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503-588-6173*

DECISION OF THE HEARINGS OFFICER

CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW CASE NO.: CU-SPR21-01

APPLICATION NO.: 20-116228-ZO, 20-116229-RP

NOTICE OF DECISION DATE: March 2, 2021

SUMMARY: A proposal to construct above-ground storage tanks and associated improvements for an existing petroleum products wholesaler.

REQUEST: A conditional use permit and Class 3 site plan review to construct 10 above-ground storage tanks with a concrete containment basin, a loading facility, and expansion of an off-street parking area for an existing heavy wholesaling use. The subject property is approximately 4.93 acres in size, zoned IP (Industrial Park), and located at 1977 Claxter Road NE (Marion County Assessor map and tax lot number(s): 073W01C / 3200).

APPLICANT: Jeffrey Tross on behalf of Peter Nelson, Marc Nelson Oil Products INC

LOCATION: 1977 Claxter Rd NE, Salem, OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 240.005(d) – Conditional Use, 220.005(f)(3) – Class 3 Site Plan Review

FINDINGS: The findings are in the attached Decision dated February 26, 2021

DECISION: The **Hearings Officer, APPROVED** Conditional Use / Class 3 Site Plan Review Case No. CU-SPR21-01 subject to the following conditions of approval:

CONDITIONAL USE:

Condition 1: The proposed development shall be in substantial conformance with the approved site plan included as Attachment B, as modified by the conditions of approval.

SITE PLAN REVIEW:

Condition 2: A minimum of 15 percent, or 32,213 square feet, of the development site shall be landscaped to the Type A standard.

Condition 3: Design and construct stormwater facilities in compliance with Salem Revised Code Chapter 71 and Public Works Design Standards.

The rights granted by the attached decision must be exercised, or an extension granted, by the dates listed below, or this approval shall be null and void.

Conditional Use
Class 3 Site Plan Review

March 18, 2023
March 18, 2025

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

Application Deemed Complete:	<u>January 19, 2021</u>
Public Hearing Date:	<u>February 10, 2021</u>
Notice of Decision Mailing Date:	<u>March 2, 2021</u>
Decision Effective Date:	<u>March 18, 2021</u>
State Mandate Date:	<u>May 19, 2021</u>

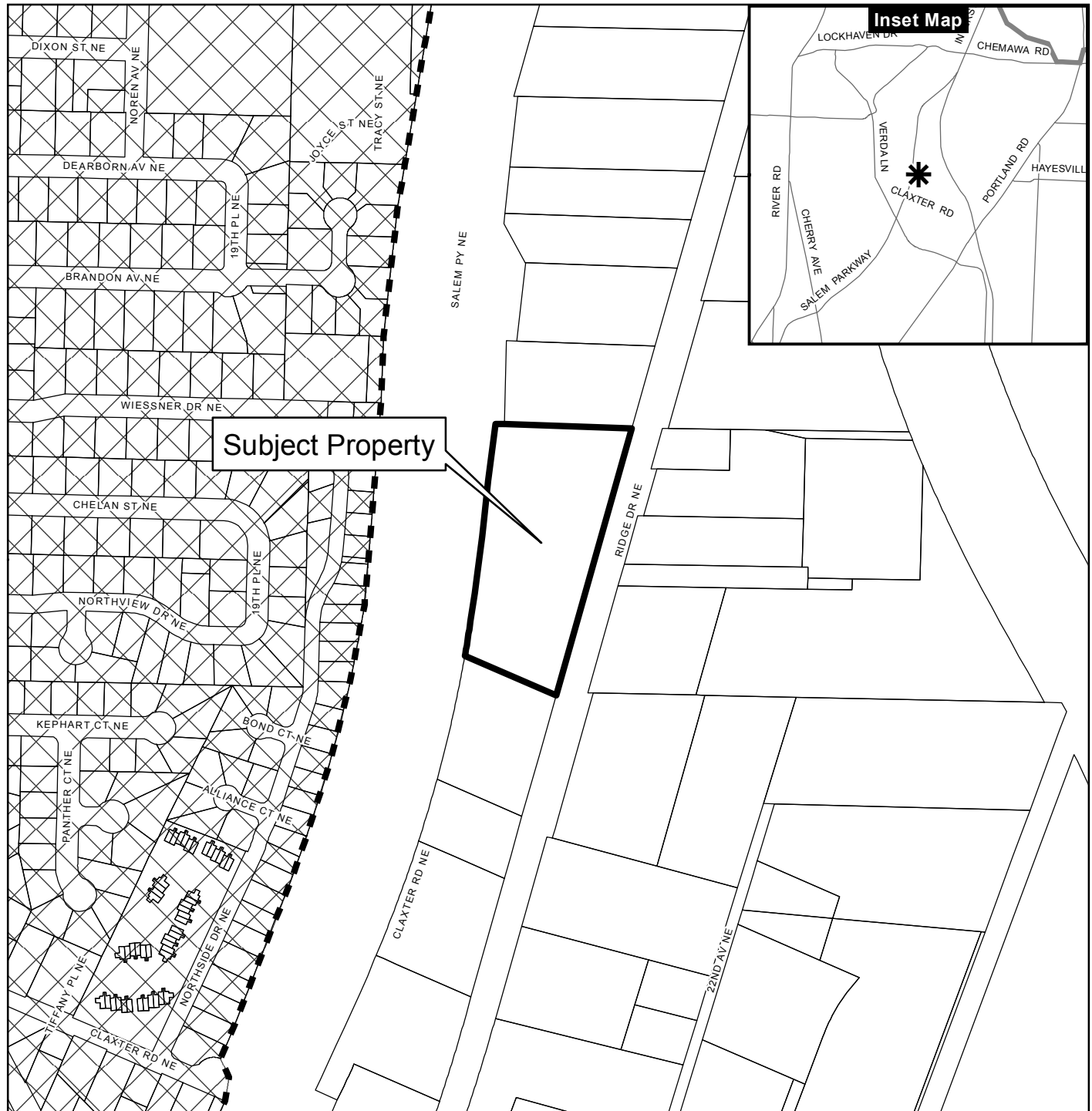
Case Manager: Brandon Pike, bpik@cityofsalem.net, 503-540-2326

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Wednesday, March 17, 2021. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 240, 220. 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 by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

Vicinity Map 1977 Claxter Road NE



Legend

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

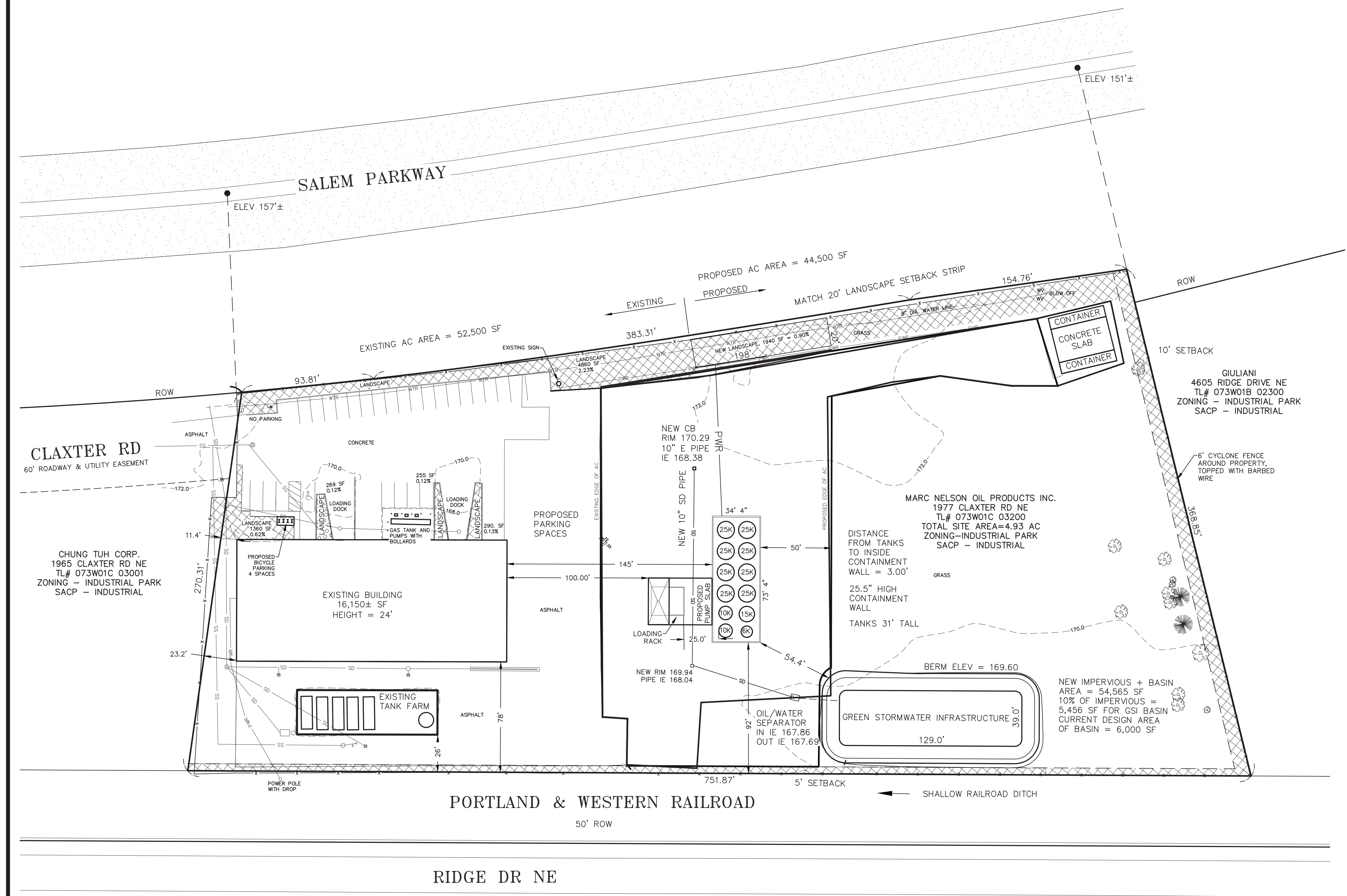
- Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

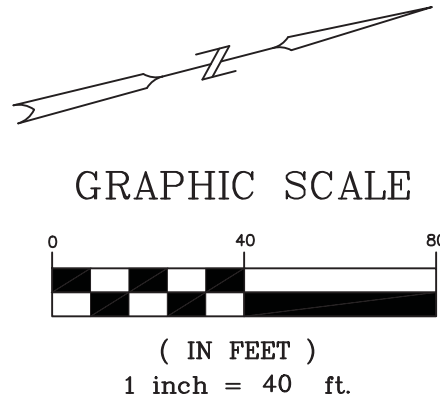
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0 100 200 400 Feet





REMOVE TWO VEHICLE PARKING SPACES FOR FOUR BICYCLE SPACES AND ADD TWO NEW VEHICLE PARKING SPACES



Green Stormwater Infrastructure (GSI) facility and the proposed development will be complying with recently updated SRC Chapter 71 and PWDS for Green Stormwater Infrastructure.

REGISTERED PROFESSIONAL ENGINEER
CORBIN BOATWRIGHT
OREGON
JULY 26, 1985
CORBIN BOATWRIGHT

EXPIRES 12/31/21

MNOP	
PROPOSED SITE PLAN	
1977 CLAXTER ROAD, SALEM	
MARION COUNTY, OREGON	
Scale: 1" = 40'	Date: JULY, 2020
Design: CFB	Job No. 5/20
Drawn: SDW	Sheet
Chkd: CFB	3 of 6

**CITY OF SALEM
BEFORE THE HEARINGS OFFICER**

A CONDITIONAL USE PERMIT AND CLASS 3 }	
SITE PLAN REVIEW TO CONSTRUCT 10 }	CU-SPR21-01
ABOVE-GROUND STORAGE TANKS WITH A }	
CONCRETE CONTAINMENT BASIN, A }	
LOADING FACILITY, AND EXPANSION OF }	FINDINGS OF FACT, CONCLUSIONS, AND
AN OFF-STREET PARKING A VEHICLE USE }	DECISION
AREA FOR AN EXISTING HEAVY }	
WHOLESALING USE. THE SUBJECT }	
PROPERTY IS APPROXIMATELY 4.93 ACRES }	
IN SIZE, ZONED IP (INDUSTRIAL PARK), }	
AND LOCATED AT 1977 CLAXTER ROAD NE }	
(MARION COUNTY ASSESSOR MAP AND }	
TAX LOT NUMBER(S): 073W01C / 3200). }	

DATE AND PLACE OF HEARING:

February 10, 2021, virtual hearing on Zoom.

APPEARANCES:

<u>Staff:</u>	Brandon Pike, Planner I
<u>Neighborhood Association:</u>	None
<u>Proponents:</u>	Marc Nelson Oil Products, Inc., Jeff Tross, Tross Consulting, Inc.
<u>Opponents:</u>	None

SUMMARY OF THE APPLICATION AND HEARING

Application Processing

The applicant submitted a consolidated application for a conditional use permit and Class 3 site plan review for processing on October 14, 2020. The City deemed the consolidated application complete for processing on January 19, 2021.

The City of Salem Hearings Officer held a virtual public hearing on February 10, 2021, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) requirements on January 21, 2021. Notice of the public hearing was also posted on the property pursuant to SRC requirements.

Proposal

The applicant proposes a Conditional Use permit and Class 3 Site Plan Review application to allow construction of above-ground storage tanks and associated improvements for an existing petroleum products wholesaler, classified as a heavy wholesaling use, for property located at 1977 Claxter Road NE.

Summary of Record

The Hearings Officer includes the following items into the record: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; all documents referenced in the staff report; Attachments B and Attachment C to the staff report; and the video of the staff report and PowerPoint provided during the public hearing.

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." The subject property is within the urban growth boundary and outside the urban service area. The Public Works Department determined that an Urban Growth Preliminary Declaration is not required to determine public facilities required to fully serve the development in conformance with the City's adopted master plans and Area Facility Plans.

2. Zoning of Surrounding Land Uses

The subject property is zoned IP (Industrial Park). Within the IP zone, and pursuant to SRC 240.005(a)(2), expansion of a heavy wholesaling use requires a conditional use permit.

The zoning of surrounding properties is as follows:

North: IP (Industrial Park)

South: IP (Industrial Park)

East: Across railroad right-of-way and Ridge Drive NE – IG (General Industrial)

West: Across Salem Parkway – land within the city of Keizer

3. Site Analysis

The subject property is approximately 4.93 acres in size. It has approximately 632 feet of frontage on Salem Parkway, and abuts approximately 752 feet of frontage of right-of-way which includes a railroad and Ridge Drive NE. The property is served by an existing flag lot accessway.

4. Neighborhood and Citizen Comments

The subject property is located within the Northgate Neighborhood Association. Notice was provided to the neighborhood association and to surrounding addresses, property owners, and tenants within 250 feet of the subject property. No neighborhood association or public comments or appearances were made.

5. City Department and Public Agency Comments

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

The Building and Safety Division reviewed the proposal and indicated no concerns.

The Fire Department reviewed the proposal and provided the following comment: OFC 5704.2.9.2.1 may require a foam fire protection system. The Fire Department will need information from a designer/fire protection engineer indicating the water and foam supply required to fight a fire in this situation. The Fire Department will then be able to evaluate the provided information to determine if a foam fire protection system is required.

6. Analysis of Conditional Use Criteria

SRC Chapter 240.005(a)(2) provides that:

No use for which a conditional use permit has been granted shall be expanded, relocated, or changed to another conditional use, and no building or structure devoted to such use shall be structurally altered or enlarged, unless a new conditional use permit, or a modification of an existing conditional use permit, has been granted pursuant to this chapter for such expansion, relocation, change, structural alteration, or enlargement; provided, however, a new conditional use permit, or modification of an existing conditional use permit, shall not be required for interior construction or tenant improvements that involve no change of use, or for alterations required to address a building code violation or to comply with the Americans with Disabilities Act.

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

Criterion 1:

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

The Hearings Officer notes that SRC Chapter 553, Table 553-1 provides that petroleum and petroleum products wholesalers, classified as a heavy wholesaling use, are allowed in the IP (Industrial Park) zone with a conditional use permit. The Hearings Officer finds that this criterion is satisfied.

Criterion 2:

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

The Hearings Officer notes that the applicant states the proposed development is compatible with the surrounding land uses. The subject property is within a major industrial area in the northern portion of the city—surrounded by right-of-way and areas designated “Industrial” on the comprehensive plan. The Hearings Officer agrees that the proposed development is compatible with these surrounding land uses.

The Hearings Officer notes that development standards of the zoning code, including setbacks, building height limitations, and landscaping, are intended to address the impacts that arise between different uses that are not necessarily compatible. The Hearings Officer notes that the northern portion of the subject property, which would contain the proposed expansion of the heavy wholesaling use, previously consisted of undeveloped land which did not conform to the minimum setback or landscaping standards of the IP zone. The proposed site plan shows landscaped setbacks in this area which will meet the minimum standards of the IP zone, ensuring adequate landscaping and screening will be provided between the proposed development and the immediate neighborhood. The Hearings Officer finds that meeting these standards in this way will address impacts on the neighborhood.

As shown on the proposed site plan, a large physical separation will be provided between the proposed storage tanks and all adjacent properties and streets, with approximately 92 feet between the storage tanks and the nearest property line. The applicant notes that wide rights-of-way adjacent to the property provide additional spacing between the proposed development and areas to the east and west—

the right-of-way for Salem Parkway is approximately 300 feet wide adjacent to the subject property, and the right-of-way for Ridge Drive NE, which includes a railroad, is approximately 80 feet wide adjacent to the subject property. Additionally, the applicant notes that an approximately 20-foot-tall berm separates the subject property from Salem Parkway—a high-traffic corridor with a multi-use path which carries the preponderance of vehicle traffic which passes by the subject property. The Hearings Officer finds that the presence of this berm, along with the factors summarized above, ensures the proposed development will not have a significant visual impact on the immediate neighborhood.

The applicant states the proposed storage tanks will meet State Fire Marshal / Uniform Fire Code standards and requirements—including the use of a concrete containment structure that will serve as secondary containment for all tanks. The structural and containment requirements serve to minimize the potential for leakage and for leakage to reach the subsurface. The Hearings Officer finds that these requirements will minimize possible environmental impacts on the immediate neighborhood.

The Hearings Officer finds that the proposed development will have a minimal impact 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 storage tanks would occupy an area approximately 34.5 feet wide by 73.5 feet long, or approximately 2,517 square feet in area, and would be placed near the center of the 4.93-acre property. Due to the physical characteristics of the vicinity, along with the required landscaped setbacks which will be provided on the large development site, the proposed site improvements will not have a significant impact on the livability of surrounding property. The proposal also includes paved maneuvering and loading areas adjacent to the storage tanks, as well as placement of storage containers in the northwest corner of the site. These containers will be separated from adjacent properties and right-of-way by landscaped setbacks.

The applicant's written statement notes that surrounding properties are part of a long-established industrial area, with developments and uses which are compatible with the existing heavy wholesaling use.

The applicant's representative states there is no evidence of conflict between the existing use and the surrounding developments.

The Hearings Officer finds that as proposed, the use will be reasonably compatible with the surrounding uses and will have minimal impact on the livability or development of surrounding property. To ensure the proposal is in substantial conformance with the use and development presented in the application materials, the Hearings Officer imposes the following condition of approval:

Condition 1: The proposed development shall be in substantial conformance with the approved site plan included as Attachment B, as modified by the conditions of approval.

7. 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.

The Hearings Officer notes that the proposed development complies with all applicable development standards of the Unified Development Code (UDC), as follows:

Use and Development Standards – IP (Industrial Park) Zone:

SRC 553.005 – *Uses:*

Permitted, special, conditional, and prohibited uses in the IP zone are established in SRC Chapter 553, Table 553-1.

The Hearings Officer finds that pursuant to SRC Table 553-1, petroleum and petroleum products wholesalers, classified as a *heavy wholesaling* use, are allowed in the IP zone with a conditional use permit.

SRC 553.010(a) – *Lot Standards:*

There are no minimum lot area, lot width, or lot depth requirements in the IP zone. All uses, except for *single family*, are required to have a minimum of 16 feet of street frontage.

The Hearings Officer finds that the existing lot complies with the minimum lot standards of the IP zone, and no changes to the lot size or dimensions are proposed.

SRC 553.010(b) – Setbacks:

Setbacks within the IP zone shall be provided as set forth in Tables 553-3 and 553-4.

Abutting Street

West: Adjacent to the west is right-of-way for Salem Parkway. Buildings, accessory structures and vehicle use areas require a minimum setback of 20 feet.

The Hearings Officer finds that the proposed site plan shows a 20-foot landscaped setback between the proposed site improvements and the west property line. Except where existing nonconforming setbacks are in place in the southern portion of the site, the proposal meets the standard.

Abutting Railroad

East: Adjacent to the east is railroad right-of-way. Pursuant to SRC 800.035(d), the dimensions and configuration of the lot is such that the western property line shall be considered an interior side property line, requiring a minimum setback of 5 feet for buildings, accessory structures, and vehicle use areas.

The Hearings Officer finds that the proposed site plan shows a 5-foot landscaped setback along the east property line. The proposal meets the standard.

Interior Side / Rear

North: Adjacent to the north is property zoned IP. Buildings, accessory structures, and vehicle use areas require a minimum zone-to-zone setback of 10 feet.

The Hearings Officer finds that the proposed site plan shows a 10-foot landscaped setback along the north property line. The proposal meets the standard.

South: Adjacent to the south is property zoned IP. Buildings, accessory structures, and vehicle use areas require a minimum zone-to-zone setback of 10 feet.

The Hearings Officer finds that the subject property includes existing developed setbacks to the south property line, some of which do not meet current standards and are considered nonconforming. The

proposed development does not require the existing setbacks to the south to be brought into conformance with current standards. The proposal meets the standard.

SRC 553.010(c) – Lot Coverage, Height:

There is no maximum lot coverage standard in the IP zone. The maximum height allowance for all buildings and accessory structures is 45 feet.

The Hearings Officer finds that the maximum height proposed for the storage tanks will be approximately 31 feet. The proposal meets the standard.

SRC 553.010(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.

The Hearings Officer finds that except where existing nonconforming setbacks are in place, the proposed site plan shows all perimeter setbacks and vehicle use areas landscaped as required under the IP zone and SRC chapters 806 and 807.

The subject property is approximately 4.93 acres or 214,751 square feet in size. A minimum of 32,213 square feet of the development site shall be landscaped to the Type A standard ($214,751 \times 0.15 = 32,212.7$). The proposed site plan shows approximately 29,407 square feet of the development site as landscaping.

To ensure the proposal meets the minimum landscaping requirements of the IP zone, the Hearings Officer imposes the following condition of approval:

Condition 2: A minimum of 15 percent, or approximately 32,213 square feet, of the development site shall be landscaped to the Type A standard.

SRC 553.010(e) – Outdoor Storage:

Within the IP zone, outdoor storage shall conform to the standards set forth in this section.

The Hearings Officer finds that the applicant has not indicated any outdoor storage at the subject property. Any future outdoor storage shall conform to the standards set forth in this section.

General Development Standards (SRC 800)

Solid Waste Service Areas

SRC 800.055(a) – *Applicability.*

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed, or any change to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.

The Hearings Officer notes that the proposed development does not include a new solid waste, recycling, or compost receptacle of 1 cubic yard or larger, or any change to an existing solid waste service area for receptacles of one cubic yard or larger which requires a building permit. The Hearings Officer finds that the standards of SRC 800.055 do not apply to the proposal.

Pedestrian Access

SRC 800.065 – *Pedestrian Access.*

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than *single family, two family, three family, four family*, and *multiple family* developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

The Hearings Officer notes that the proposed development does not include development of a new off-street parking area, an alteration or expansion of an existing off-street parking area, nor the development of a new building. The Hearings Officer finds that the standards of SRC 800.065 do not apply to the proposal.

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; any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity; or for any intensification, expansion, or enlargement of a 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, or within the additional locations set forth under this section.

SRC 806.015 – Amount of Off-Street Parking.

- a) *Minimum Required Off-Street Parking.* The minimum off-street parking requirement for a heavy wholesaling use is 1 per 1,500 square feet.
- b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Maximum Off-Street Parking.* Except as otherwise provided in this section, and otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2A. For uses requiring 20 spaces or less, the maximum number of off-street parking spaces allowed is 2.5 times the minimum number of spaces required. For uses requiring more than 20 spaces, the maximum number of off-street parking spaces allowed is 1.75 times minimum number of spaces required.

The Hearings Officer notes that the proposal does not include a change to the square footage of the floor area of the existing heavy wholesaling use, but does include an intensification or expansion of the existing use; therefore, the Hearings Officer finds that the off-street parking requirements of this section apply.

The existing building is approximately 16,150 square feet in size, which requires a minimum of 11 off-street parking spaces ($16,150 / 1,500 = 10.8$). The proposed site plan includes 28 off-street parking spaces, which the Hearings Officer finds meets the minimum standard.

Of the 28 off-street parking spaces shown on the proposed site plan, none are proposed as compact spaces (0 percent). The Hearings Officer finds this meets the compact parking space allotment allowed under SRC 806.015(b).

The Hearings Officer notes the proposed development does not require 60 or more off-street parking spaces, and does not fall within the public services and industrial use classifications or the business and

professional services use category. No carpool or vanpool spaces are required.

Based on a minimum off-street parking requirement of 11 spaces, the maximum number of off-street parking spaces allowed is 28 spaces ($11 \times 2.5 = 27.5$). The proposed development includes a total of 28 spaces, which the Hearings Officer finds meets the maximum standard.

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, expansion or alteration of existing off-street parking and vehicle use areas where existing paved surface is replaced with a new paved surface, or the paving of an unpaved area.

The Hearings Officer notes the proposed development includes expansion of an existing vehicle use area and paving of an unpaved area. The vehicle use area development standards of this section are applicable.

- 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.

The Hearings Officer finds the proposed vehicle use area complies with all applicable location and perimeter setback requirements.

- d) Interior Landscaping. Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5.

The Hearings Officer notes the proposal includes expansion of an existing vehicle use area, while no changes are proposed to the existing off-street parking area. The Hearings Officer finds that no additional interior landscaping is required for the proposal.

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

The Hearings Officer notes the proposal includes expansion of an existing vehicle use area, while no changes are proposed to the existing off-street parking area. The Hearings Officer finds the proposed vehicle

use area meets the minimum dimensional requirements of SRC Chapter 806.

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

The Hearings Officer notes the proposed vehicle use area is developed consistent with the additional development standards for grade, surfacing, drainage, and striping. Lighting within the vehicle use area shall comply with the standards of SRC Chapter 806. Off-street parking area screening per SRC 806.035(m) is not required for the existing off-street parking area.

Bicycle Parking

SRC 806.045 – General Applicability.

Bicycle parking shall be provided and maintained for each proposed new use or activity, any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity, or any intensification, expansion, or enlargement of a use or activity.

The Hearings Officer notes that proposal includes an intensification or expansion of an existing use. The Hearings Officer finds that the standards of this section apply to the proposed development.

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.

Bicycle parking shall be provided in amounts not less than those set forth in Table 806-8. Heavy wholesaling uses require a minimum of 1 space per 15,000 square feet, where square footage equals the gross floor area.

The Hearings Officer notes the existing building is approximately 16,150 square feet, which requires a minimum 1 bicycle parking space ($16,150 / 15,000 = 1.1$). The proposed site plan shows 4 bicycle parking spaces, which the Hearings Officer finds meets the minimum standard.

SRC 806.060 – Bicycle Parking Development Standards.

Unless otherwise provided under the UDC, bicycle parking shall be provided in racks or lockers developed and maintained as set forth in this section. The standards set forth in this section shall not apply to City approved bike share stations which utilize bike docking stations.

SRC 806.060(a) – Bicycle Parking Location.

Bicycle parking areas are required to be located within a convenient distance of, and clearly visible from, the primary entrance of a building, but in no event shall the bicycle parking area be located more than 50 feet from the primary building entrance.

The Hearings Officer notes that the proposed site plan shows the bicycle parking spaces are located within 50 feet of the primary building entrance near the southwest corner of the building. The Hearings Officer finds the proposal meets the standard.

SRC 806.060(b) – Bicycle Parking Access.

Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

The Hearings Officer notes the proposed bicycle parking spaces have direct access to the public right-of-way via the flag lot accessway which serves the property, as well as to the primary building entrance which is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area. The Hearings Officer finds the proposal meets the standard.

SRC 806.060(c) – Bicycle Parking Dimensions.

Except as provided in subsection (f) of this section, bicycle parking areas shall meet the following dimension requirements:

- (1) Bicycle parking spaces. Bicycle parking spaces shall be a minimum of six feet in length and two feet in width with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side.
- (2) Access aisles. Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

SRC 806.060(d) – Bicycle Parking Surfacing.

Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.

The Hearings Officer notes the proposed site plan shows bicycle parking spaces and an access aisle which the Hearings Officer finds

meet the dimension and surfacing standards set forth in these subsections.

Off-Street Loading Area

SRC 806.065 – General Applicability.

Off-street loading areas shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

SRC 806.070 - Proximity of Off-Street Loading Areas to Use or Activity Served.

Off-street loading areas shall be located on the same development site as the use or activity it serves.

SRC 806.075 – Amount of Off-Street Loading.

Pursuant to SRC Table 806-9, uses within the wholesale sales, storage, and distribution use category with a gross floor area of between 5,000 and 100,000 square feet require a minimum of 1 off-street loading space. The required loading space shall have a minimum width of 12 feet, minimum length of 30 feet, and minimum height of 14 feet.

The Hearings Officer notes that the proposed site plan shows an existing off-street loading space west of the building which meets the minimum dimensions required under this section. The Hearings Officer finds the proposal meets the standard.

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.

The Hearings Officer notes that the proposed development requires a minimum of 32,213 square feet of landscaped area, requiring a minimum of 1,611 plant units ($32,213 / 20 = 1,610.7$). Of the required plant units, a minimum of 644 plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees ($1,611 \times 0.4 = 644.4$).

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):

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

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.

The Hearings Officer notes the applicant's development plans indicate no trees or native vegetation protected under SRC Chapter 808 will be removed as a result of the proposal. The proposal is consistent with the tree and vegetation preservation requirements of SRC Chapter 808.

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.

The Hearings Officer notes that according to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas or hydric soils.

SRC 810 - Landslide Hazards:

A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810, the subject property does not contain any mapped landslide hazard areas.

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.

The Hearings Officer notes that the existing street system is adequate to serve the proposed development and the development is not proposing a building addition subject to 803.040(a); therefore, no right-of-way dedication or street improvements are required. The Hearings Officer finds this criterion is met.

Criterion 3:

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

The Hearings Officer notes the proposed site plan includes on-site vehicle, bicycle, and pedestrian infrastructure which will allow for safe and efficient movement throughout the site's parking areas and driveways. The Hearings Officer finds this criterion is met.

Criterion 4:

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

The Hearings Officer notes that the Public Works Department has reviewed the applicant's preliminary plan for this site. The water and sewer infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The applicant does not show any new connections to public infrastructure.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(a) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. At the time of building permit, the applicant shall design and construct stormwater facilities in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS). To ensure the proposal will be adequately served by stormwater facilities, the Hearings Officer imposes the following condition of approval:

Condition 3:

Design and construct stormwater facilities in compliance with Salem Revised Code Chapter 71 and Public Works Design Standards.

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.

DECISION

Based upon the Facts and Findings contained in the staff report, the Hearings Officer APPROVES the request for a conditional use and site plan review application to construct above-ground storage tanks and associated site improvements for an existing petroleum products wholesaler for property located at 1977 Claxter Road NE, subject to the following conditions of approval:

CONDITIONAL USE:

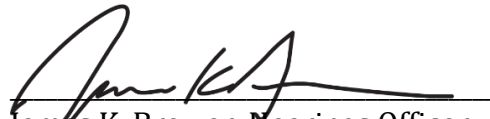
Condition 1: The proposed development shall be in substantial conformance with the approved site plan included as Attachment B, as modified by the conditions of approval.

SITE PLAN REVIEW:

Condition 2: A minimum of 15 percent, or 32,213 square feet, of the development site shall be landscaped to the Type A standard.

Condition 3: Design and construct stormwater facilities in compliance with Salem Revised Code Chapter 71 and Public Works Design Standards.

DATED: February 26, 2021


James K. Brewer, Hearings Officer