. <u>Existing Conditions</u>—This street has an approximate 26-foot improvement within an 80-foot-wide right-of-way abutting the subject property.

b. <u>Standard</u>—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.

Storm Drainage

1. Existing Conditions

- a. A public ditch is located along Airway Drive SE.
- b. Private storm detention facilities are located on the subject property.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 16-inch water main is located in Airway Drive SE. Mains of this size generally convey flows of 3,800 to 8,800 gallons per minute.
- c. A 10-inch water main is located in Airway Drive SE. Mains of this size generally convey flows of 1,500 to 3,400 gallons per minute.
- d. An 8-inch water main is located on the subject property. Mains of this size generally convey flows of 500 to 1,100 gallons per minute.

Sanitary Sewer

1. Existing Conditions

a. A 15-inch sewer line is located within an easement bisecting the subject property.

CRITERIA AND FINDINGS

SRC 220.10(d)(2) indicates the criteria for a modification that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

<u>SRC 220.010(d)(2)(A)</u>—The proposed modification is not substantially inconsistent with the conditions of the original approval.

Finding—The proposed modification does not substantially impact the proposed use for the site as outlined in the original Site Plan Review decision, Case No.CU-SPR14-05 and Case No.CU-SPR14-05-MOD1. The proposed modification to construct a 6,535-square-foot storage pad on the site does not substantially impact the demands for

Pamela Cole, Planner II February 20, 2020 Page 3

MEMO

public utilities or traffic generation and is in substantial conformance with the modified approval conditions.

SRC 220.010(d)(2)(B)—The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

Finding—The proposed modification does not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties. The construction of the 6,535-square-foot storage pad will be incorporated into the existing development and stormwater impacts will be mitigated pursuant to SRC Chapter 71.

Prepared by: Shelby Guizar, Program Coordinator

cc: File