

**TO: HEARINGS OFFICER**

**FROM: LISA ANDERSON-OGILVIE, AICP  
DEPUTY COMMUNITY DEVELOPMENT DIRECTOR AND PLANNING  
ADMINISTRATOR**

**SUBJECT: NONCONFORMING USE / SITE PLAN REVIEW / ADJUSTMENT CASE 19-01  
3000 BLOCK OF PRINGLE RD SE and TAX LOT 083W02BA01805  
AMANDA NOS. 19-106402- ZO, 19-106403-RP, and 19-106405- ZO**

**REQUEST**

Consolidated Nonconforming Use, Class 3 Site Plan Review, and Class 2 Adjustment applications to expand the nonconforming uses allowed on an existing private 30-foot-wide access easement through property zoned RM2 (Multiple Family Residential 2); to construct a new multi-tenant building with parking lot, landscaping, and other site improvements; and two class two adjustments to:

- 1) Reduce the required 30-foot setback to the west property line to approximately 20-feet 8-inches and
- 2) Reduce the required 30-foot setback to the south property line to approximately 17-feet 6-inches

For property approximately 1.05 acres in size, zoned IP (Industrial Park), located at the 3000 Block of Pringle Road SE, adjacent to the west of 3224 Pringle Road SE 97302 (Marion County Assessor's Map 083W02BA / 1805).

**OWNER:** Dean and Jennifer Stockwell

**APPLICANT:** Dean and Jennifer Stockwell

**REPRESENTATIVE:** Jeffery Tross of Tross Consulting, Inc.

**RECOMMENDATION**

Based on the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the applicant's request subject to the following conditions of approval:

**Condition 1:** The applicant shall provide an existing conditions plan which identifies the species of trees on the subject site for the record.

**Condition 2:** At the time of building permit application, a revised site plan shall be submitted which identifies trees to be preserved. A tree removal permit is required for any significant tree proposed for removal.

- Condition 3:** At the time of building permit application, the applicant shall provide evidence that the proposed solid waste service area will comply with the standards of SRC 800.055.
- Condition 4:** At the time of building permit application, the applicant shall provide a revised site plan depicting no more than the maximum off-street parking allowance of 10 spaces -OR- prior to building permit application, the applicant shall apply for and obtain approval for a Class 2 Adjustment to the maximum allowed parking.
- Condition 5:** At the time of building permit application, the applicant shall provide a revised site plan providing 4 bicycle parking spaces which meet the development standards of SRC Chapter 806.060.
- Condition 6:** Provide a water pipeline easement along the southwest corner of the subject property in a width and alignment in conformance with the Public Works Design Standards (PWDS).
- Condition 7:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and PWDS.

### **BACKGROUND**

On March 1, 2019, an application for Nonconforming Use, Class 3 Site Plan Review, and Class 2 Adjustments were submitted to develop the subject property with a new 20,000 square foot building with parking lot, landscaping, and other site improvements. The applications were deemed complete for processing on April 11, 2019. The 120-day State mandated decision deadline for this case is August 9, 2019.

A vicinity map of the subject property is included as **Attachment A**.

The public hearing before the Hearings Officer is scheduled for May 9, 2019 at 5:30 p.m. in the Salem City Council Chambers, Civic Center Room 240, located at 555 Liberty Street SE. Notice of public hearing was sent by mail to surrounding property owners pursuant to Salem Revised Code (SRC) requirements on April 19, 2019. Public hearing notice was posted on the property on April 19, 2019 by the applicant pursuant to SRC requirements.

### **APPLICANT'S STATEMENT AND SITE PLANS**

The applicant's proposed site plan and building plans are included as **Attachment B**, and the applicant's statement addressing the applicable approval criteria for the consolidated request is included as **Attachment C**.

### **FACTS AND FINDINGS**

1. **Salem Area Comprehensive Plan (SACP) designation**

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Industrial." The subject property is located within the Urban Growth Boundary. The subject property is located inside the Urban Service Area (USA). Therefore, an Urban Growth Area Development Permit is not required.

The comprehensive plan designations of the surrounding properties include:

North: IND ("Industrial")

South: IND ("Industrial")

MF ("Multi-Family Residential")

East: Across Railroad Right-of-way: IND ("Industrial")

West: IND ("Industrial")

## 2. **Zoning and Surrounding Land Uses**

The subject property is zoned IP (Industrial Park). The zoning and uses of surrounding properties include:

North: CO (Commercial Office) and IP (Industrial Park) – Morrow Equipment and other industrial uses

South: RM2 (Multiple Family Residential) – apartments

East: IP (Industrial Park) – warehouses

West: RM2 (Multiple Family Residential) – apartments

## 3. **Natural Features**

**Trees:** 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.

**Finding:** The applicant did not submit an existing conditions plan identifying the trees or vegetation present on the subject property. To ensure this requirement is met, the following conditions of approval are recommended:

**Condition 1:** The applicant shall provide an existing conditions plan which identifies the species of trees on the subject site for the record.

**Condition 2:** At the time of building permit application, a revised site plan shall be submitted which identifies trees to be preserved. A tree removal permit is required for any significant tree proposed for removal.

**Wetlands:** The Salem-Keizer Local Wetland Inventory (LWI) identifies mapped wetlands and hydric soils on the subject property. The applicant should contact the Oregon Department of State Lands to verify if permits are required for development or construction in the vicinity of the mapped wetland area(s).

**Finding:** According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas

**Landslide Hazards:** According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property.

**Finding:** The proposed activity of a commercial building adds 2 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by Carlson Geotechnical and dated December 26, 2018, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties, provided the recommendations presented in the report are incorporated into the final design and development.

#### 4. **Neighborhood and Citizen Comments**

The subject property is located within the Morningside Neighborhood Association (Morningside). As of the date of writing this staff report, Morningside has not submitted comments.

As of the date of writing this staff report, no comments have been received from surrounding property owners or tenants.

#### 5. **City Department and Public Agency Comments**

The Building and Safety Division reviewed the proposal indicated they have not identified any site issues.

The Salem Fire Department commented that Fire has no concerns with the proposal at this time. Fire access and water supply will be verified during building permit review.

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

#### 6. **Analysis of Nonconforming Situations Criteria**

The applicant is proposing to take access from an access easement that was approved through Conditional Use Case No. 76-3, pursuant to a provision of the IP zone at the time which stated:

*Vehicle Access. Access points to property from a street shall be located to minimize traffic congestion, and maximum effort shall be made to avoid directing traffic into residential areas. Before a street, other than an arterial, which is a boundary between a residential district and an IP district, or a street which is within a residential district, is used for any vehicular access to an IP district, such use of those streets must first have been approved by the planning commission as a conditional use. Access road and access points will be used to the*

*maximum extent possible to serve the greatest number of uses. All access roads and driveways shall be surface with asphaltic concrete or comparable permanent surfacing.*

Approval for the access easement was granted with conditions that the access road would be surfaced with asphaltic concrete or a comparable surface, that the accessway shall be limited to the uses required for the light boat manufacturing facility constructed on the subject property, together with the joint use of tenants in the apartments (3230-3248 Pringle Road SE), and that the Conditional Use approval would cease at such time as other access to the light boat manufacturing facility should become available through the Industrial-zoned area.

For the newly proposed general manufacturing development to take place on the subject property and have access from Pringle Road SE byway of the access easement, the applicant is seeking an expansion to the nonconforming use of the accessway.

SRC 270.005(d)(4) states that an application for the extension, alteration, expansion, or substitution of a nonconforming use shall be approved if the following criteria are met:

- (A) The proposed extension, alteration, enlargement, or substitution of use is consistent with the general development character of the surrounding area;
- (B) The degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line will not be increased by the proposed extension, alteration, enlargement, or substitution of use;
- (C) The number and kinds of vehicular trips will not exceed the maximums typical for the zoning district within which the nonconforming use is located;
- (D) The amount and nature of outside storage, loading, and parking will not be increased or altered by the proposed extension, alteration, enlargement, or substitution of use so as to cause further impacts;
- (E) The hours of operation for the proposed extension, alteration, enlargement, or substitution of use will not be altered or increased beyond those of the existing nonconforming use; and
- (F) If the proposal includes the alteration or enlargement of a building or structure, the alteration or enlargement complies with the applicable development standards of the UDC and all other applicable laws, ordinances, and regulations.

Criterion 1:

SRC 270.005(d)(4)(A) The proposed extension, alteration, enlargement, or substitution of use is consistent with the general development character of the surrounding area.

**Applicant's Statement:** The subject property is designated as industrial land on the SACP map and it is zoned IP, as is the adjacent land to the east and north. The existing Plan designation and IP zone are consistent with the general development character of these adjacent lands. The IP zone is a general-purpose industrial zone that provides for a wide variety of manufacturing, processing, fabrication, service and distribution uses. These IP lands are part of the long-standing Pringle Road industrial corridor, located in

between Pringle Road and the railroad, and are a major component of the character of the area. RM2 lands border Pringle Road, in between the industrial area and that street, and are developed with residential uses. Much of the residential development occurred after the industrial development was established.

The use of the subject property for general light industrial purposes as provided for by the IP zone is consistent with the long-standing relationship that exists between the industrial and residential areas and will not change the general development character of the area. The extent of the designated industrial land will not change, and there will be no industrial use outside of that boundary. The only factor to limit the use of the industrial property is the potential traffic volume using the residential portion of the access easement. The potential for high traffic volumes to affect the character of the area can be mitigated by restricting those uses that are allowed in the IP zone that have the potential to generate higher volumes of traffic than are typical of industrial uses. Uses to be restricted have been identified in the previous Decisions, as noted. By restricting the uses that have the potential to generate higher volumes of traffic from locating on the site the proposed expansion of the use of the access easement will be consistent with the general development character of the surrounding area.

**Finding:** The subject property is designated “Industrial” on the Salem Area Comprehensive Plan map. All abutting properties to the north and east are designated Industrial and zoned IP and IG, which include warehouses, shop buildings, and outdoor equipment and material storage. Though the proposal includes the development of a new multi-tenant building, the applicant has indicated the space is intended to be used as commercial kitchen space (general manufacturing use) which is consistent with the other nonconforming uses already taking access from the accessway. The proposed expansion of uses at this site optimizes the use of land within the Salem urban area by making use of a site already dedicated to industrial uses. The proposal would remain consistent with the existing development character of the surrounding area.

As proposed, this criterion is met.

Criterion 2:

SRC 270.005(d)(4)(B) The degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line will not be increased by the proposed extension, alteration, enlargement, or substitution of use.

**Applicant’s Statement:** The proposed use is a commercial kitchen, and those generally allowed in the propose IP zone. The use of the access easement will not affect vibration, dust, odor, fumes, glare or smoke, detectable at the property line of the subject property, and those factors do not affect the use of the access easement. By restricting the uses that have the potential to generate high volumes of traffic from locating on this site, the impacts of the traffic from industrial use will be compatible with the adjacent residential activity. By limiting the traffic in this manner, the degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line will not be increased by the proposed extension or expansion of the allowed uses.

**Finding:** City staff anticipates that any noise, vibration, dust, odors, fumes, glare, smoke, traffic, and visual impacts generated by the additional uses will be generally consistent with, or far less than levels generated by the previously approved uses on adjacent properties. Staff concurs with the applicant's statement that the expansion of uses will not significantly increase any adverse impacts to the site or cause adverse impacts to the immediate neighborhood. As proposed, this criterion is met.

Criterion 3:

SRC 270.005(d)(4)(C) The number and kinds of vehicular trips will not exceed the maximums typical for the zoning district within which the nonconforming use is located.

**Applicant's Statement:** The nonconforming use is the portion of the access easement located in the RM2 zone. The subject property, Tax Lot 1805, is 1.06 acres. Compared to the traffic volume that would be estimated to result from allowed RM2 development density, the volume of traffic that could result from industrial use will be lower. For example, at the maximum RM2 density of 28 units per acre, the subject property could generate  $28 \times 6.7 = 188$  vehicle trips per day. By comparison, using the method described in the City Traffic Engineer's memo of 7/26/13 for Case NC-SPR 13-01 (copy attached), "General Light Industrial" uses, the planned building square footage of 20,160 square feet would generate approximately 140 daily trips. It is unlikely that the uses allowed in the IP zone would exceed the volume that could result in the RM2 zone.

The property is part of a long-standing industrial concentration. The types of industrial uses that could be allowed on the property will generate relatively low volumes of traffic. Most vehicle trips are expected to be from employees, and commercial service vehicles such as vans, high-cube vans, step-vans, pickups, etc., and UPS/FedEx style delivery trucks. Few large semi-trailer trucks are expected, and would be infrequent compared to the typical daily traffic. Most vehicle trips will be the result of employees, suppliers, and deliveries/shipments. The types of vehicles that typically access the site will be similar to those that service residential uses such as electricians, plumbers, builders, UPS, FedEx, etc. As a result, the types of vehicles will be compatible with the RM2 zoning district that the nonconforming access crosses.

Comparing the traffic volume that could result from RM2 development vs. industrial uses in the IP zone, the types of vehicles that are typically associated with those uses, and the proposed restriction on the uses allowed on the site, the number and kinds of vehicular trips will not exceed the maximums typical for the zoning district within which the nonconforming use is located; which satisfies this criterion.

**Finding:** The Assistant City Traffic Engineer reviewed the information provided by the applicant and determined that a "General Light Industrial", which could include a commercial kitchen, would be expected to generate 99 Average Daily Trips. If this 1.06 acres were developed as multi-family residential, the site could have a maximum of 29 units.

The traffic that would be expected from a 29 unit apartment complex would be 156 Average Daily Trips.

As before, the proposed industrial use would appear to generate less traffic than a multi-family development on the lot. It would be reasonable to prohibit uses with the potential for higher traffic generation similar to the condition placed on NC-SPR 13-01.

Based on this information, staff finds that the number and kinds of vehicular trips will not exceed the maximums typical for the zoning district within which the nonconforming use is located and the criterion is met.

#### Criterion 4

SRC 270.005(d)(4)(D) The amount and nature of outside storage, loading, and parking will not be increased or altered by the proposed extension, alteration, enlargement, or substitution of use so as to cause further impacts.

**Applicant's Statement:** The subject property is vacant. No outdoor storage is proposed as part of the proposed use as a commercial kitchen. New parking and loading area will be required for any use of the property. Parking and loading space is regulated by Code standards as they pertain to the IP zone. The required parking and loading area will be contained within the subject property and will not extend onto any property that is not zoned IP. By limiting the parking and loading areas to the spaces required for the proposed use, these features will not cause further impacts on the portion of the access easement in the RM2 zone.

**Finding:** The applicant is proposing a new multi-tenant building which would be used as a commercial kitchen or for other uses permitted within the IP zone. The proposal includes site improvements such as a parking lot and landscaped areas. The newly proposed development will be located entirely within the subject property which has a zoning designation of IP and a comprehensive plan designation of Industrial. The proposed use is an allowed use within the zone. Staff finds that the appropriate development of the subject property will not cause further impacts to the accessway than those of adjacent uses.

As proposed, this criterion is met.

#### Criterion 5:

SRC 270.005(d)(4)(E) The hours of operation for the proposed extension, alteration, enlargement or substitution of use will not be altered or increased beyond those of the existing nonconforming use.

**Applicant's Statement:** There are currently no limits on the hours that the access easement may be used for access to the industrial property beyond any that may be presented by the Code. The proposed use will comply with any limitation on hours of operation that are stated in the Code

**Finding:** The proposed expansion of uses within the proposed building will not alter or increase the hours of operation currently allowed within the buildings on adjacent

properties or on the access easement. This criterion is satisfied.

Criterion 6:

SRC 270.005(d)(4)(F) If the proposal includes the alteration or enlargement of a building or structure, the alteration or enlargement complies with the applicable development standards of the UDC and all other applicable laws, ordinances, and regulations.

**Applicant's Statement:** The proposal does not involve the alteration or enlargement of a building or structure. The site is currently vacant, and the building will be new construction. The building is being designed to comply with the development standards of the UDC and any other applicable provisions of laws, ordinances and regulations for the type and use of the building, and the provision for Adjustments. The City will review the building plans and issue permits upon determining that all standards and requirements are met.

**Finding:** The proposed development includes a new building on the vacant site. Section 8 of this staff report reviews the applicable criteria of the UDC. The applicant does request two Class 2 Adjustments, as reviewed in Section 9 of this staff report. The applicant has provided evidence and justification showing that each of the applicable criterion are met by the proposal.

This criterion is not applicable as the proposal includes new constructions, not an expansion or alteration of an existing building or structure.

7. **Class 3 Site Plan Review Applicability**

Site plan review is intended to provide a unified, consistent, and efficient means to review proposed development that requires a building permit, other than single-family, duplex residential, and installation of signs, to ensure that such development meets all applicable requirements imposed by the Salem Revised Code (SRC). SRC 220.005(b)(3) requires Class 3 Site Plan Review for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

8. **Analysis of Class 3 Site Plan Review Approval Criteria**

SRC 220.005(f)(3) states:

An application for Class 3 Site Plan Review shall be granted if:

- (1) The application meets all applicable standards of the UDC;
- (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;
- (3) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and

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

Criterion 1:

The application meets all applicable standards of the UDC.

**Finding:** The project includes a proposal for a multi-tenant building approximately 20,000 square feet in size, trash enclosures, landscaping, and new vehicle use areas.

**Development Standards – IP (Industrial Park) Zone:**

*SRC 553.005(a) - Uses:*

Except as otherwise provided in Chapter 553, the permitted, special, conditional and prohibited uses in the IP zone are set forth in Table 553-1.

**Finding:** The proposed development is for a commercial kitchen, general manufacturing use, which is listed as a permitted use in the IP zone pursuant to Table 553-1.

*SRC 553.010(a) – Lot Standards:*

There is no minimum lot area or dimension requirements in the IP zone. All uses are required to have a minimum of 16 feet of street frontage.

**Finding:** The subject property is approximately 1.05-acres in size the subject property does not have street frontage but does have rights to an existing 30-foot-wide access easement.

*SRC 553.010(b) – IP Zone Setbacks:*

**North:** Adjacent to the north is an IP (Industrial Park) Zone and a CO (Commercial Office) Zone. There is a 10-foot minimum building setback required adjacent to commercial or industrial zones; vehicle use areas are required to be setback a minimum of 10 feet from an interior lot line with Type A landscaping.

**South:** Adjacent to the south is an RM2 (Multiple Family Residential) Zone. There is a 30-foot minimum building setback required adjacent to a residential zone; vehicle use areas are required to be setback a minimum of 30 feet from a residential zone and Type C landscaping is required within the setback.

**East:** Adjacent to the east is an IP zone. There is a 10-foot minimum building setback required adjacent to industrial zones; vehicle use areas are required to be setback a minimum of 10 feet from an interior lot line with Type A landscaping.

**West:** Adjacent to the west is an RM2 (Multiple Family Residential) Zone. There is a 30-foot minimum building setback required adjacent to a residential zone; vehicle use areas are required to be setback a minimum of 30 feet from a residential zone and Type C landscaping is required within the setback.

**Finding:** As reviewed in Section 9 of this staff report, the applicant is seeking two adjustments

for setbacks abutting the RM2 zoned properties to the west and south. With the exception of the setbacks the applicant is seeking adjustment to, the proposed development meets the setback requirements. At the time of building permit review, the landscape plan will be reviewed for conformance with Type A and Type C landscaping.

*SRC 553.010(c) - Lot Coverage, Height:*

There is no maximum lot coverage standard. There is a 45-foot maximum building height allowance within the IP zone.

**Finding:** The applicant has indicated on the building elevation plan that the building will be less than 45-feet in height. The building height will be verified to be less than 45 feet at the time of building permit review.

*SRC 553.010(d) – IP Zone 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 vehicular use areas, may count toward meeting this requirement.

**Finding:** The applicant provided a site plan indicating approximately 11,200 square feet, or 30 percent of the development site will be landscaped. The proposed development exceeds the minimum 15 percent landscape standard for the development site within the IP zone.

## **Solid Waste Service Area Development Standards SRC 800**

*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.

*SRC 800.055(b) – Solid Waste Receptacle Placement Standards.*

All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of 4 inches thick, or on an asphalt pad that is a minimum of 6 inches thick. The pad shall have a slope of no more than 3 percent and shall be designed to discharge stormwater runoff.

- 1) Pad area. In determining the total concrete pad area for any solid waste service area:
  - a. The pad area shall extend a minimum of 1-foot beyond the sides and rear of the receptacle.
  - b. The pad area shall extend a minimum 3 feet beyond the front of the receptacle.

**Finding:** The proposed site plan does not indicate details of the solid waste receptacle area. Therefore, the following condition is recommended:

**Condition 3:** At the time of building permit application, the applicant shall provide evidence that the proposed solid waste service area will comply with the standards of SRC 800.055.

1) Minimum Separation.

- a. A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.
- b. A minimum separation of 5 feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

**Finding:** The proposed site plan does not indicate details of the solid waste receptacle area. But as conditioned above, this standard is met.

*SRC 800.055(e) – Solid Waste Service Area Enclosure Standards.*

When enclosures area used for required screening or aesthetics, such enclosure shall conform to the following standards:

- 1) Front Opening of Enclosure. The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.

**Finding:** The proposed site plan does not indicate details of the solid waste receptacle area. But as conditioned above, this standard is met.

- 1) Enclosure Gates. Any gate across the front opening of an enclosure shall swing freely without obstructions. For any opening that is 15 feet or greater in width, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.

**Finding:** The proposed site plan does not indicate details of the solid waste receptacle area. But as conditioned above, this standard is met.

*SRC 800.055(f) – Solid Waste Service Area Vehicle Access.*

- 1) Vehicle Operation Area. A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 12 feet in width. Vehicle operation areas shall be made available in front of every receptacle.

**Finding:** The proposed site plan does not indicate details of the solid waste receptacle area. But as conditioned above, this standard is met.

**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 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 IC zone, off-street parking for customers may be located within 800 feet of the development site containing the use or activity it serves; off-street parking for employees may be located within 2,000 feet of the development site containing the use or activity it serves.

*SRC 806.015 - Amount of Off-Street Parking.*

- a) *Minimum Required Off-Street Parking.* The minimum off-street parking requirement for general manufacturing uses is the greater of the following: 0.75 per employee; or 1 per 5,000 sq. ft. (Less than 50,000 sq. ft.)
- 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.

**Finding:** The proposed building is approximately 20,000 square feet in size. According to the applicant, the commercial kitchen space will be leasable to different organizations to prepare foods. Because of this, using an employee count to determine parking is not appropriate. General manufacturing uses require 1 off-street parking space per 5,000 square feet of floor area. The proposed building requires a minimum of 4 off-street parking spaces ( $20,000 / 5,000 = 4$ ). In accordance with the site plan provided, none of the parking spaces are planned to be compact spaces. For parking areas with 20 off-street parking spaces or less, the maximum allowed parking is 2.5 times the number of spaces required for the proposed use. In this case, the maximum allowed parking is 10 spaces, however, the applicant's site plan proposed 17 off-street parking spaces, which exceeds the maximum allowed, pursuant to SRC Chapter 806, Table 806-2. Because the proposal does not meet this requirement, the following condition of approval is recommended:

**Condition 4:** At the time of building permit application, the applicant shall provide a revised site plan depicting no more than the maximum off-street parking allowance of 10 spaces -OR- prior to building permit application, the applicant shall apply for and obtain approval for a Class 2 Adjustment to the maximum allowed parking.

As conditioned, this standard is met.

*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.

**Finding:** The proposed vehicle use areas complies with the minimum perimeter setback standards of SRC Chapter 806. The proposal meets the setback requirements adjacent to a building or structure.

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

**Finding:** The proposed site plan shows the parking area will be approximately 12,707 square feet in size. The minimum interior landscape required is 635 square feet ( $12,707 * 0.05 = 635.35$ ). The applicant's site plan shows approximately 2,275 square feet of interior landscaping which exceeds the minimum required.

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

**Finding:** The proposed parking spaces, driveway and drive aisle for the off-street parking area meet the minimum dimensional requirements of SRC Chapter 806.

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

**Finding:** 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 not required for the parking area. The parking area striping, marking, signage and lighting shall be consistent with SRC Chapter 806.

**SRC 806.040 - Driveway Development Standards.**

- a) *Access.* Off-street parking and vehicle use areas shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available or a loop to the single point of access.
- b) *Location.* Driveways shall not be located within required setbacks.
- c) *Additional Development Standards 806.040(c)-(g).*

**Finding:** The interior driveways proposed for the off-street parking area conform to the

driveway location and dimensional requirements of SRC 806.040.

### **Bicycle Parking**

*SRC 806.045 - General Applicability.*

*Bicycle parking shall be provided and maintained for any intensification, expansion, or enlargement of a 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.*

*The minimum bicycle parking requirement for general wholesaling uses is the greater of 4 spaces or 1 space per 10,000 square feet for the first 50,000 square feet.*

**Finding:** The proposed building is approximately 20,000 square feet in size. A minimum of 4 bicycle parking spaces. Neither the applicant's written statement nor the proposed site plan depict the location of the four required bicycle parking spaces for the proposed use. To ensure bicycle parking requirements are met, staff recommends the following condition of approval:

**Condition 5:** At the time of building permit application, the applicant shall provide a revised site plan providing 4 bicycle parking spaces which meet the development standards of SRC Chapter 806.060.

### **Off-Street Loading Areas**

*SRC 806.065 - General Applicability.*

Off-street loading areas shall be provided and maintained for intensification, expansion, or enlargement of a use or activity.

*SRC 806.075 - Amount of Off-Street Loading.*

One off-street loading space is required for manufacturing uses in buildings between 5,000 to 100,000 square feet in floor area. The minimum dimensions for the off-street loading spaces are 12 feet in width, 19 feet in length and 12 feet in height.

**Finding:** The proposed building is approximately 20,000 square feet in size. The proposal requires one off-street loading space. The proposed site plan indicates that a total of one off-street loading space along the westerly portion of the subject property and will be provided in a manner which is consistent with the requirements of SRC Chapter 806.

### **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. There is required screening along the eastern and northern property lines of a 6-foot tall fence or wall.

All building permit applications for development subject to landscaping requirements shall

include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

**Finding:** The applicant's site plan indicates that approximately 11,200 square feet of landscaping will be provided requiring a minimum of 560 plant units ( $11,200 / 20 = 560$ ). At least 40 percent of the plant units, or 244 ( $560 \times 0.4 = 244$ ) 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.

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.

**Finding:** The existing street system is adequate to serve the proposed development and the development does not abut public right-of-way; therefore no right-of-way dedication or boundary street improvements are required.

Criterion 3:

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

**Finding:** The subject property takes access from an existing private driveway. The driveway access onto Pringle Road SE provides for safe turning movements into and out of the property.

Criterion 4:

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

**Finding:** The Public Works Department has reviewed the applicant's preliminary utility plan for this site. The water, sewer, and storm infrastructures are available within surrounding property and appear to be adequate to serve the proposed development. 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. Staff is recommending as a condition of constructing sewer and storm services on the adjacent properties to the east, the applicant shall be required to acquire a private utility easement across tax lots 083W02BA01801, 083W02BA01802, 083W02BA01803, and 083W02BA01804 pursuant to Oregon State Plumbing Specialty Code.

Pursuant to Public Works Design Standards Section 1.8, the proposed development is subject to a water main easement dedication along the southwest corner of the subject property. The existing 10-foot-wide easement does not meet current standards or provide adequate easement width to encompass the existing 36-inch water main and 6-inch water main that feeds a public fire hydrant on the adjacent property. The easement width shall be pursuant to

PWDS 1.8, Table 1-1.

The applicant's engineer submitted a statement demonstrating future design plans will comply with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible.

To ensure these requirements are met, staff recommends the following conditions of approval:

- Condition 6:** Provide a water pipeline easement along the southwest corner of the subject property in a width and alignment in conformance with the Public Works Design Standards (PWDS).
- Condition 7:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and PWDS.

## 9. Analysis of Class 2 Adjustment Approval 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.

**Finding:** The applicant is proposing two class two adjustments to:

- 1) Reduce the required 30-foot setback to the west property line to approximately 20-feet 8-inches and
- 2) Reduce the required 30-foot setback to the south property line to approximately 17-feet 6-inches

The applicant is seeking an adjustment to the required setback of 30-feet down to 20-feet 8-inches abutting the westerly property line where it meets an RM2 zone and an existing multiple family development on the abutting property. The reduced setback is requested to allow a trash enclosure be placed within the setback area, the applicant is proposing to encroach into the setback with an enclosure that is proposed to be 9-feet 4 –inches in depth and 17-feet 4-inches in width. The applicant's statement provides the following justification for how the proposed development equally or better meets the intent of the development standard: An adjustment is also requested to allow the trash enclosure to the west of the building to intrude into the 30' setback on that side yard by 9'4", reducing that portion of the setback to 20'8" for its 17'4" length. The full 30' setback will be maintained along the west side of the property except for the 17'4" length of the trash enclosure. The trash enclosure encompasses ±162 square feet, which amounts to about 3% of the setback area (193" long x 30' wide = 5790

square feet). The small intrusion into the setback does not substantially detract from its purpose or its effectiveness. The trash disposal area will be fully enclosed. The location of the trash enclosure and the small area that it will intrude into the setback will not detract from the purpose of the setback, and the purpose underlying this development standard is equally met by the proposed development.

The property to the south is zoned RM2, which requires a 30-foot building setback where the applicant is proposing a setback of 17-feet and 6-inches. The applicant's statement provides the following justification for the how the proposed development equally or better meets the intent of the development standard: This will allow better placement of the building within the parcel with regards to spacing the front of the building back from the access easement, and to allow for parking along the front of the building rather than along its west side closer to the bordering residential area. The reduction in the rear yard setback is mitigated by the slope on the south side of the property. The south end rises from east to west an average of 9' along a 2/1 gradient to the adjacent residential land. The difference between the building's finished floor elevation and the property to the south decreases the appearance and effect of the building's height, as the maximum height at the ridge line of the roof will be approximately 16'-6" above the ground elevation of the land to the south, and the eaves will be at or below the top of the grade. This height is approximately equivalent to a single-story home. The difference in the grade reduces the relative effect of the building height so that the reduction in the setback will have minimal impact on the property to the south. Because the slope mitigates for the setback the purpose underlying this development standard is equally met by the proposed development.

Staff agrees with the applicant's statement regarding impacts of placing parking and vehicle use areas closer to the RM2 zoned properties begin greater than placing the building within the special setback line. Additionally, the topography of the subject site in comparison to the abutting property to the south provides for a natural buffer. The new building will sit much lower than the existing multiple family development to the south. Staff also agrees with the applicant's statement regarding the proposed location of the trash enclosure. Additionally, because many multiple family developments include trash enclosures, the placement of the enclosure within the setback is will not have a great impact on the abutting multiple family development to the west. As proposed, the purpose underlying the specific development standards proposed for adjustment is equally or better met by the proposed development.

Criterion 2:

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

**Finding:** The subject property is not located within a residential zone, but does abut RM2 zones on the west and south. As reviewed above, the impacts of the proposed development will be minimum and will not detract from the livability or appearance of the surrounding residential areas.

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.

**Finding:** The applicant's written statement provides the following, as the site plan demonstrates the two adjustments, taken together, maintain the overall purpose of the zone by accommodating the development of a high-quality design for an industrial facility that is consistent with the surrounding land use pattern. The proposal will provide a needed facility for small-scale food preparation, processing and production operations, which will serve to create opportunities for existing and new small food service businesses. The proposal represents investment in the city's industrial economy and helps to renew and improve an inner-city industrial center. The two Adjustments make the use of the site attractive and the overall design more efficient. For these reasons the cumulative effect of the adjustments enhance the use of the property and result in a project that is still consistent with the overall purpose of the zone.

The applicant has demonstrated that although two adjustments are requested, the entirety of the project is still consistent with the overall purpose of the zone.

### **CONCLUSION**

Based on the facts and findings contained herein, staff concludes that the proposed expansion of nonconforming use, site plan review, and adjustment applications, as recommended to be conditioned, satisfies the applicable criteria contained under 270.005(d)(4), SRC 220.005(f)(3), and 250.005(d)(2) for approval.

### **RECOMMENDATION**

Staff recommends that the Hearings Officer adopt the facts and findings of the staff report and take the following action for the subject property located at the 3000 Block of Pringle Road SE (Marion County Assessor Map and Tax Lot Number 083W02BA01805):

**APPROVE** the expansion of nonconforming use, site plan review, and adjustment applications to allow the construction of a new building, approximately 20,000 square feet in size for future general manufacturing uses, subject to the following conditions of approval:

- Condition 1:** The applicant shall provide an existing conditions plan which identifies the species of trees on the subject site for the record.
- Condition 2:** At the time of building permit application, a revised site plan shall be submitted which identifies trees to be preserved. A tree removal permit is required for any significant tree proposed for removal.
- Condition 3:** At the time of building permit application, the applicant shall provide evidence that the proposed solid waste service area will comply with the standards of SRC 800.055.
- Condition 4:** At the time of building permit application, the applicant shall provide a revised site plan depicting no more than the maximum off-street parking allowance of 10 spaces -OR- prior to building permit application, the applicant shall apply for and

obtain approval for a Class 2 Adjustment to the maximum allowed parking.

**Condition 5:** At the time of building permit application, the applicant shall provide a revised site plan providing 4 bicycle parking spaces which meet the development standards of SRC Chapter 806.060.

**Condition 6:** Provide a water pipeline easement along the southwest corner of the subject property in a width and alignment in conformance with the Public Works Design Standards (PWDS).

**Condition 7:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and PWDS.

Prepared by Britany Randall, Planner II

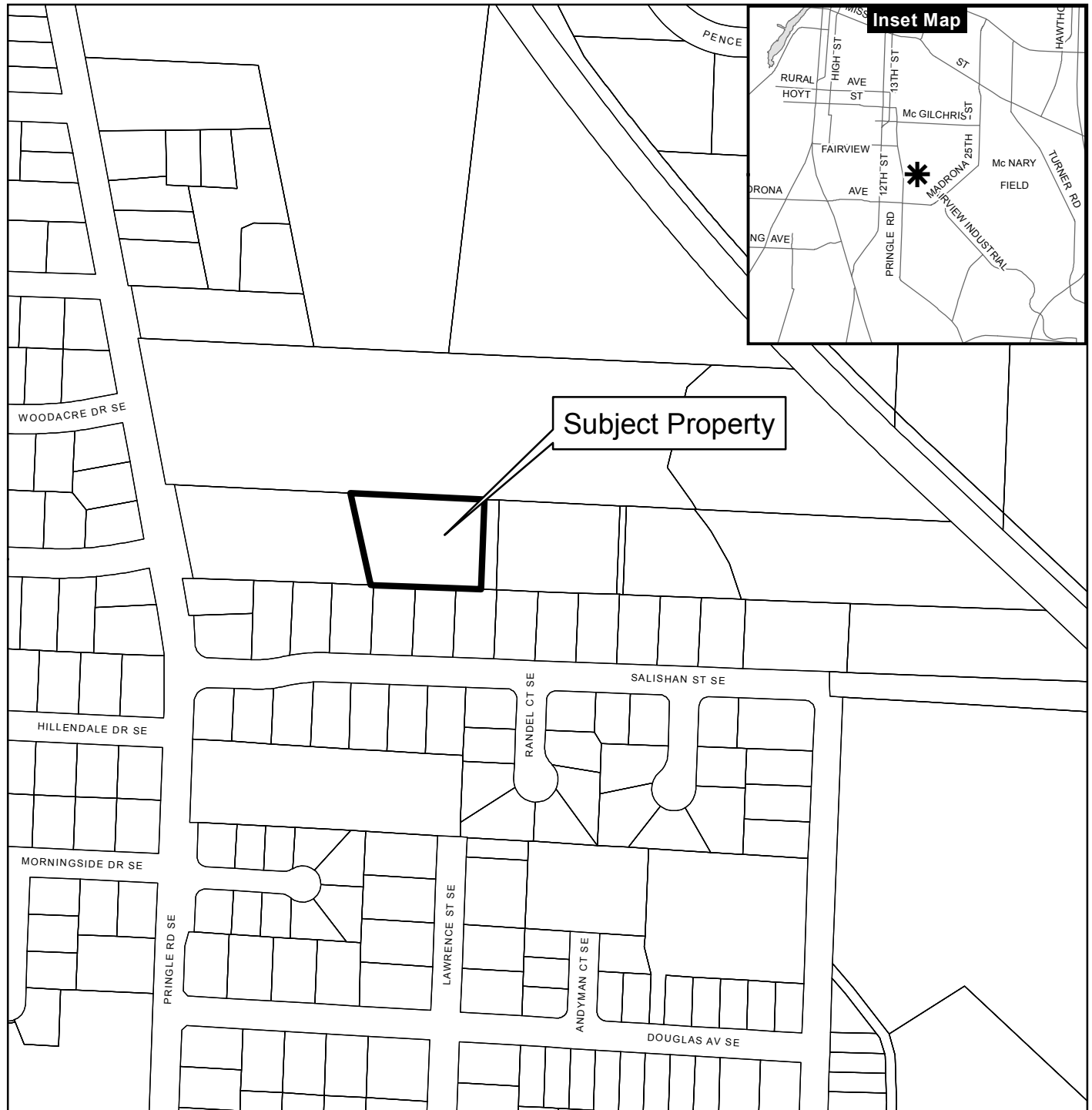
Application Deemed Complete Date: April 11, 2019  
State Mandated Decision Date: August 9, 2019

Attachments: A. Vicinity Map  
B. Proposed Development Plans  
C. Applicant's Written Statement  
D. Public Works Memo

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# Vicinity Map

## 3000 Block of Pringle 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.

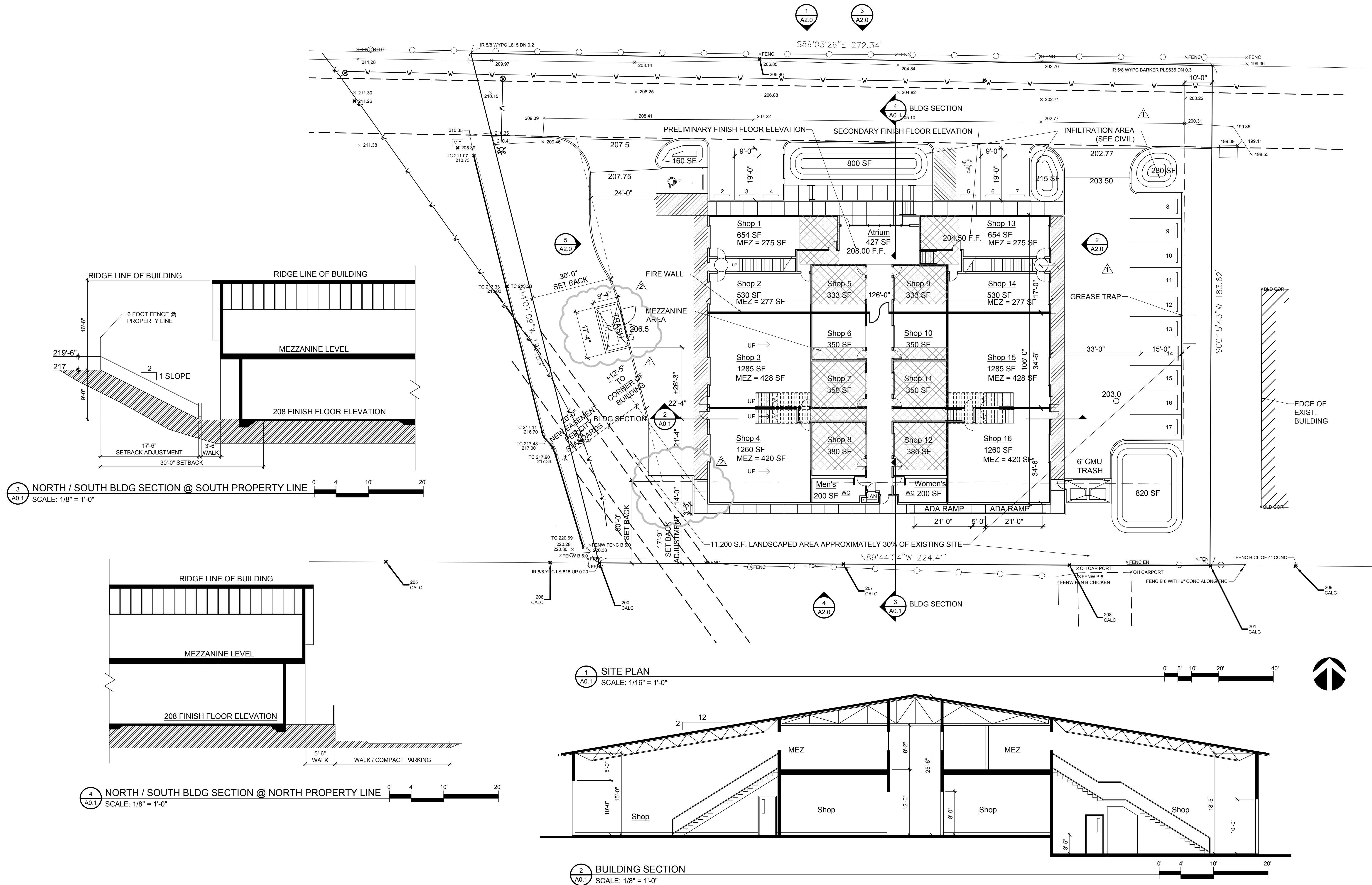
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0 100 200 400 Feet



# STOCKWELL RENTALS NEW CONSTRUCTION

3224 PRINGLE RD SE #120 SALEM, OR 97302



695 COMMERCIAL SE  
SUITE 5  
SALEM, OR 97301  
V: 503.371.1140  
F: 503.364.6751

ANDERSON  
SHIRLEY  
ARCHITECTS INC.

CONSULTANTS

REVISIONS  
REVISION 3-3-19  
REVISION 4-8-19

PRELIMINARY  
NOT FOR  
CONSTRUCTION  
PRELIMINARY

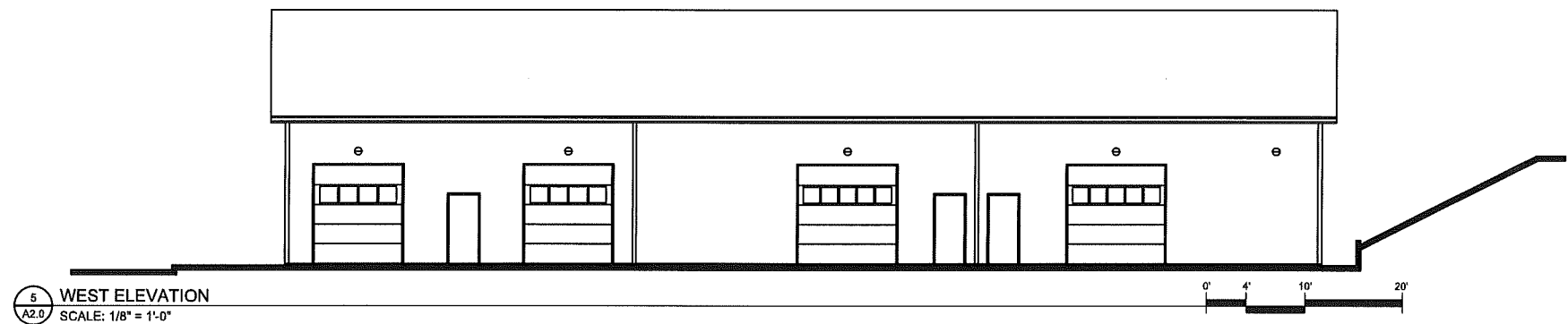
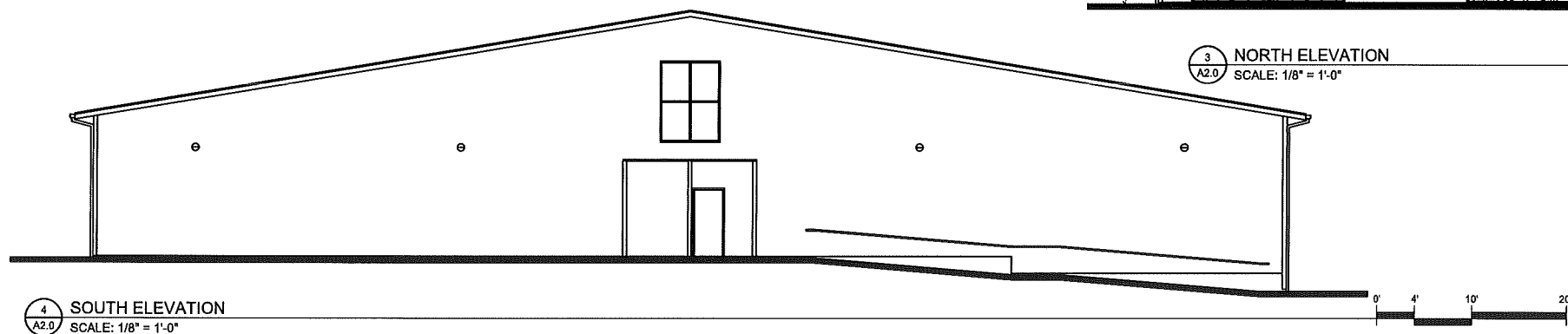
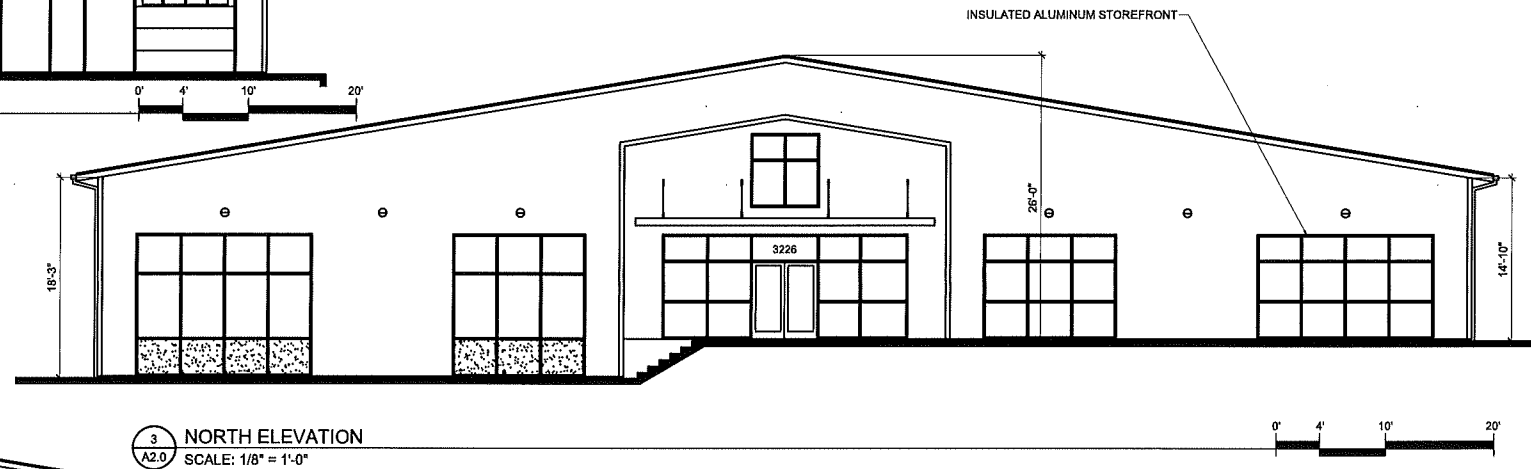
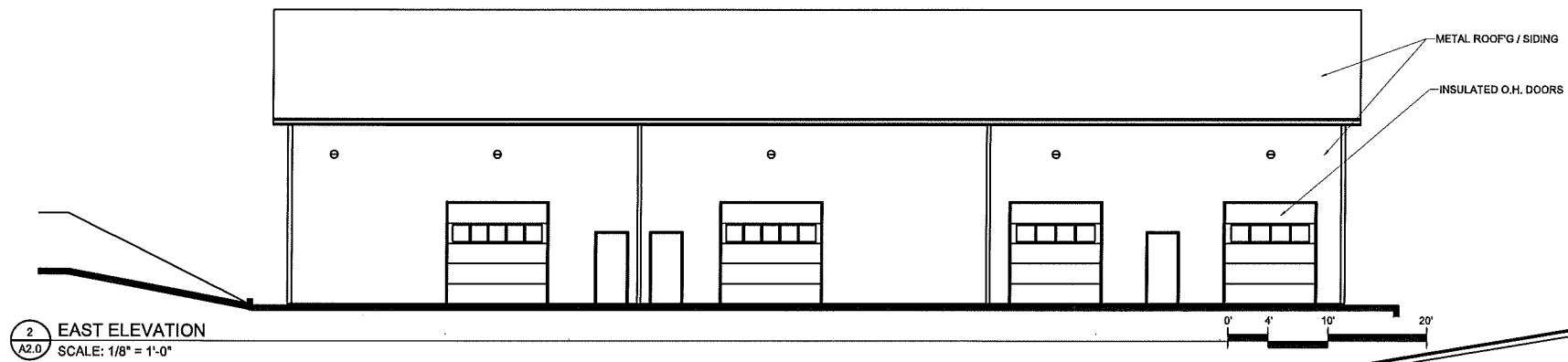
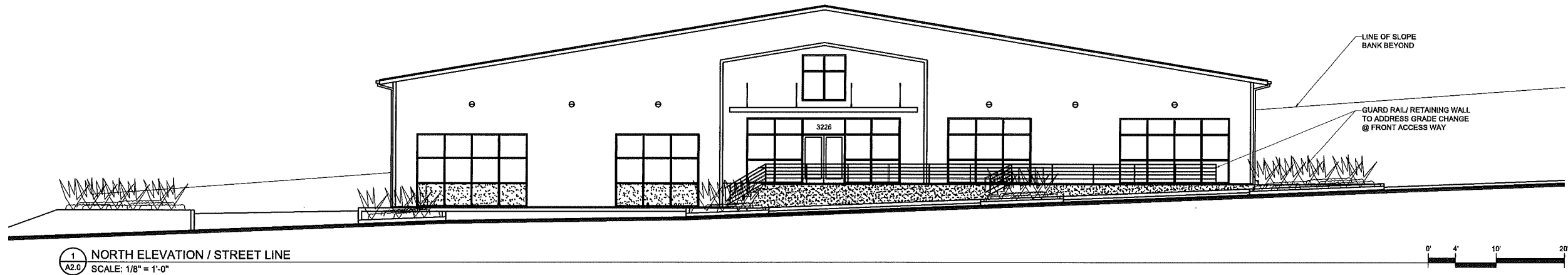
KEY PLAN

SHEET TITLE

NEW CONSTRUCTION  
STOCKWELL RENTALS  
3224 PRINGLE RD SE #120  
SALEM, OREGON 97302

SHEET TITLE  
SITE PLAN

DRAWN JKS	SHEET
JOB NO.	A0.1
DATE 2/05/19	1 OF 2



685 COMMERCIAL SE  
SUITE 200  
SALEM, OR 97301  
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ANDERSON  
SHIRLEY  
ARCHITECTS  
INC.

CONSULTANTS

REVISIONS

PRELIMINARY · PRELIMINARY  
NOT FOR  
CONSTRUCTION  
PRELIMINARY · PRELIMINARY

KEY PLAN

SHEET TITLE

NEW CONSTRUCTION  
STOCKWELL RENTALS  
3224 PRINGLE RD SE #120  
SALEM, OREGON 97302

SHEET TITLE  
ELEVATIONS

DRAWN JKS	SHEET A2.0
JOB NO.	2 OF 2
DATE 2/05/19	

**APPLICANT'S STATEMENT FOR DEAN AND JENNIFER STOCKWELL  
PRINGLE ROAD INDUSTRIAL PROPERTY -  
EXPANDING THE USE OF A NON-CONFORMING ACCESS,  
SITE PLAN REVIEW, AND ADJUSTMENTS**

**BACKGROUND**

Dean and Jennifer Stockwell own a tract of industrial land composed of several contiguous parcels located east of Pringle Road SE, on the west side of the Southern Pacific Railroad. The property includes Tax Lots 1801, 1802, 1803, 1804, 1805, and 1601, as shown on Marion County Assessor's Map T8W-3W-02BA, and adjacent Tax Lot 2200 on map -02AB. The properties are addressed as 3220-3224 Pringle Road SE. The contiguous tract totals approximately 6.96 acres. It is designated *Industrial* on the Salem Area Comprehensive Plan (SACP) map, and is zoned IP. Most of the properties are developed and occupied by several industrial uses. Tax Lot 1805, which is on the western end of the industrial tract, is approximately one acre and is vacant.

**The Proposal**

The Stockwells propose to develop parcel 1805 for industrial use, specifically a custom-designed commercial kitchen facility that can provide food preparation and production facilities for small-scale operations such as caterers, restaurants, food carts and mobile-food units, and commercial processors and producers. This use is allowed in the IP zone, in SRC 553.005 Table 553-1 Uses, General Manufacturing, and described in SRC 400.100(a)(1), and (2) "...commercial or industrial catering kitchens where food is prepared and delivered off-site..."

**1. Use of the Non-Conforming Access**

The only access to the tract of designated industrial land, including parcel 1805, is a 30' wide easement from Pringle Road. The easement extends across the northern edge of Tax Lot 1800, which is zoned RM2 and developed with an apartment complex; and parcels

1805, 1804, 1801, 1802, and 1803. As a result, the only access to the industrial property also crosses residential property currently zoned RM2, which causes that part of the access to be considered non-conforming for industrial uses.

The non-conforming access to the industrial property is a situation that has existed at least since the 1970's. The use of the easement as the access for industrial activity was recognized in Conditional Use Case 76-3. In that case, approval was limited to the use of the industrial property for a boat manufacturing operation, which was the use proposed by the applicant at that time. More recently, approval was granted to increase the range of uses allowed in the industrial facilities, and therefore to expand the use of the non-conforming access easement, in NC-SPR 13-01 and NC-SPR 14-01. While most industrial uses allowed in the IP zone do not create large volumes of traffic because they generally do not attract customers to the site, or because the primary activity typically takes place away from the property, a number of uses allowed in the IP zone that have the potential to generate higher volumes of traffic were prohibited from the site as a condition of approval in those cases, to mitigate potential impacts on the residential part of the easement.

The circumstances of this proposal are consistent with those of the two prior cases with regards to the property's location, access, and proposed use. Therefore, the Stockwells request approval to expand the use of the non-conforming access to include the proposed commercial catering kitchen on Tax Lot 1805, as well as other uses allowed generally in the IP zone, except for those specifically prohibited as in the two prior cases referenced above.

## **2. Site Plan Review**

A site plan showing the design of the proposed building and its relationship to the subject parcel has been provided as part of this application by the project architect, Anderson/Shirley Architects, Inc. A Class 3 Site Plan Review (SPR) is required. The SPR is proposed for consolidated review with the use of the non-conforming access.

### **3. Adjustments**

As shown on the site plan the new building is proposed to be set back 17'-6" from the south property line. The property to the south is zoned RM2. A 30' setback is required, SRC Table 553-4. An Adjustment is requested to reduce the rear yard setback from 30' to 17'-6" to allow better placement of the building within the parcel with regards to its setback from the access easement, and to provide for parking on the front (north) side of the building rather than closer to the bordering residential area.

The reduction in the rear yard setback is mitigated by the slope along the south edge of the property, which rises from east to west an average of 9' along a 2/1 gradient to the adjacent residential land. The difference in elevation between the proposed building's finished floor and the property bordering on the south diminishes the appearance and effect of the building's height, as the maximum height at the ridge line of the roof will be approximately 16'-6" above the elevation of the residential land to the south, and the eaves will be at or below the top of the grade. This height is approximately equivalent to a single-story home. The difference in the grade reduces the relative effect of the building height so that it will have minimal impact on the property to the south.

An adjustment is also requested to allow the trash enclosure, situated to the west of the building, to intrude into the 30' setback on that side of the property. The trash enclosure is 9'4" wide x 17'4" long, which means it will intrude 9'4" into the setback for its 17'4" length. An Adjustment is requested to reduce the 30' setback to 20'8" for the 17'4" length of the enclosure. The west property line is 193' long, so the trash enclosure is 9% of its length.

### **Relationship to the Surrounding Area**

As described in the previous applications the subject property is within the Pringle Road industrial corridor. This is a long-standing, inner-city industrial location that in the past included several of the city's major manufacturing and processing activities, such as Mead Products Co. (paper products), Supra Products (home security lock boxes), Morrow Snowboards, the 7-Up bottling plant, and a Del Monte Foods warehouse. Those companies have since left the area, and their former facilities have been reoccupied or reconfigured and

converted for other uses that have sustained the industrial character of this area. The major Morrow Crane industrial complex that includes the company's landmark administrative office headquarters, and equipment assembly, testing, and storage yard, is located adjacent on the north to the Stockwell property. Several of these industrial parcels are bordered by residential lands which contain both single-family and multi-family housing. Much of this residential development occurred after the industrial uses were established, such as to the south along Salishan Street, and on the north side of the Morrow Crane site. Despite their proximity, there have been no apparent conflicts between the adjacent industrial and residential activities.

## **CRITERIA**

The criteria that apply to each element of this consolidated application are addressed as follows:

### **1. Expanding the Use of the Non-Conforming Access**

The criteria that apply to the expansion of the non-conforming use are in SRC 270.005(d)(4), and are addressed as follows:

**(A)** The proposed extension, alteration, enlargement, or substitution of use is consistent with the general development character of the surrounding area,

The subject property is designated as industrial land on the SACP map and it is zoned IP, as is the adjacent land to the east and north. The existing Plan designation and IP zone are consistent with the general development character of these adjacent lands. The IP zone is a general-purpose industrial zone that provides for a wide variety of manufacturing, processing, fabrication, service and distribution uses. These IP lands are part of the long-standing Pringle Road industrial corridor, located in between Pringle Road and the railroad, and are a major component of the character of the area. RM2 lands border Pringle Road, in between the industrial area and that street, and are developed with residential uses. Much of the residential development occurred after the industrial development was established.

The use of the subject property for general light industrial purposes as provided for by the IP zone is consistent with the long-standing relationship that exists between the industrial and

residential areas, and will not change the general development character of the area. The extent of the designated industrial land will not change, and there will be no industrial use outside of that boundary. The only factor to limit the use of the industrial property is the potential traffic volume using the residential portion of the access easement. The potential for high traffic volumes to affect the character of the area can be mitigated by restricting those uses that are allowed in the IP zone that have the potential to generate higher volumes of traffic than are typical of industrial uses. Uses to be restricted have been identified in the previous Decisions, as noted. By restricting the uses that have the potential to generate higher volumes of traffic from locating on the site the proposed expansion of the use of the access easement will be consistent with the general development character of the surrounding area.

**(B)** The degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line will not be increased by the proposed extension, alteration, enlargement, or substitution of use;

The proposed use is a commercial kitchen, and those generally allowed in the propose IP zone. The use of the access easement will not affect vibration, dust, odor, fumes, glare or smoke, detectable at the property line of the subject property, and those factors do not affect the use of the access easement. By restricting the uses that have the potential to generate high volumes of traffic from locating on this site, the impacts of the traffic from industrial use will be compatible with the adjacent residential activity. By limiting the traffic in this manner, the degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line will not be increased by the proposed extension or expansion of the allowed uses.

**(C)** The number and kinds of vehicular trips will not exceed the maximums typical for the zoning district within with the nonconforming use is located;

The nonconforming use is the portion of the access easement located in the RM2 zone. The subject property, Tax Lot 1805, is 1.06 acres. Compared to the traffic volume that would be estimated to result from allowed RM2 development density, the volume of traffic that could result from industrial use will be lower. For example, at the maximum RM2 density of 28

units per acre, the subject property could generate  $28 \times 6.7 = 188$  vehicle trips per day. By comparison, using the method described in the City Traffic Engineer's memo of 7/26/13 for Case NC-SPR 13-01(copy attached), "General Light Industrial" uses, the planned building square footage of 20,160 s.f. would generate approximately 140 daily trips. It is unlikely that the uses allowed in the IP zone would exceed the volume that could result in the RM2 zone.

The property is part of a long-standing industrial concentration. The types of industrial uses that could be allowed on the property will generate relatively low volumes of traffic. Most vehicle trips are expected to be from employees, and commercial service vehicles such as vans, high-cube vans, step-vans, pickups, etc., and UPS/FedEx style delivery trucks. Few large semi-trailer trucks are expected, and would be infrequent compared to the typical daily traffic. Most vehicle trips will be the result of employees, suppliers, and deliveries/shipments. The types of vehicles that typically access the site will be similar to those that service residential uses such as electricians, plumbers, builders, UPS, FedEx, etc. As a result, the types of vehicles will be compatible with the RM2 zoning district that the nonconforming access crosses.

Comparing the traffic volume that could result from RM2 development vs. industrial uses in the IP zone, the types of vehicles that are typically associated with those uses, and the proposed restriction on the uses allowed on the site, the number and kinds of vehicular trips will not exceed the maximums typical for the zoning district within which the nonconforming use is located; which satisfies this criterion.

**(D)** The amount and nature of outside storage, loading, and parking will not be increased or altered by the proposed extension, alteration, enlargement or substitution of use so as to cause further impacts;

The subject property is vacant. No outdoor storage is proposed as part of the proposed use as a commercial kitchen. New parking and loading area will be required for any use of the property. Parking and loading space is regulated by Code standards as they pertain to the IP zone. The required parking and loading area will be contained within the subject property, and will not extend onto any property that is not zoned IP. By limiting the parking and

loading areas to the spaces required for the proposed use, these features will not cause further impacts on the portion of the access easement in the RM2 zone.

(E) The hours of operation for the proposed extension, alteration, enlargement or substation of use will not be altered or increased beyond those of the existing nonconforming use; There are currently no limits on the hours that the access easement may be used for access to the industrial property beyond any that may be presented by the Code. The proposed use will comply with any limitation on hours of operation that are stated in the Code

(F) If the proposal includes the alteration or enlargement of a building or structure, the alteration or enlargement complies with the applicable development standards of the UDC and all other applicable laws, ordinances, and regulations.

The proposal does not involve the alteration or enlargement of a building or structure. The site is currently vacant and the building will be new construction. The building is being designed to comply with the development standards of the UDC and any other applicable provisions of laws, ordinances and regulations for the type and use of the building, and the provision for Adjustments. The City will review the building plans and issue permits upon determining that all standards and requirements are met.

## **2. Site Plan Review**

The criteria for a Class 3 site plan review are provided in SRC 220.005(f)(3), and are addressed as follows:

(A) The application has met all applicable standards of the Salem Revised Code; The property is zoned IP, SRC Chapter 553. The proposed use is a commercial kitchen, and uses as allowed generally in the IP zone with exceptions to mitigate potential traffic impacts. The site plan shows the location of the proposed building, parking and loading areas, setbacks and landscape areas.

The development standards for the IP zone are provided in SRC 553.010, as follows:

(a) Table 553-2 Lot Standards:

There are no standards for lot area, width or depth.

The street frontage requirement is 16'. The parcel has 272' of frontage on the access easement, which has 30' of frontage on Pringle Road. This standard is satisfied.

(b) Table 553-3 Setbacks:

Setbacks are determined per Table 553-4. Zone-to-zone setbacks apply to buildings and vehicle use areas. The zone-to-zone setback from the residential land on the south and west is 30'. The zone-to-zone setback from the industrial land on the east and north is 10'.

The site plan meets the 10' setback requirement on the north and east. It meets the 30' setback requirement on the west, except for the small area of the trash enclosure. An Adjustment is requested to reduce the setback to 22 feet only for this area. The building is set back 17.6 feet from the south property line where 30' is required. An Adjustment is requested to reduce the setback in this area.

(c) Table 553.5 Lot Coverage; Height.

There is no lot coverage standard. Building height is limited to 45'. The building is shown as 25'-6" at the roof ridge, and 15 ' at the eaves. The building meets the height standard.

(d) Landscaping

(3) A minimum of 15% of the development site shall be landscaped. The site plan provides for 11,200 s.f. of landscaping, which is 30% of the site.

Parking SRC Table 806-1

The proposed commercial kitchen use is classified as General Industrial. The parking standard for General Industrial uses is the greater of .75 space per employee, or one space per 5,000 s.f. for buildings less than 50,000 s.f. The building will be approximately 20,000 s.f., which would require four parking spaces. Seventeen spaces are shown in the site plan.

The proposed structure is designed to meet the requirements of the Code for building height, landscaping, and parking, and other development standards. Setbacks will be met, or subject to a request for an Adjustment.

(B) 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.

Access to the industrial lands east of Pringle Road, including the subject property, is provided by an easement extending from Pringle Road SE. Pringle Road is classified as a Minor Arterial on the Salem Transportation System Plan (STSP), which is an appropriate classification for access to industrial use. There is no other access to the site. There are no identified congestion or sight distance problems on Pringle Road at the location of the site access. The major intersections of Pringle and Madrona Avenue to the south, and Pringle and McGilchrist Avenue to the north, are controlled by traffic signals. Traffic generated by industrial uses on the property should not exceed the traffic volume that would be generated if the site were zoned RM2. The uses allowed in the IP zone that have the potential to generate high volumes of traffic are proposed to be restricted from the property as a condition of approval, to mitigate potential adverse traffic impacts.

For these reasons, the transportation system provides for the safe, orderly and efficient circulation of traffic into and out of the property, and potential negative impacts are mitigated adequately.

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

The access to the property is provided by the existing access easement, and that will not change from the present. The easement provides access to Pringle Road, a Minor Arterial. The easement is the only access to the property. Parking will be provided in on the site of the building. As shown on the site plan there is sufficient space within the property to provide for required parking and loading. The movement of vehicles, bicycles, and pedestrians within the site can occur unimpeded. The arrangement of the driveways and parking areas facilitate safe and efficient movement within the property, which satisfies this criterion.

(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development.

City services and utilities are in place to serve this industrial area and can be provided at adequate levels to serve the proposed use of the property. The site is within a fully urbanized part of the city and all necessary services are available and can be provided. Any additional public services or utilities that may need to be extended onto the property will be specified at the time a new use or development is proposed.

### **3. Adjustments**

Adjustments for two setbacks are requested. These are Class 2 Adjustments. The criteria for a Class 2 adjustment are found in SRC 250.005(d) as follows:

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(A) 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 new building is proposed to be set back 17'-6" from the south property line. The property to the south is zoned RM2. A 30' setback is required, SRC Table 553-4. An Adjustment is requested to reduce the rear yard setback from 30' to 17'-6". This will allow better placement of the building within the parcel with regards to spacing the front of the building back from the access easement, and to allow for parking along the front of the building rather than along its west side closer to the bordering residential area.

An adjustment is also requested to allow the trash enclosure to the west of the building to intrude into the 30' setback on that side yard by 9'4", reducing that portion of the setback to 20'8" for its 17'4" length.

### Rear Yard Setback

The reduction in the rear yard setback is mitigated by the slope on the south side of the property. The south end rises from east to west an average of 9' along a 2/1 gradient to the adjacent residential land. The difference between the building's finished floor elevation and the property to the south decreases the appearance and effect of the building's height, as the maximum height at the ridge line of the roof will be approximately 16'-6" above the ground elevation of the land to the south, and the eaves will be at or below the top of the grade. This height is approximately equivalent to a single-story home. The difference in the grade reduces the relative effect of the building height so that the reduction in the setback will have minimal impact on the property to the south. Because the slope mitigates for the setback the purpose underlying this development standard is equally met by the proposed development.

### Side Yard Setback

The full 30' setback will be maintained along the west side of the property except for the 17'4" length of the trash enclosure. The trash enclosure encompasses  $\pm 162$  squ. ft., which amounts to about 3% of the setback area (193" long x 30' wide = 5790 s.f.). The small intrusion into the setback does not substantially detract from its purpose or its effectiveness. The trash disposal area will be fully enclosed. The location of the trash enclosure and the small area that it will intrude into the setback will not detract from the purpose of the setback, and the purpose underlying this development standard is equally met by the proposed development.

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

The property is zoned IP, in keeping with its Comp Plan designation, and it is not a residential zone. The property is part of the contiguous industrial area to the east. The proposed Adjustments will have minimal effect on the livability or appearance of the adjacent residential areas to the south and west.

(C) 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.

As the site plan demonstrates the two adjustments, taken together, maintain the overall purpose of the zone by accommodating the development of a high-quality design for an industrial facility that is consistent with the surrounding land use pattern. The proposal will provide a needed facility for small-scale food preparation, processing and production operations, which will serve to create opportunities for existing and new small food service businesses. The proposal represents investment in the city's industrial economy and helps to renew and improve an inner-city industrial center. The two Adjustments make the use of the site attractive and the overall design more efficient. For these reasons the cumulative effect of the adjustments enhance the use of the property and result in a project that is still consistent with the overall purpose of the zone.

### **Summary**

The proposal is to establish a commercial kitchen production facility, as provided for by the IP zone. The main access to the site is Pringle Road, a Minor Arterial, which is an appropriate Transportation System Plan classification for industrial use. The site is served by the easement that services the contiguous industrial area at this location. The easement provides for the safe, orderly and efficient movement of vehicles, bicycles and pedestrians, and the proposal avoids negative impacts to the transportations system. The on-site parking area is adequate to facilitate safe and efficient movement of traffic within the site. The development will be adequately served by City utilities and facilities. The site development plan demonstrates that these factors satisfy the criteria for a Class 3 site plan review.

To mitigate the impact of traffic on the part of the access in the RM2 zone, certain uses in the IP zone with the potential to generate higher volumes of traffic can be restricted from the site, which will help to assure that traffic volumes are similar to those of the RM2 zone. With this limitation, the property can be used for purposes that allowed in the IP zone, with minimal impact on the adjacent residential property. These factors are consistent with expanding the use of the non-conforming access.

The reduction in the rear-yard setback is mitigated by the slope along the back edge of the property, which reduces the appearance and effect of the building's height on property to the south. The small reduction in the west side setback will not have a material impact on that setback. With the Adjustments proposed the proposed use of the property will not have a significant impact on the adjoining residential uses.

Based on the facts, conditions, reasons and considerations that apply to this proposal, the application satisfies the requirements for expanding the Use of a Non-Conforming Access, Site Plan Review, and Adjustments.



# MEMO

**TO:** Britany Randall, Planner II  
Community Development Department

**FROM:** Glenn J. Davis, PE, CFM, Chief Development Engineer  
Public Works Department

**DATE:** May 1, 2019

**SUBJECT:** **PUBLIC WORKS RECOMMENDATIONS**  
**NC-SPR-ADJ19-01 (19-106403-RP)**  
**3000 BLOCK OF PRINGLE ROAD SE**  
**MULTI-TENANT BUILDING**

## PROPOSAL

Consolidated Nonconforming Use, Class 3 Site Plan Review, and Class 2 Adjustment applications to expand the nonconforming uses allowed on an existing private 30-foot-wide access easement through property zoned RM2 (Multiple Family Residential 2); to construct a new multi-tenant building with parking lot, landscaping, and other site improvements; and two class two adjustments to 1) reduce the required 30-foot setback to the west property line to approximately 20-feet 8-inches and 2) reduce the required 30-foot setback to the south property line to approximately 17-feet 6-inches on a property approximately 1.05 acres in size, zoned IP (Industrial Park), located at the 3000 Block of Pringle Road SE, adjacent to the west of 3224 Pringle Road SE 97302 (Marion County Assessor's Tax Map Number 083W02BA / 1805).

## RECOMMENDED CONDITIONS OF APPROVAL

1. Provide a water pipeline easement along the southwest corner of the subject property in a width and alignment in conformance with the *Public Works Design Standards (PWDS)*.
2. Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code (SRC)* Chapter 71 and *PWDS*.

## FACTS

### **Streets**

1. Pringle Road SE

- a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

### **Storm Drainage**

#### **1. Existing Condition**

- a. A 60-inch storm culvert is located along Pringle Creek to the east of the subject property.

### **Water**

#### **1. Existing Conditions**

- a. The subject property is located in the G-0 water service level.
- b. A 10-inch water main is located along the north boundary of the subject property. Mains of this size generally convey flows of 1,500 to 3,400 gallons per minute.
- c. A 36-inch water main bisects the southwest corner of the of the subject property. Connections to this main are not permitted.
- d. A 6-inch main bisects the southwest corner of the of the subject property. Connections to this main are not permitted.

### **Sanitary Sewer**

#### **1. Existing Condition**

- a. A 24-inch sewer line is located east of the subject property within Tax Lot Number 083W02BA01803.

### **CRITERIA AND FINDINGS**

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

**Criteria: SRC 220.005(f)(3)(A) The application meets all applicable standards of the UDC (*Unified Development Code*)**

**Finding**—With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the UDC: 601—Floodplain, 802—Public Improvements, 803—Streets and Right-of-Way Improvements, 804—Driveway

Approaches, 805–Vision Clearance, 809–Wetlands, and 810–Landslides.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The proposed activity of a commercial building adds 2 activity points to the proposal, which results in a total of 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by Carlson Geotechnical and dated December 26, 2018, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties, provided the recommendations presented in the report are incorporated into the final design and development.

**Criteria: SRC 220.005(f)(3)(B) 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**

**Finding**—The existing street system is adequate to serve the proposed development and the development does not abut public right-of-way; therefore no right-of-way dedication or Boundary street improvements are required.

**Criteria: SRC 220.005(f)(3)(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians**

**Finding**—The subject property takes access from an existing private driveway. The driveway access onto Pringle Road SE provides for safe turning movements into and out of the property.

**Criteria: SRC 220.005(f)(3)(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development**

**Finding**—The Public Works Department has reviewed the applicant's preliminary utility plan for this site. The water, sewer, and storm infrastructures are available within surrounding property and appear to be adequate to serve the proposed development. 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. As a condition of constructing sewer and storm services on the adjacent properties to the east, the applicant shall be required to acquire a private utility easement across Tax Llot

Number 083W02BA01801, 083W02BA01802, 083W02BA01803, and 083W02BA01804 pursuant to Oregon State Plumbing Specialty Code.

Pursuant to PWDS Section 1.8, the proposed development is subject to a water main easement dedication along the southwest corner of the subject property. The existing 10-foot-wide easement does not meet current standards or provide adequate easement width to encompass the existing 36-inch water main and 6-inch water main that feeds a public fire hydrant on the adjacent property. The easement width shall be pursuant to PWDS 1.8, Table 1-1.

The applicant's engineer submitted a statement demonstrating future design plans will comply with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible.

Prepared by: Robin Dalke, Program Manager  
cc: File