

**TO: PLANNING COMMISSION**

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

**SUBJECT: MINOR COMPREHENSIVE PLAN MAP AMENDMENT, ZONE CHANGE,  
CLASS 3 SITE PLAN REVIEW AND CLASS 2 ADJUSTMENT CASE NO.  
CPC-ZC-SPR-ADJ21-02; FOR PROPERTY LOCATED AT 5191 PORTLAND  
ROAD NE (AMANDA APPLICATION NOS. 21-102124-ZO; 21-102126-ZO; 21-  
102127-RP; and 21-106452-ZO)**

**REQUEST**

A Minor Comprehensive Plan Map Amendment from Commercial to Industrial Commercial and a Zone Change from CG (General Commercial) to IC (Industrial Commercial), and a Class 3 Site Plan Review application for development of a Warehousing and Distribution use (shipping container sales and storage), with a Class 2 Adjustment to reduce the minimum landscape requirement for Phase 1 from 12,050 square feet (15 percent of the total site area) to 4,340 square feet (5.4 percent), for property approximately 1.85 acres in size, and located at 5191 Portland Road NE - 97305 (Marion County Assessors Map and Tax Lot number: 062W31D / 01503).

**APPLICANT/OWNER:** Ross Black, Anthem Enterprises, LLC

**REPRESENTATIVE:** Margaret Gander-Vo, Saalfeld Griggs PC

**RECOMMENDATION**

Based upon the Facts and Findings contained in this staff report, Staff recommends the Planning Commission take the following action concerning the consolidated application for the 1.85 acre subject property located at 5191 Portland Road NE – 97305 (Marion County Assessor’s Map and Tax Lot number: 062W31D / 01503):

- A. APPROVE Minor Comprehensive Plan Map Amendment from “Commercial” to “Industrial Commercial”;
- B. APPROVE Zone Change from CG (General Commercial) to IC (Industrial Commercial), subject to the following conditions of approval:

**Condition 1:** No outdoor advertising signs shall be permitted on site.

**Condition 2:** Construct sidewalk along the frontage of the property, including the proposed driveway access. A permit will be required from ODOT for work in the state highway right-of-way. Civil plans will need to be submitted to ODOT for review and approval prior to construction.

**Condition 3:** Black privacy slats shall be installed in the proposed cyclone security fence facing towards Portland Road NE.

- Condition 4:** Site obscuring landscaping a minimum of six feet in height shall be installed and maintained in front of the privacy fence to provide further visual buffer of the storage yard from Portland Road NE.
- Condition 5:** No more than two Simple Box shipping container sample units may be placed in the proposed display area between the storage yard and Portland Road NE at any time.

C. APPROVE Class 3 Site Plan Review subject to the following conditions of approval:

- Condition 6:** Prior to building permit issuance, the applicant shall demonstrate that a pedestrian connection from the proposed sales office building to the southern property line will be installed in compliance with SRC Chapter 800.
- Condition 7:** Prior to building permit issuance, the applicant shall demonstrate that the required bicycle parking spaces will be developed consistent with the standards in SRC Chapter 806.
- Condition 8:** Provide street trees to the maximum extent feasible along the frontage of Portland Road NE. A permit will be required from ODOT for work in the state highway right-of-way. Civil plans will need to be submitted to ODOT for review and approval prior to construction.
- Condition 9:** Provide a shared access easement for the proposed driveway.
- Condition 10:** Design and construct a storm drainage system in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

D. APPROVE Adjustment subject to the following conditions of approval:

- Condition 11:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

## **APPLICATION PROCESSING**

### **Subject Application**

On January 22, 2021, Margaret Gander-Vo, Saalfeld Griggs PC, filed an application for a Minor Comprehensive Plan Map Amendment, Zone Change, and Class 3 for the subject property (**Attachment A**). After additional information was received, including submittal of a Class 2 Adjustment, the applications were deemed complete for processing on April 5, 2021. The public hearing for this request is scheduled for May 18, 2021.

## **120-Day Requirement**

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.178). Pursuant to ORS 227.178(7) and ORS 227.178(10), the requested consolidated Minor Comprehensive Plan Map Amendment, Quasi-Judicial Zone Change, Class 3 Site Plan Review and Class 2 Adjustment consolidated applications shall not be subject to the 120-day period set forth in ORS 227.178.

## **Public Notice**

1. Pursuant to SRC 300.320(f), when an open house is required for a land use application, an applicant may elect to present at a neighborhood association meeting in-lieu of arranging and attending an open house. On November 16, 2020, the applicant's representative attended the Northgate Neighborhood Association Meeting, held virtually, to present their proposal. A summary of the comments provided at the neighborhood association meeting is included as **Attachment B**. The applicant has demonstrated adherence with the requirements of SRC 300.320(f).
2. Notice of the consolidated proposal was distributed to City departments, neighborhood associations and public and private service providers on April 26, 2021.
3. Notice of the public hearing was mailed to the owners and tenants of all property within 250 feet of the subject property on April 28, 2021.
4. The property was posted in accordance with the posting provisions outlined in SRC 300.620(b)(2).
5. State law (ORS 197.610) and SRC 300.602(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposed Minor Comprehensive Plan Map Amendment and Zone Change to DLCD on April 12, 2021.

## **BACKGROUND INFORMATION**

### **Proposal**

The applicant is requesting a comprehensive plan map amendment from "Commercial" to "Industrial Commercial" and to change the zoning from CG (General Industrial) to IC (Industrial Commercial).

The applicant's written statements summarizing each request and addressing compliance with the required approval criteria is included as **Attachment C** and the applicant's proposed development plans are included as **Attachment D**.

### **Existing Conditions**

The subject property is approximately 1.85 acres in size and is mostly flat but does slope downwards towards the western end of the site, the property has approximately 170 feet of frontage along Portland Road NE. Sometime around 2018 the site began to be occupied by a

business that sells and rents shipping containers, gravel was applied to the site and a storage area for shipping containers was established without land use approval or development permits.

### Zoning and Surrounding Land Use

The subject property is currently zoned CG (General Commercial). The request includes changing the zoning to IC (Industrial Commercial). Surrounding properties are zoned and used as follows:

North: CG (General Commercial); *New Horizons In-Home Care, Church of God District Office*

South: CG (General Commercial); *Single Family Dwelling, Motorsports store*

East: Across Portland Road NE, IC (Industrial Commercial); *Portland General Electric*

West: PE (Public and Private Educational Services); *Chemawa Indian School*

### Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Commercial". The proposal includes changing the Comprehensive Plan designation of the subject property to "Industrial Commercial".

The Comprehensive Plan designations of surrounding properties include:

North: "Commercial"

South: "Commercial"

East: Across Portland Road NE - "Industrial Commercial"

West: Community Services - Education

### Components of the Comprehensive Plan

The Salem Area Comprehensive Plan is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meets the needs of present and future residents of the Salem urban area. Many different documents and maps, when taken together, comprise the Salem Area Comprehensive Plan.

*Salem Transportation System Plan (TSP)*: The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject property has frontage along Portland Road NE, which is designated as a major arterial street.

### Relationship to the Urban Service Area

The subject property is located outside of the Urban Service Area but does not precede City construction of required facilities. Adequate utilities are available to serve uses allowed by the

proposed comprehensive plan designation. Pursuant to SRC 200.020, no Urban Growth Preliminary Declaration is required to develop the property.

### Infrastructure

*Water:* The subject property is located in the G-0 water service level. An 8-inch public water main is located in Portland Road NE near the southern boundary of the subject property. Mains of this size generally convey flows of 500 to 1,100 gallons per minute.

*Sewer:* An 8-inch sewer main is located along the frontage of the subject property.

*Storm Drainage:* A 21-inch storm main is located in Portland Road NE.

*Streets:* Portland Road NE is designated as a Major Arterial street in the Salem Transportation System Plan and is under the jurisdiction of the Oregon Department of Transportation. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way. This street has an approximate 78-foot improvement within a 148-foot-wide right-of-way abutting the subject property.

### Land Use History

**UGA90-01:** To determine the major public facilities required by the Urban Growth Management Program (UGMP) prior to development.

**CPC/ZC90-5:** A request to change the Comprehensive Plan designation from “Developing Residential” to “Commercial” and “Industrial Commercial” and to change the zone from RA (Residential Agriculture) to CR (Retail Commercial) and IC (Industrial Commercial). The Planning Commission instead decided to deny the request in part, and approved a change to the comprehensive plan designation from “Developing Residential” to “Commercial” and a zone change from RA (Residential Agriculture) to CG (General Commercial) for a portion of the property subject to conditions.

**PAR90-16:** To divide 9 acres into two parcels of 2 acres and 7 acres in a RA (Residential Agriculture) zone. The subject property is bounded on the east by Portland Road NE.

**CPC/ZC92-23:** To eliminate the development conditions of CPC/ZC90-5 and to change the Comprehensive Plan designation from “Developing Residential” to “Commercial” and to change the zone from RA (Residential Agriculture) to CG (General Commercial) for the southernmost 2 acres of the property.

**PAR92-24:** To divide 6.5 acres into 3 lots of 3.43 acres, 1.45 acres and 1.62 acres with a concurrent variance to allow an average lot depth of greater than 300 percent.

**SUD19-02:** A Similar Use Determination to identify the appropriate use classification for a business that sells and rents shipping containers, as well as provides for limited on-site storage of client's goods within such containers on a temporary basis.

### **Public and Private Agency Review**

**City of Salem Public Works Department:** The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (included as **Attachment E**).

**City of Salem Fire Department:** The Fire Department submitted comments indicating no concerns with the proposed minor comprehensive plan map amendment and zone change, and that fire department access and water supply will be required for development and will be evaluated at the time of the building permit plan review.

**City of Salem Community Development Department, Building and Safety Division:** The Building and Safety Division submitted comments indicating no concerns with the proposal.

**Portland General Electric:** No comments have been received.

**Oregon Department of Land Conservation and Development (DLCD):** No comments have been received.

**Oregon Department of Transportation (ODOT):** ODOT generally defers frontage improvement requirements to the City. If the applicant desires, or the city requires frontage improvements, a permit will be required from ODOT for work in the state highway right-of-way. Civil plans will need to be submitted to ODOT for review and approval prior to construction.

### **Neighborhood Association and Public Comments**

The subject property is located within the boundaries of the Northgate Neighborhood Association.

Required Open House/Neighborhood Association Meeting. Prior to application submittal, SRC 300.320 requires the applicant for a proposed minor amendment to the City's comprehensive plan map to either arrange and conduct an open house or present their proposal at a regularly scheduled meeting of the neighborhood association the property is located within. On November 19, 2020, the applicant's representative attended the Northgate Neighborhood Association meeting, held virtually, to present their proposal. A summary of the comments provided at the neighborhood association meeting is included as **Attachment B**.

#### **Neighborhood Association Comment**

The City provided a notice of filing and request for comments to the Northgate Neighborhood Association pursuant to SRC 300.620(b)(2)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.

Comments were received from the Northgate Neighborhood Association indicating support for the proposal provided that the proposed cyclone security fence should be site obscuring using black slats, that a row of vegetation be planted in front of the fence at a minimum height of 6' to provide additional screening, that the display area next to Portland Road be limited to a maximum of 2-3 Simple Box sample units, and that landscaping and screening be provided along the southern boundary of the property adjacent to a residential use.

**Staff Response:** The landscaping and screening requirements along the southern boundary are already code requirements, but the other items are included as recommended conditions of approval for the zone change request to ensure that development of the subject property is compatible with the surrounding neighborhood.

Public Comment

Notice was also provided, pursuant to SRC 300.620(b)(2)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. Posted notice signs for the public hearing were placed visible from each street frontage of the subject property and remained in place through the day of the public hearing as required by SRC 300.620(b)(3).

As of the date of completion of this staff report no public comments have been received.

Homeowners Association

The subject property is not located within a Homeowners Association.

Applicant Submittal Information

Requests for Minor Comprehensive Plan Amendments and Zone Changes must include a statement addressing each applicable approval criterion and standard. The applicant submitted such statements and proof, which are included in their entirety as **Attachment C** of this staff report. Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report.

**1. FINDINGS ADDRESSING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A COMPREHENSIVE PLAN MAP AMENDMENT**

Amendments to the Comprehensive Plan Map are classified as either major or minor. Because the proposed amendment affects only a small number of properties in a defined vicinity rather than a large number of properties across the city, the proposal meets the definition of a Minor Plan Map Amendment pursuant to SRC 64.025(a)(2).

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Minor Comprehensive Plan Map amendments. In order to approve a quasi-judicial plan map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a finding/response in relation to the requested amendment.

**SRC 64.025(e)(2)(A): The Minor Plan Map Amendment is justified based on the existence of one of the following:**

- (i) ***Alteration in Circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.***

**Finding:** The applicant's findings assert that the proposal is justified, in part, based on (i); that the social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.

The applicant explains that commercial development in this area has been slower than anticipated. In recent years, the vicinity has seen changes including an increase in single family residential development (Northstar Subdivision) as well as multi-family residential development along Kale Road NE. The applicant also identifies regional and national changes in economic trends away from smaller scale commercial retail needs as justification for a change in the economic patterns of the nearby vicinity.

Staff does not dispute the applicant's argument that the property is not well suited towards development of larger big box and retail chain users that regional and national economic forces increasingly tend to favor, however this approval criterion requires the applicant to justify the request based on a change in the social, economic, or demographic patterns of the nearby vicinity. SRC Chapter 111 defines vicinity as land that is surrounding, near, or within close proximity of a particular place. A review of general economic or market conditions across the City or region is irrelevant to this criterion, staff finds that this criterion has not been satisfied.

- (ii) *Equally or Better Suited Designation.* A demonstration that the proposed designation is equally or better suited for the property than the existing designation.**

**Finding:** The applicant's findings assert that the proposal is justified, in part, based on (ii); that the proposed designation is equally or better suited for the property than the existing designation.

The applicant indicates that the requested comprehensive plan map amendment is to allow the property to continue to be used as a shipping container sales, rental and storage use, classified as a warehousing and distribution use, which was established on the property without land use approval. If the comprehensive plan map amendment is granted, the use may continue to operate at this location. The applicant has provided a use comparison chart highlighting the similarities in the permitted uses between the current Commercial designation and the proposed "Industrial Commercial" designation (**Attachment C**). Both zones allow the same retail, office, motor vehicle sales and service, education, civic service, and construction contracting uses. With the Industrial Commercial designation allowing more options for manufacturing uses, and wholesale sales, storage and distribution uses. Both zones require a minimum of 15 percent of the development site to be landscaped, both zones have the same setback requirements adjacent to Portland Road NE and similar setback requirements along interior lot lines.

The similarities in the uses permitted and development standards make the proposed "Industrial Commercial" designation equally or better suited for the subject property; this criterion has been satisfied.

- (iii) *Conflict Between Comprehensive Plan Map Designation and Zone Designation.* A Minor Plan Map Amendment may be granted where there is conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:**



- (aa) Whether there was a mistake in the application of a land use designation to the property;**
- (bb) Whether the physical characteristics of the property are better suited to the uses in the zone as opposed to the uses permitted by the Comprehensive Plan Map designation;**
- (cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and**
- (dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.**

**Finding:** There is not a conflict between the comprehensive plan map and the zone designation. This criterion is not applicable.

**SRC 64.025(e)(2)(B): The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;**

**Finding:** The subject property is located outside of the Urban Service Area but does not precede City construction of required facilities. Water, sewer, and storm infrastructure are available within surrounding streets/areas and is adequate to serve the proposed development. Site-specific infrastructure requirements are addressed through the site plan review approval criteria in Section 3 of this report. The proposal meets this criterion.

**SRC 64.025(e)(2)(C): The proposed plan map designation provides for the logical urbanization of land;**

**Finding:** The proposal would allow for reasonable development of the property subject to landscaping and setback standards that are consistent with the surrounding commercial zones along the Portland Road NE corridor. Public services, including sewer, water and storm are also available within Portland Road NE and do not need to be extended to this property. The proposal will also allow for the remaining portion of the development site to be developed with future commercial uses. Staff finds the proposal provides for the logical urbanization of land and is consistent with this criterion.

**SRC 64.025(e)(2)(D): The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and**

**Finding:** The applicable Goals and Policies of the Comprehensive Plan are addressed under the criteria for approval for a Zone Change in Section 2 of this report. The applicable Statewide Planning Goals are addressed as follows:

**Statewide Planning Goal 1 – Citizen Involvement:** *To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

**Staff Response:** Prior to application submittal, SRC 300.320 requires the applicant for a proposed minor amendment to the City's comprehensive plan map to either arrange and attend an open house or present their proposal at a regularly scheduled meeting of the neighborhood association which the property is located within. On November 19, 2020, the applicant's representative attended the Northgate Neighborhood Association Meeting, held virtually, to present their proposal. A summary of the comments provided at the neighborhood association meeting is included as **Attachment B**. A public hearing notice was mailed to all affected property owners, addresses, and tenants within 250 feet of the subject property, and to the Northgate Neighborhood Association. This satisfies the citizen involvement requirements described in Goal 1.

**Statewide Planning Goal 2 – Land Use Planning:** *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**Staff Response:** The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission has acknowledged the Salem Area Comprehensive Plan to be in compliance with the Statewide Planning Goals.

**Statewide Planning Goal 3 – Agricultural Lands; Goal 4 – Forest Lands**

**Staff Response:** The subject property is not identified as agricultural or forest land, these Statewide Planning Goals are not applicable to this application.

**Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources:** *To protect natural resources and conserve scenic and historic areas and open spaces.*

**Staff Response:** There are no known historic resources or archaeological sites within the project area, but a portion of the site is located in the Historic and Cultural Resources Protection Zone. Prior to any ground disturbing activity, the applicant should contact the City's Historic Preservation Officer. The site is not a designated open space, scenic or natural resource area. The proposal is consistent with Goal 5.

**Statewide Planning Goal 6– Air, Water, and Land Resources Quality:** *To maintain and improve the quality of the air, water and land resources of the state.*

**Staff Response:** Land located within the Urban Growth Boundary is considered urbanizable and is intended to be developed to meet the needs of the City, and the effects of urban development on air, water and land resources are anticipated. Development of the property is subject to tree preservation, stormwater and wastewater requirements of the UDC which are intended to minimize the impact of development on the state's natural resources. The proposal is consistent with Goal 6.

**Statewide Planning Goal 7 – Areas Subject to Natural Hazards:** *To protect people and property from natural hazards.*

**Staff Response:** The subject property is not within a mapped floodplain or floodway on the Federal Emergency Management Agency (FEMA) floodplain maps. There are minor areas of

mapped landslide hazards identified on the eastern portion of the property. Future development will be subject to the geological and geotechnical requirements of SRC Chapter 810 (Landslide Hazards). This zone change proposal is consistent with Goal 7.

**Statewide Planning Goal 8 – Recreational Needs:** *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

**Staff Response:** The subject property is not within an identified open space, natural or recreation area, and no destination resort is planned for this property. Therefore, Goal 8 is not applicable to this proposal.

**Statewide Planning Goal 9 – Economic Development:** *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.*

**Staff Response:** In 2014, the City conducted a study called the Salem Economic Opportunities Analysis (EOA). The EOA examined Salem’s needs for industrial and commercial land through 2035 and concluded that Salem has a projected commercial land shortage of 271 acres and a surplus of approximately 907 acres of industrial land. The EOA provides strategies to meet the projected employment land needs in the Salem area. In 2015, the City Council voted to adopt the EOA; the City now uses the EOA and its findings to inform policy decision, including how to respond to request for rezoning land.

The applicant has provided a use comparison chart highlighting the similarities in the permitted uses between the current CG (General Commercial) zone and the proposed IC (Industrial Commercial) zone (**Attachment C**). Both zones allow the same retail, office, motor vehicle sales and service, education, civic service, and construction contracting uses. With the IC zone allowing more options for manufacturing uses and wholesale sales, storage and distribution uses.

One key finding from the EOA is that a substantial amount of retail and commercial employment is located in industrial plan designations, especially the Industrial Commercial zone<sup>1</sup>. Rezoning the property to Industrial Commercial will allow continued opportunity for the property to be developed with commercial retail and employment uses and is therefore consistent with the findings of the EOA and by extension is consistent with Goal 9.

**Statewide Planning Goal 10 – Housing:** *To provide for the housing needs of the citizens of the state.*

**Staff Response:** In 2014, the City conducted a Housing Needs Analysis (HNA) to develop strategies for the community to meet housing needs through 2035 and to inform policy decision related to residential land. The HNA concluded that Salem has a projected 1,975-acre surplus of land for single-family detached housing, and that there is a deficit of approximately 207 acres of available multi-family zoned land. The subject property is designated commercial and was not identified in the Residential Buildable Lands Inventory.

The proposal would change the current “Commercial” comprehensive plan designation for the property to “Industrial Commercial”. The current “Commercial” designation allows for the

---

<sup>1</sup> Figure C-1. EconNorthwest Economic Opportunities Analysis 2015-2035

property to be developed with three and four family uses, and with multi-family residential housing with an approved conditional use permit. The proposed “Industrial Commercial” designation also allows the same housing uses as the current “Commercial” designation; therefore, the request has no impact on the amount of housing land available in the City. This proposal does not reduce the City’s supply of residential land, and therefore is in compliance with Goal 10.

**Statewide Planning Goal 11 – Public Facilities and Services:** *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

**Staff Response:** Water, sewer, and storm infrastructure are available within surrounding streets/areas and is adequate to serve the proposed development. Site-specific infrastructure requirements are addressed through the site plan review approval process. The request allows for the efficient use and development of property, requiring minimal extension of new public services in compliance with Goal 11.

**Statewide Planning Goal 12 – Transportation:** *To provide and encourage a safe, convenient and economic transportation system.*

Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that “significantly affect” a surrounding transportation facility (road, intersection, etc.). Where there is a “significant effect” on a facility, the local government must ensure that any new allowed land uses are consistent with the capacity of the facility.

In the context of a site-specific comprehensive plan change request, such as this proposal, a “significant effect” is defined under Oregon Administrative Rule (OAR) 660-012-0060(1) as either an amendment that “allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility,” or an amendment that would “reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP.”

The applicant for a comprehensive plan change is required to submit a Transportation Planning Rule (TPR) analysis to demonstrate that their request will not have a “significant effect” on the surrounding transportation system, as defined above or to propose mitigation of their impact.

The applicant submitted a TPR Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed comprehensive plan map amendment and zone change will not have a significant impact on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer has reviewed the TPR analysis and concurs with the finding of no significant affect.

The proposal complies with Goal 12.

**Statewide Planning Goal 13 – Energy Conservation:** *To conserve energy.*

**Staff Response:** The requested comprehensive plan map amendment would not impact energy use and/or conservation. Future development of the property will be required to comply with current development and building standards for energy efficiency, consistent with Goal 13.

**Statewide Planning Goal 14 – Urbanization:** *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**Staff Response:** The subject property is located within the Urban Growth Boundary (UGB), but outside of the Urban Service Area. Public facilities required to serve the proposed development are available within surrounding streets and areas and are adequate to serve the property. The proposed comprehensive plan map amendment will allow the efficient use of land within the UGB in compliance with Goal 14.

**Statewide Planning Goal 15 – Willamette River Greenway; Goal 16 – Estuarine Resources; Goal 17 – Coastal Shorelands; Goal 18 – Beaches and Dunes; and Goal 19 Ocean Resources**

**Staff Response:** The subject property is not located within the Willamette River Greenway or in an estuary or coastal area, these Statewide Planning Goals are not applicable to this application.

**SRC 64.025(e)(2)(E):** **The amendment is in the public interest and would be of general benefit.**

**Finding:** The proposed Comprehensive Plan Map amendment to Industrial Commercial is in the public interest and would be of general benefit because it would allow for efficient use of vacant urban land. The applicant has provided a use comparison chart highlighting the similarities in the permitted uses between the current CG (General Commercial) zone and the proposed IC (Industrial Commercial) zone, the proposal allows for a similar and expanded list of permitted uses than the current zoning. Development of the property will be subject to landscape, screening and pedestrian access standards, and will require improvements along the Portland Road NE frontage, including sidewalks and landscaping.

**2. FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR QUASI-JUDICIAL ZONE CHANGE**

The following analysis addresses the proposed zone change for the subject property from CG (General Commercial) to IC (Industrial Commercial).

SRC Chapter 265.005 provides the criteria for approval for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial zone change request, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria are satisfied. The extent of the consideration given to the various criteria set forth below depends on the degree of impact of the proposed change, and the greater the impact of a proposal on the area, the greater the burden is on the applicant to demonstrate the zone change is appropriate.

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding in relation to the requested zone change.

**SRC 265.005(e)(1)(A). The zone change is justified based on one or more of the following:**

- (i) A mistake in the application of a land use designation to the property**
- (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.**
- (iii) A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.**

**Finding:** The applicant states the proposal satisfies (iii)—the proposed zone change is equally or better suited for the property than the existing zone. The applicant indicates that the requested zone change is to allow the property to continue to be used as a shipping container sales, rental and storage use, classified as a warehousing and distribution use, which was established on the property without land use approval. If the zone change is granted, the use may continue to operate at this location. The applicant has provided a use comparison chart highlighting the similarities in the permitted uses between the current CG (General Commercial) designation and the proposed IC (Industrial Commercial) designation (**Attachment C**). Both zones allow the same retail, office, motor vehicle sales and service, education, civic service, and construction contracting uses with the IC zone allowing more options for manufacturing uses, and wholesale sales, storage and distribution uses. Both zones require a minimum of 15 percent of the development site to be landscaped, both zones have the same setback requirements adjacent to Portland Road NE and similar setback requirements along interior lot lines.

The similarities in the uses permitted and development standards make the proposed IC (Industrial Commercial) zone equally or better suited for the subject property; this criterion has been satisfied.

**(B) If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.**

**Finding:** Because this zone change request was initiated by the applicant and property, not the City, this criterion does not apply.

**(C) The zone change conforms with the applicable provisions of the Salem Area Comprehensive Plan.**

**Finding:** The applicable Goals and Policies of the Comprehensive Plan are addressed as follows:

Salem Urban Area Goals and Policies, General Development (Pages 23-26, Salem Comprehensive Policies Plan):

*To ensure that future decisions concerning the use of land within the Salem urban area are consistent with State Land Use Goals.*

Development Compatibility B.12

*Land use regulations which govern the siting of any development shall encourage development to reduce its impact on adjacent properties by screening, landscaping, setback, height, and mass regulations.*

**Finding:** Development of the subject property will require conformance with zoning development standards, including minimum setbacks, landscaping and screening standards to minimize impacts on surrounding properties. Further, a previous Comprehensive Plan Change and Zone Change request (CPC/ZC92-23) for the property resulted in several conditions of approval to ensure that future development of the property is compatible with the surrounding area. Below is a summary of the previous conditions followed by a staff analysis and recommendation:

CPC/ZC92-23 Conditions of Approval:

1. All lot areas not lawfully developed for buildings, structures, parking, loading or driveways shall be landscaped.

**Staff Response:** This condition requires that all undeveloped areas be landscaped, however, no minimum landscape standard for the undeveloped areas was established. Further, the applicant has requested a zoning adjustment with this request to landscape only a portion of the development site. Therefore, staff does not recommend keeping this condition of approval.

2. Exterior lighting, if used, should be designed to provide illumination to the site and not cause glare onto Portland Road NE in addition to the surrounding residential areas. Exterior light fixtures should be so located and designed that the light source, viewed by an observer five feet above the ground at five feet outside the boundary of the commercial development within 50 feet of the base of the light standard be either:
  - a. Completely shielded from direct view, or
  - b. Not greater than five foot-candles.

**Staff Response:** The Salem Revised Code has a lighting standard in SRC Chapter 800 which is exactly the same as this condition. Because the code already addresses exterior lighting, this condition of approval is no longer needed.

3. No vehicle or equipment storage for other businesses are permitted on site.

**Staff Response:** The proposed IC zone allows businesses that store vehicles and/or equipment as a permitted use. Staff believes that the zoning code provides appropriate use limitations for the subject property and therefore does not recommend carrying this condition forward.

4. No billboards are permitted on site.

**Staff Response:** This condition of approval was placed on CPC/ZC92-23 because the City Council directed that billboards should be restricted from all commercial land use actions after 1988. The City Council has not provided any further guidance or direction on billboards; therefore, staff recommends carrying this condition of approval forward using the term “Outdoor Advertising Signs” to match language in the current sign code referring to billboards.

**Condition 1:** No outdoor advertising signs shall be permitted on site.

5. The 125-foot wide BPA easement on the north shall be used only for non-residential uses.

**Staff Response:** The BPA easement is further north and does not cross the subject property, therefore this condition is not needed for this request.

6. The access points along Portland Road NE shall be approved by the Oregon Department of Transportation.

**Staff Response:** ODOT has jurisdiction for the portion Portland Road NE fronting the subject property. Approval is required from ODOT for driveway access and street improvements regardless of this condition of approval. This condition of approval does not need to be carried forward with this request because it is not needed.

7. A concrete sidewalk shall be installed at the time of development pursuant to the UGA permit.

**Staff Response:** Sidewalks are not currently installed along the subject property’s frontage of Portland Road NE. Sidewalk shall be installed at the time of development; therefore, this condition of approval shall remain.

**Condition 2:** Construct sidewalk along the frontage of the property, including the proposed driveway access. A permit will be required from ODOT for work in the state highway right-of-way. Civil plans will need to be submitted to ODOT for review and approval prior to construction.

Comments were received from the Northgate Neighborhood Association indicating support for the proposal provided that the proposed cyclone security fence should be site obscuring using black slats, that a row of vegetation be planted in front of the fence at a minimum height of 6’ to provide additional screening, that the display area next to Portland Road be limited to a maximum of 2-3 Simple Box sample units, and that landscaping and screening be provided along the southern boundary of the property adjacent to a residential use. The landscaping and screening requirements along the southern boundary are already code requirements, but the other items are included as conditions of approval to ensure that development of the subject property is compatible with the surrounding neighborhood.

**Condition 3:** Black privacy slats shall be installed in the proposed cyclone security fence facing towards Portland Road NE.



**Condition 4:** Site obscuring landscaping a minimum of six feet in height shall be installed and maintained in front of the privacy fence to provide further visual buffer of the storage yard from Portland Road NE.

**Condition 5:** No more than two Simple Box shipping container sample units may be placed in the proposed display area between the storage yard and Portland Road NE at any time.

Salem Urban Area Goals and Policies, Urban Growth (Page 26, Salem Comprehensive Policies Plan):

*To ensure that the rate, amount, type, location and cost of development will preserve or enhance the City's quality of life and promote the City's efficient delivery of services.*

Infill C.4

*Development of land with existing urban services shall be encouraged before the conversion of urbanizable lands to urban uses.*

**Finding:** Existing services are available in the surrounding streets and areas to serve the property. The applicant plans for future development of this existing vacant property, which does not require extension or development of urban services.

**(D) The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.**

**Finding:** Findings addressing the minor comprehensive plan map amendment criterion SRC 64.025(e)(2)(D), included earlier in this report, address the conformance of the proposal with the applicable provisions of the Statewide Planning Goals for this consolidated application. The proposal satisfies this criterion.

**(E) If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed rezone is consistent with its most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed rezone; or include both the demonstration and an amendment to the Comprehensive Plan.**

**Finding:** The applicant is requesting to change the comprehensive plan designation from "Commercial" to "Industrial Commercial".

In 2014, the City conducted a study called the Salem Economic Opportunities Analysis (EOA). The EOA examined Salem's needs for industrial and commercial land through 2035 and concluded that Salem has a projected commercial land shortage of 271 acres and a surplus of approximately 907 acres of industrial land. The EOA provides strategies to meet the projected employment land needs in the Salem area. In 2015, the City Council voted to adopt the EOA; the City now uses the EOA and its findings to inform policy decision, including how to respond to request for rezoning land.

The applicant has provided a use comparison chart highlighting the similarities in the permitted uses between the current CG (General Commercial) zone and the proposed IC (Industrial Commercial) zone (**Attachment C**). Both zones allow the same retail, office, motor vehicle sales and service, education, civic service, and construction contracting uses. With the IC zone allowing more options for manufacturing uses and wholesale sales, storage and distribution uses.

One key finding from the EOA is that a substantial amount of retail and commercial employment is located in industrial plan designations, especially the Industrial Commercial zone. Rezoning the property to Industrial Commercial will allow continued opportunity for the property to be developed with commercial retail and employment uses and is therefore consistent with this approval criterion.

**(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.**

**Finding:** The applicant submitted a TPR Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed comprehensive plan map amendment and zone change will not have a significant impact on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer has reviewed the TPR analysis and concurs with the finding of no significant affect.

The proposal meets this criterion.

**(G)The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the proposed zone.**

**Finding:** Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(B), included earlier in this report, address the public facilities and services available to support proposed uses allowed on the subject property as a result of the proposed zone change. The proposal satisfies this criterion.

### **3. FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 3 SITE PLAN REVIEW**

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 proposed site plan shows two phases of development, the first phase includes development of a 300 square foot sales office, off-street parking area and screened inventory storage area. Only the first phase of development is being considered with this site plan review application. Further development of the property, including the second phase shown on the site plan, will require separate site plan review approval. The surfacing plan indicates that gravel surface will be provided for the entire inventory storage area in the second phase which may not be permitted.

The subject property is currently zoned CG (General Commercial), but the applicant is requesting to change the zoning from CG (General Commercial) to IC (Industrial Commercial). The following analysis of applicable zoning standards for the development is based on the standards from the proposed IC zone designation.

**Development Standards – IC (Industrial Commercial) Zone:**

*SRC 551.005(a) – Uses:*

**Finding:** The proposed use is for a business involved in the sale, rental and storage of shipping containers. A formal similar use determination (case no. SUD19-01) was requested by the applicant seeking to find the proper use classification for the proposed use. After reviewing evidenced provided by the applicant regarding the activities involved on-site, the Hearings Officer concluded that the use is classified as a warehousing and distribution use.

Warehousing and distribution uses are listed as permitted uses in the IC zone per Table 551-1.

*SRC 551.010(a) – Lot Standards:*

In the IC zone, there is no minimum lot size, width or lot depth standard. The minimum street frontage requirement is 16 feet.

**Finding:** The subject property is approximately 1.85 acres in size, and has approximately 170 feet of frontage along Portland Road NE. The subject property is in compliance with the minimum lot standards of the IC zone.

*SRC 551.010(b) – Setbacks:*

**North:** Adjacent to the north is property zoned CG (General Commercial). Per Table 551-4, there is a minimum 5-foot building setback and vehicle use area setback required abutting a commercial zone. Landscaping and screening adjacent to the commercial zoned property shall comply with the Type A standard per Chapter 807.

**South:** Adjacent to the south is property zoned CG (General Commercial). Per Table 551-4, there is a minimum 5-foot building setback and vehicle use area setback required abutting a commercial zone. Landscaping and screening adjacent to the commercial zoned property shall comply with the Type A standard per Chapter 807.

**East:** Adjacent to the east is right-of-way for Portland Road NE. There is a minimum 5-foot setback for buildings and structures adjacent to a street. Vehicle use areas require a minimum 6-10 foot setback abutting a street per SRC Chapter 806.

**West:** Adjacent to the west is property zoned PE (Public and Private Educational Services). Per Table 551-4, there is a minimum 5-foot building setback and vehicle use area setback required abutting a public zone. Landscaping and screening adjacent to the public zoned property shall comply with the Type A standard per Chapter 807.

**Finding:** The site plan complies with all minimum setback requirements of the IC zone. Required setbacks shall be landscaped and screened as provided in SRC Chapter 806 and 807.

*SRC 551.010(c) – Lot Coverage, Height:*

Per Table 551-5, there is no maximum lot coverage requirement in the IC zone. The maximum building height allowance is 70 feet.

**Finding:** The applicant's site plan indicates proposed building footprint is approximately 300 square feet in size, or approximately 0.4 percent of the overall site area. The sales office building is one story in height, less than the maximum height allowance in the IC zone.

*SRC 551.010(d) – Landscaping:*

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

**Finding:** The subject property is approximately 1.84 acres in size (80,335 square feet) requiring a minimum of 12,050 square feet of landscape area ( $80,335 \times 0.15 = 12,050.3$ ). The applicant is requesting an Adjustment to this standard to reduce the minimum amount of landscape required for the first phase of development from 12,050 square feet to 4,340 square feet or 5.4 percent. Findings for the Class 2 Adjustment are included in Section 4 of this report.

**General Development Standards SRC Chapter 800:**

*SRC 800.050 – Fences, walls, hedges, gates, and retaining walls.*

Unless otherwise provided under the UDC, the standards set forth in this section shall apply to fences, walls, hedges, gates, and retaining walls in all zones.

*SRC 800.050(a) – Location, height, and density.*

(1)(B) Nonresidential zones. Fences and walls within nonresidential zones shall not exceed a maximum height of twelve feet; provided, however:

- (i) *Front, side, and rear yards abutting street.* Fences and walls within a front, side, or rear yard abutting a street shall not exceed a maximum height of eight feet when located within 10 feet of the property line abutting the street; provided, however, any portion of the fence or wall above 30 inches in height shall be less

than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.

**Finding:** The proposed site plan indicates that the inventory storage area will be screened by a security fence with access gates. The fence will be located along the north and south property lines and will be setback from Portland Road by approximately 60 feet, in compliance with SRC Chapter 800.

*SRC 800.065 – Pedestrian Access.*

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, 2-4 family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

**Finding:** The pedestrian access standards of SRC Chapter 800 apply to the proposed development.

*SRC 800.065(a)(1) – Pedestrian Connection Between Entrances and Streets.*

(A) A pedestrian connection shall be provided between the primary entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street.

**Finding:** Direct pedestrian access is provided from the proposed building to Portland Road NE.

(B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop.

**Finding:** There is currently a transit route along Portland Road NE (Route 12), but there are no stops along the street frontage of the subject property, therefore this standard is not applicable.

*SRC 800.065(a)(2) – Pedestrian Connection Between Buildings on the same Development Site.*

Where there is more than one building on a development site, a pedestrian connection(s), shall be provided to connect the primary building entrances of all the buildings.

**Finding:** Only one building is proposed with this phase of development, this standard is not applicable.

*SRC 800.065(a)(3) – Pedestrian Connection Through Off-Street Parking Areas.*

(A) Surface parking areas. Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance as provided in this subsection.

**Finding:** The proposed off-street parking area is less than 25,000 square feet in size and does not include four or more consecutive parallel drive aisles, therefore this standard is not applicable.

- (B) Parking structures and parking garages. Where an individual floor of a parking structure or parking garage exceeds 25,000 square feet in size, a pedestrian connection shall be provided through the parking area on that floor to an entrance/exit.

**Finding:** The development site does not include any existing or proposed parking structures or garages; therefore, this standard is not applicable.

*SRC 800.065(a)(4) – Pedestrian Connection to Existing or Planned Paths and Trails.*

Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:

- (A) Be constructed, and a public access easement or dedication provided; or
- (B) When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.

**Finding:** There are no planned paths or trails passing through the development site; therefore, this standard is not applicable.

*SRC 800.065(a)(5) – Pedestrian Connection to Abutting Properties.*

Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided.

**Finding:** The subject property includes a shared driveway with abutting property to the south. Provisions shall be made for a pedestrian connection from the proposed sales office building to the southern property line in compliance with SRC Chapter 800.

**Condition 6:** Prior to building permit issuance, the applicant shall demonstrate that a pedestrian connection from the proposed sales office building to the southern property line will be installed in compliance with SRC Chapter 800.

*SRC 800.065(b)(1) – Design and Materials.*

Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza. Walkways shall conform to the following:

- (A) Materials and width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and a minimum of five feet in width.
- (B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.

(C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.

**Finding:** The proposed pedestrian pathway crosses through a vehicle use area, the applicant's site plan indicates that the pathway will be differentiated from the vehicle use area by using a raised speed bump, consistent with SRC 800.060(b)(1)(B).

*SRC 800.065(b)(2) – Design and Materials.*

Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.

**Finding:** The five proposed parking spaces are in front of a landscape strip, not a pedestrian connection, wheel stops are not required.

*SRC 800.065(c) – Lighting.*

The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.

**Finding:** Exterior light fixtures are proposed along the building frontage that will illuminate the pedestrian walkways in compliance with this section.

### **Off-Street Parking, Loading, and Driveways SRC 806**

*SRC 806.005 - Off-Street Parking; When Required.*

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

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

Required off-street parking shall be located on the same development site as the use or activity it serves, or per 806.010, within nonresidential zones, required off-street parking may be within 500 feet of the development site containing the use or activity it serves.

**Finding:** All off-street parking provided for the use will be located on the same development site as the proposed use.

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

- a) *Minimum Required Off-Street Parking.* The proposed development includes construction of a 300 square foot office building for a warehousing and distribution use. Per Table 806-1, the minimum off-street parking requirement for warehousing and distribution uses is the greater of 0.75 spaces per employee or one space per 1,500 square feet of floor area.
- 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 5 percent of their total off-street parking spaces for carpool or vanpool parking.

- d) *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 300 square feet in size, and the applicant indicates that there will be three employees as part of the use, requiring a minimum of two off-street parking spaces ( $3 \times 0.75 = 2$ ). A maximum of five off-street parking spaces are allowed ( $2 \times 2.5 = 5$ ). The site plan indicates that five off-street parking spaces are provided. No compact spaces are proposed. Carpool/vanpool spaces are not required for uses with less than 60 required parking spaces.

*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.

**Finding:** The proposal includes development of a new off-street parking area to serve the new building. The off-street parking 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.

**Finding:** The proposed off-street parking 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.

**Finding:** The applicant's statement indicates that the proposed off-street parking area is approximately 7,495 square feet in size. Per Table 806-5, a minimum of 5 percent interior parking area landscaping is required, or 375 square feet ( $7,495 \times 0.05 = 374.8$ ). The applicant indicates that the proposed off-street parking area has approximately 895 square feet (11.9 percent) of interior parking area landscaping, exceeding the minimum requirement.

- 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 off-street parking spaces and drive aisles are in compliance with the minimum dimensional requirements of Table 806-6.



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. The parking area striping, marking, signage and lighting shall comply with the standards of SRC Chapter 806. The proposed off-street parking area does not include more than six spaces, therefore screening per 806.035(m) is not required.

## **Bicycle Parking**

### *SRC 806.045 - General Applicability.*

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

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

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

### *SRC 806.055 - Amount of Bicycle Parking.*

Per SRC Chapter 806, Table 806-8, warehousing and distribution uses require the greater of four bicycle parking spaces or a minimum of one bicycle parking space per 10,000 square feet of floor area for the first 50,000 square foot of floor area.

**Finding:** The proposed building is approximately 300 square feet in size and does not require any bicycle parking based on floor area, therefore a minimum of four bicycle parking spaces are required. The applicant indicates that four bicycle parking spaces are proposed, consistent with the minimum requirement.

### *SRC 806.060 – Bicycle Parking Development Standards.*

- (a) Location. Except as otherwise provided in this section, bicycle parking shall be located outside a building.
- (1) Bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
  - (2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance.
- (b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance 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.
- (c) 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.

- (d) 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.
- (e) Bicycle racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards.
  - (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
  - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
  - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
  - (4) Racks shall be securely anchored.
  - (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

**Finding:** The development plans provided do not show sufficient detail of the bicycle parking area to determine full compliance with the development standards of SRC 806.060, specifically, the pad area and access aisle do not appear to meet the minimum dimensional requirements of SRC 806.060(c). Prior to building permit issuance, the applicant shall demonstrate that the required bicycle parking spaces will be developed consistent with the standards in SRC Chapter 806.

**Condition 7:** Prior to building permit issuance, the applicant shall demonstrate that the required bicycle parking spaces will be developed consistent with the standards in SRC Chapter 806.

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

*SRC 806.065 - General Applicability.*

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

*SRC 806.070 – Proximity of Off-Street Loading Areas to use or Activity Served.*

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

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

Per Table 806-9, warehousing and distributions with building floor areas less than 5,000 square feet in size are not required to have any off-street loading spaces.

**Finding:** Off-street loading spaces are not required for the proposed use.

### **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.

**Finding:** A minimum of 1 plant unit is required per 20 square feet of landscape area. A minimum of 40 percent of the required plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Approximately 4,340 square feet of landscape area is proposed, requiring a minimum of 217 plant units ( $4,340 / 20 = 217$ ). Of the required plant units, a minimum of 87 plant units shall be trees ( $217 \times 0.4 = 86.8$ ).

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 601 - Floodplain Overlay Zone:* 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.

**Finding:** There are trees identified on the existing conditions plan along the northern boundary of the subject property but appear to be located on adjacent property. No trees are proposed for removal.

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

The Salem-Keizer Local Wetland Inventory shows that the subject property does not contain any wetland areas or hydric soils.

*SRC 810 - Landslide Hazards:* According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810, the applicant's proposal does not disturb any portion of a mapped landslide hazard area. The proposed activity of a commercial building adds 3 activity points to the proposal, which results in a total of 3 points, indicating a low landslide hazard risk. A geological assessment is not required for the proposed development.

### **Other Sections**

The Public Works Department finds that with completion of the recommended conditions, 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.

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:** Portland Road NE is under the jurisdiction of the Oregon Department of Transportation and it exceeds the right-of-way width and pavement width standards per the Salem TSP. However, the existing street is underimproved pursuant to SRC 803.005 because it is lacking sidewalk, street trees, and streetlights. The proposal development generates less than 20 new average daily vehicle trips; therefore, the application is exempt from boundary street improvements pursuant to SRC 803.040(d)(5). However, land use decision CPC/ZC92-23 conditioned that a concrete sidewalk be installed at the time of development. The proposal meets the definition of development pursuant to SRC 111.005. The application materials show the installation of a sidewalk along the frontage of the property. The sidewalk shall be extended across the frontage of the proposed driveway and constructed in accordance with the *Salem TSP* and *PWDS*.

Additionally, pursuant to SRC 86.015(e), the applicant shall provide street trees to the maximum extent feasible along the frontage of the property. The Oregon Department of Transportation is the permitting authority for all work proposed within the right-of-way of Portland Road NE.

**Condition 8:** Provide street trees to the maximum extent feasible along the frontage of Portland Road NE. A permit will be required from ODOT for work in the state highway right-of-way. Civil plans will need to be submitted to ODOT for review and approval prior to construction.

Criterion 3:

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

**Finding:** The driveway access onto Portland Road NE is proposed to be shared with the adjacent property to the south and permitting for the driveway access is under the jurisdiction of the Oregon Department of Transportation. Pursuant to SRC 804.045, the applicant shall provide a shared access easement for the proposed driveway. The shared driveway as proposed and conditioned provides for safe turning movements into and out of the property.

**Condition 9:** Provide a shared access easement for the proposed driveway.

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 infrastructure are available within surrounding streets / areas and appear to be adequate to serve the proposed

development, except gravity service to the lower portions of the property may be limited due to topographic constraints. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

The applicant'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.

**Condition 10:** Design and construct a storm drainage system in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

#### 4. FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 2 ADJUSTMENT

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 subject property is approximately 80,335 square feet in size and per SRC 551.010(d), requires a minimum of 15 percent of the development site, or 12,050 square feet ( $80,335 \times 0.15 = 12,050.3$ ) to be landscaped. The applicant is requesting a Class 2 Adjustment to reduce the amount of landscaping area provided for the first phase of development from 12,050 square feet to 4,340 square feet. The applicant indicates that only a portion of the property will be developed (approximately 28,935 square feet) with this first phase of development. The amount of landscape area proposed, 4,340 square feet, is equivalent to 15 percent of the area of the first phase of development.

The applicant indicates that new landscape areas will be provided on the northern and southern property lines to buffer and screen the proposed use from existing abutting uses. The applicant will also be installing landscaping adjacent to Portland Road and along the screening fence to provide further visual buffer of the inventory storage area from the public right-of-way.

The request to reduce the landscape area to provide a minimum of 15 percent landscape area based on the amount of area being developed with this first phase equally or better meets the intent of the landscaping requirement in the zoning code. Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

**Condition 11:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown

in the attached site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

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; therefore, this criterion is not applicable.

Criterion 3:

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

**Finding:** One adjustment has been requested with this development; therefore, this standard is not applicable.

**CONCLUSION**

Based on the facts and findings presented herein, Staff concludes the proposed Minor Comprehensive Plan Map Amendment, Zone Change, Class 3 Site Plan Review, and Class 2 Adjustment for property located at 5191 Portland Road NE - 97305, satisfy the applicable criteria contained under SRC 64.025(e)(2), SRC 265.005(e)(1), SRC 220.005(f)(3), and SRC 250.005(d)(2) for approval.

**RECOMMENDATION**

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** the following actions for the subject property which is approximately 1.85 acres in size, designated "Commercial" on the Comprehensive Plan Map, zoned CG (General Commercial), and located at 5191 Portland Road NE - 97305 (Marion County Assessor's map and tax lot number: 062W31D / 01503).

- A. APPROVE Minor Comprehensive Plan Map Amendment from "Commercial" to "Industrial Commercial".
- B. APPROVE Zone Change from CG (General Commercial) to IC (Industrial Commercial), subject to the following conditions of approval:

**Condition 1:** No outdoor advertising signs shall be permitted on site.

**Condition 2:** Construct sidewalk along the frontage of the property, including the proposed driveway access. A permit will be required from ODOT for work in the state highway right-of-way. Civil plans will need to be submitted to ODOT for review and approval prior to construction.

**Condition 3:** Black privacy slats shall be installed in the proposed cyclone security fence facing towards Portland Road NE.

- Condition 4:** Site obscuring landscaping a minimum of six feet in height shall be installed and maintained in front of the privacy fence to provide further visual buffer of the storage yard from Portland Road NE.
- Condition 5:** No more than two Simple Box shipping container sample units may be placed in the proposed display area between the storage yard and Portland Road NE at any time.

C. APPROVE Class 3 Site Plan Review, subject to the following conditions of approval:

- Condition 6:** Prior to building permit issuance, the applicant shall demonstrate that a pedestrian connection from the proposed sales office building to the southern property line will be installed in compliance with SRC Chapter 800.
- Condition 7:** Prior to building permit issuance, the applicant shall demonstrate that the required bicycle parking spaces will be developed consistent with the standards in SRC Chapter 806.
- Condition 8:** Provide street trees to the maximum extent feasible along the frontage of Portland Road NE. A permit will be required from ODOT for work in the state highway right-of-way. Civil plans will need to be submitted to ODOT for review and approval prior to construction.
- Condition 9:** Provide a shared access easement for the proposed driveway.
- Condition 10:** Design and construct a storm drainage system in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

D. APPROVE Class 2 Adjustment to reduce the landscape requirement, subject to the following condition of approval:

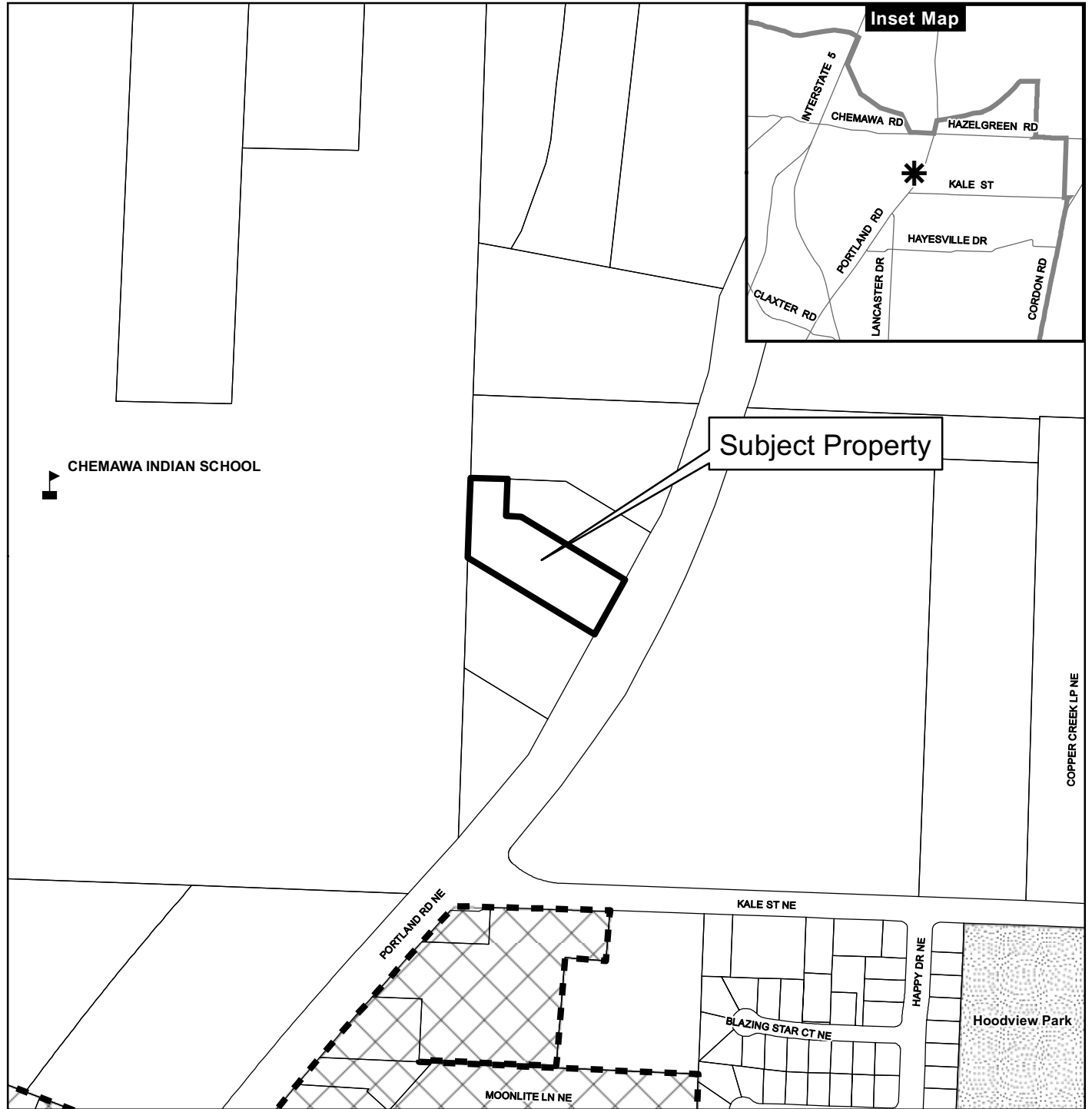
- Condition 11:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

Attachments:








- A. Vicinity Map, Comprehensive Plan Map and Zoning Map
- B. Northgate Meeting Summary from November 16, 2020
- C. Applicant's Written Statements
- D. Applicant's Development Plans
- E. Memo from the Public Works Department

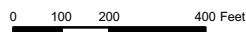
Prepared by Aaron Panko, Planner III

# Vicinity Map 5191 Portland Road NE



**Legend**

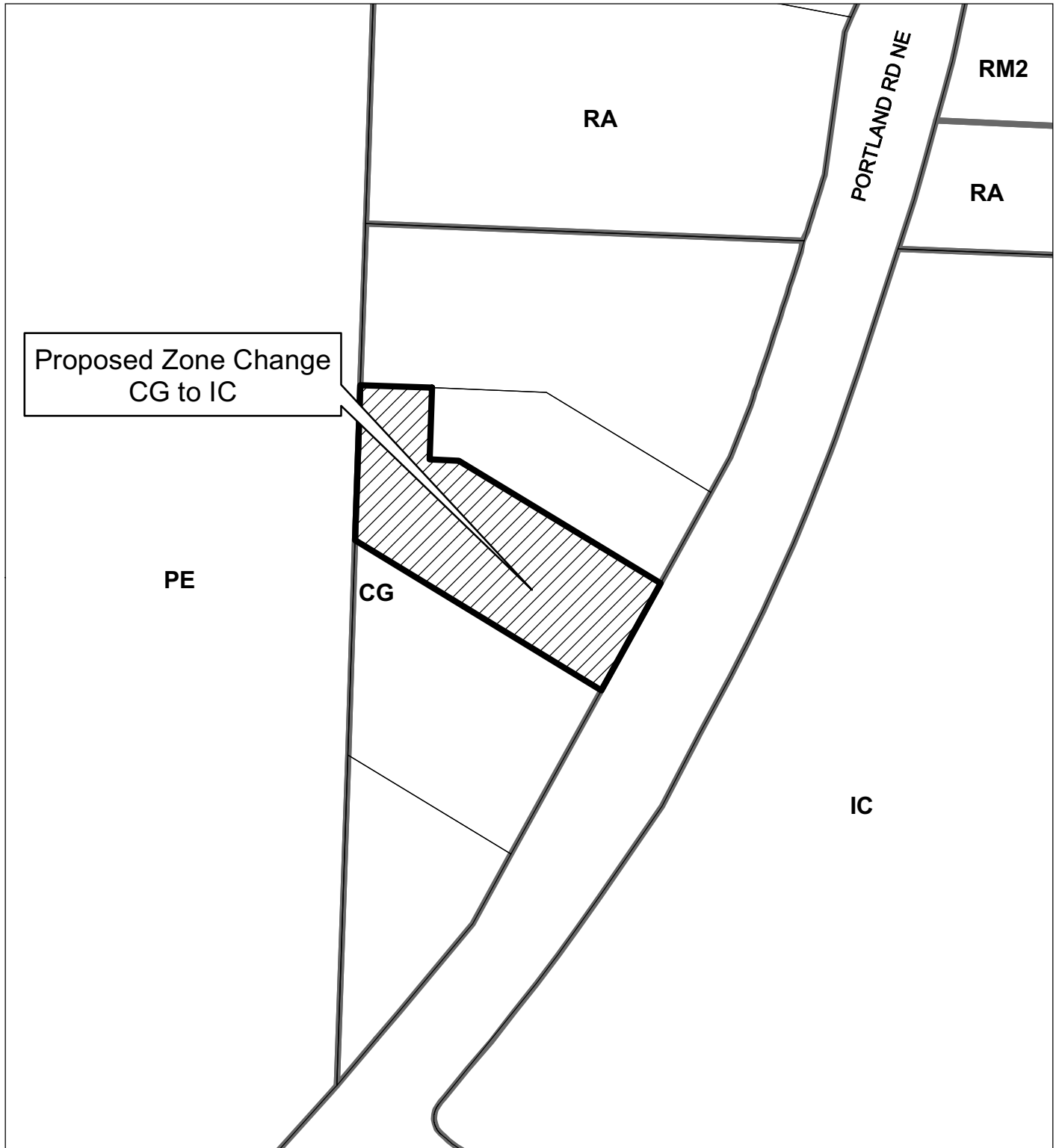
-  Taxlots
-  Outside Salem City Limits
-  Urban Growth Boundary
-  Historic District
-  City Limits
-  Schools
-  Parks



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.



# Vicinity Zoning - 5191 Portland Road NE



Proposed Zone Change  
CG to IC

## Legend

- RS Base Zoning
- Urban Growth Boundary
- Outside Salem City Limits
- Taxlots
- Parks
- Schools

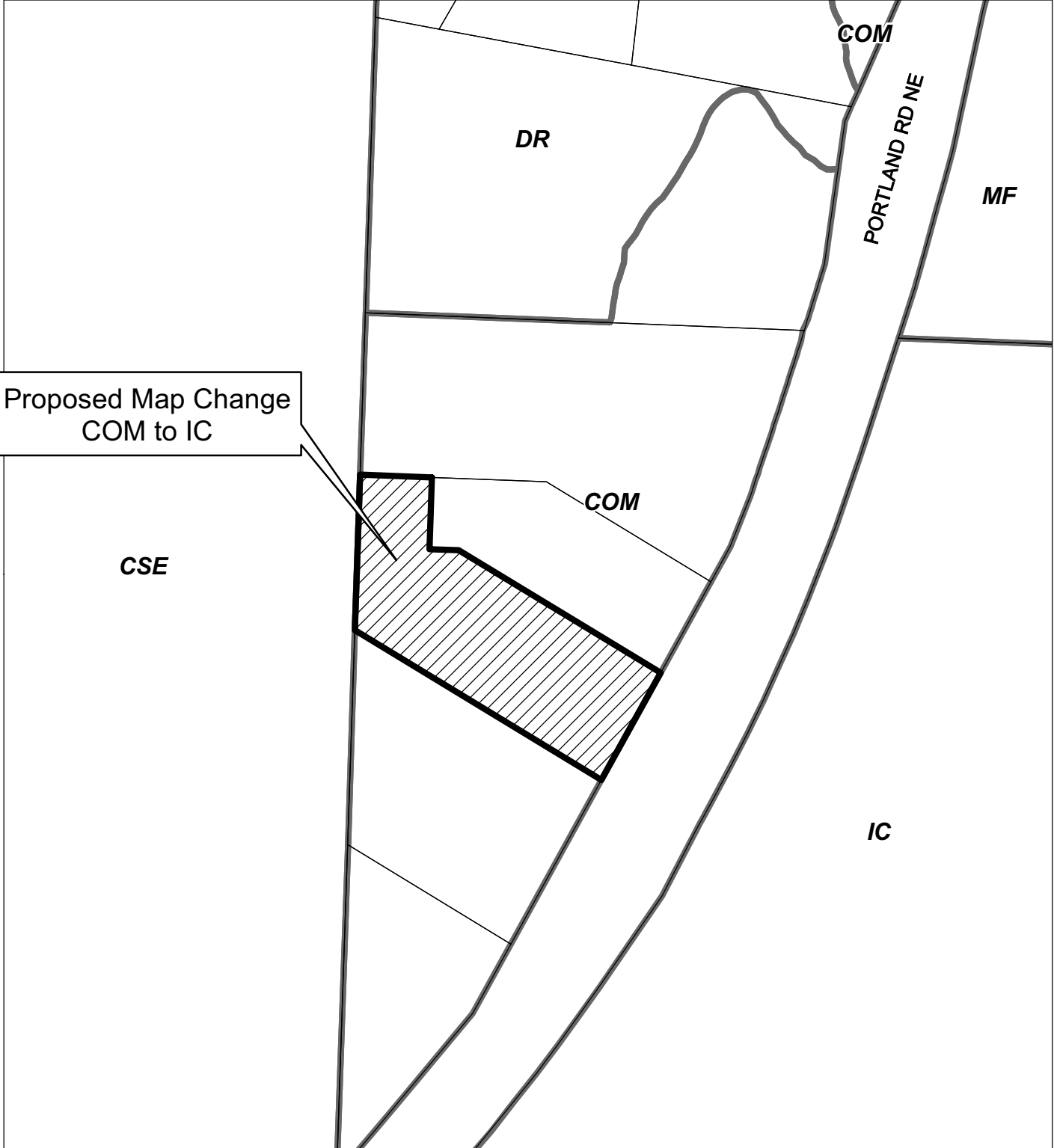
This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 50 100 200 Feet









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

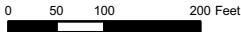
# Comprehensive Plan Map - 5191 Portland Road NE



**Legend**

-  Comprehensive Plan
-  Urban Growth Boundary
-  Outside Salem City Limits
-  Taxlots
-  Parks
-  Schools

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.



**From:** [Kaethe Mentrum](#)  
**To:** [Ross Black](#); [Don Jensen](#)  
**Cc:** [Margaret Gander-Vo](#); [Irma Dowd \(IDowd@cityofsalem.net\)](#); [Brady Rogers](#); [Seth Lenaerts](#); [Jose Gonzalez \(jose@joseforsalem.com\)](#); [Don Jensen](#); [beebalmbees@gmail.com](#); [Flora Morales](#); [Pennie Morley \(penlu48@comcast.net\)](#); [Marlayne Madison \(marlaynel@gmail.com\)](#); [Tom Madison \(ThomasHMadison@ProtonMail.com\)](#); [Wendy Zitzelberger](#); [Tony Zitzelberger](#)  
**Subject:** 5213 Portland Road NE  
**Date:** Wednesday, December 9, 2020 11:45:33 AM

---

Hi Ross,

Congratulations! You got the last vote of approval today to go ahead with your applying for a permit for code change of your above captioned property. Please remember that this approval is under the condition that our requested items, to which you verbally agreed at the zoom meeting of November 19, 2020, will be adhered to and they are the following:

- a. To plant 6' and above vegetation (you said Laurel Hedge) in front of your cyclone fence (which we are hoping in black slats, not green as you had indicated as green slats come in sometimes gaudy hues). In front of that will be 2-3 Simple Box samples, we hope tastefully displayed, if possible aesthetically pleasing to the eye. This is important to us, as this association wishes to continue the previous executives in the association's desire and hope to change Portland Road to a more attractive road due to Urban Renewal. Some of our members live in this vicinity and have verbalized they do not wish to see new unsightly objects.
- b. To plant similar vegetation as the above at the south part of your property to block the single family house from the industrial usage of yours.
- c. To continue to hire locals for the necessary work at this property.

You may not recall everything that happened at this meeting but to help you, please note the following points.

1. Seth Lenaerts from the City's Economic Development Division suggested you contact their office to see if there are any incentives or programs you could access. FYI, his email address is: Seth Lenaerts <SLenaerts@cityofsalem.net>
2. If there is not a Planner yet assigned to this project then that means you have to apply for permit to change from Commercial to Commercial and Industrial and that would be your next step.
3. Once a Planner is assigned, he/she will contact Northgate's Land Use Chair, Don Jensen and/or Chair, Bayard Mentrum.
4. When the Planner asks Don and/or Bayard of Northgate Neighborhood Association (NGNA) for comments, that is the time we will submit our association's recommendations. Please inform the planner to contact both Don ([djensen5913@gmail.com](mailto:djensen5913@gmail.com)) and Bayard ([beebalmbees@gmail.com](mailto:beebalmbees@gmail.com)) at this time.
5. Would you please confirm this point: in the meeting, you had said there will be no "assembly in the future." However, does that mean there will be no assembly work at this property at all? Or are we not getting this correctly?

Please allow NGNA to invite you and if appropriate (if she works/lives in NG) Margaret Gander-Vo to

become members of NGNA and hopefully, you will accept this invitation. We will be most delighted if you and Margaret will be able to join us.

Sincerely,

Kaethe Mentrum  
Secretary/Park Chair

**From:** [Margaret Gander-Vo](#) on behalf of [Margaret Gander-Vo <Margaret@SGLAW.com>](#)  
**To:** [beebalmbees@gmail.com](mailto:beebalmbees@gmail.com)  
**Cc:** [Alan M. Sorem](#); [Jennifer S. Marshall](#)  
**Subject:** RE: Comprehensive Plan/Zone Change/Site Plan Review 3 for 5213 Portland Road  
**Date:** Tuesday, November 3, 2020 3:49:59 PM  
**Attachments:** [Simple Box Civil Drawings.pdf](#)  
[image001.png](#)

---

Hello Bayard:

Thank you for the additional feedback, I'll pass it along. Generally, these types of questions are answered during our presentation with the inclusion of an opportunity for community member feedback. Because the proposed project is not subject to design review, these questions are generally outside of the scope of the application so we don't have specific colors, fencing types, or plant unit selections at this time. Due to the similarities between the IC Zone and the CG Zone, the development of the property would look similar under either zoning. For example, the Church of God District Office north along Portland road is zoned CG while the Portland General Electric campus is zoned IC. Generally, the screening and landscaping requirements for the IC zone are stricter than those in the IC and my Client will meet the applicable standards.

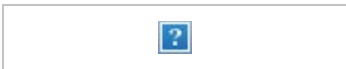
Obviously, the model photos aren't a perfect representation of the proposal as the City of Salem standards require a paved parking area and landscaping associated with the proposed development. The landscaped areas along Portland Road will be approximately 10 feet wide while the internal landscaping area is five feet in width along the security fencing, with larger planting areas around the office. The dimensions and the landscaping coverage are on the 4 page of the attached Civil Drawings. Again, these areas will be subject to the planting unit requirement in the Code which requires a variety of plant units and which will be selected at a later date. If the neighborhood has a preference, my client will take that into consideration where feasible.

We look forward to meeting with you on November 16<sup>th</sup>, please let me know when we can expect a meeting invitation.

Regards,

**Margaret Y. Gander-Vo**

Associate Attorney – Real Estate and Land Use



Park Place, Suite 200 | 250 Church Street SE | Salem, Oregon 97301

tel: 503.485.4271 | fax: 503.371.2927

[Email](#) | [Web](#)

*This message & attachments hereto are privileged and confidential. Do not forward, copy, or print without authorization. Sender has scrubbed metadata from the attachment & recipient shall not scan for metadata erroneously remaining. If recipient does not agree to all conditions above, recipient shall delete this message & the attachments & notify sender by email.*

---

**From:** beebalmbees@gmail.com <beebalmbees@gmail.com>  
**Sent:** Tuesday, November 3, 2020 3:11 PM  
**To:** Margaret Gander-Vo <Margaret@SGLAW.com>  
**Subject:** RE: Comprehensive Plan/Zone Change/Site Plan Review 3 for 5213 Portland Road

Hi Margaret,

Here are more questions:

1. How about adding black slats in the cyclone fence? There has been a recent preference trend going with the community with what is called "Urban Renewal." Portland Road is to be revitalized into a more visually pleasing road. That is why, personally, while I am not against what your client is trying to achieve with proper hiding of industrial use of the property like with tall cypress trees close together forming an eye-pleasing fence, there are others in this community who are for urban renewal which means attractive and clean-looking road. Some folks do not want any kind of industrial-looking portion on this road.
2. Regarding the buffer, how high is it going to be? How are they spaced? Is it evergreen? if that 's the case? As you know, they must be tightly spaced.
3. Another item that comes to mind is a 6 ' high sight obscuring fence, painted black with nice art done by an good artist. It could be a nice landscape art, etc. People will probably use it as a land mark.

In order to satisfy the neighbors when they have questions, I need to know the answers thus my questioning you

The main point to remember is that from people on Portland Road, it MUST look attractive.

The WA state photos you sent showed a bit of landscape for buffer. These are hardly good enough. They are too low and are not a good buffer.

Kindly respond to the above questions because answers are needed as soon as possible. Thank you.

Bayard Mentrum  
Chair of NGNA

---

**From:** Margaret Gander-Vo <[Margaret@SGLAW.com](mailto:Margaret@SGLAW.com)>  
**Sent:** Tuesday, November 3, 2020 9:24 AM  
**To:** [beebalmbees@gmail.com](mailto:beebalmbees@gmail.com)  
**Cc:** Alan M. Sorem <[asorem@sglaw.com](mailto:asorem@sglaw.com)>; Jennifer S. Marshall <[jmarshall@sglaw.com](mailto:jmarshall@sglaw.com)>  
**Subject:** RE: Comprehensive Plan/Zone Change/Site Plan Review 3 for 5213 Portland Road

Hello Bayard:

The cyclone fencing is for security, the landscaping will be for screening. The Site Plan identifies the areas that will be landscaped and we are preparing a landscaping plan that will comply with the code requirements. Once complete we will have a better idea regarding what particular plantings will be included. I will pass these questions along to my client and other members of the application team and we will provide additional detail to you during our presentation. If you have other questions you would like us to address at that time, please pass them along and I will make sure we address them.

Best,

**Margaret Y. Gander-Vo**

Associate Attorney – Real Estate and Land Use



Park Place, Suite 200 | 250 Church Street SE | Salem, Oregon 97301  
tel: 503.485.4271 | fax: 503.371.2927

[Email](#) | [Web](#)

*This message & attachments hereto are privileged and confidential. Do not forward, copy, or print without authorization. Sender has scrubbed metadata from the attachment & recipient shall not scan for metadata erroneously remaining. If recipient does not agree to all conditions above, recipient shall delete this message & the attachments & notify sender by email.*

---

**From:** [beebalmbees@gmail.com](mailto:beebalmbees@gmail.com) <[beebalmbees@gmail.com](mailto:beebalmbees@gmail.com)>

**Sent:** Tuesday, November 3, 2020 9:03 AM

**To:** Margaret Gander-Vo <[Margaret@SGLAW.com](mailto:Margaret@SGLAW.com)>

**Subject:** RE: Comprehensive Plan/Zone Change/Site Plan Review 3 for 5213 Portland Road

Hello Margaret,

Thanks for the information, however, it looks like they have an open cyclone fencing which doesn't hide anything. And there's hardly any landscaping that we see. More questions follow:

- a. What kind of buffer are they talking about?
- b. Are there evergreens? If so, how tall and how closed together are they spaced?
- c. Are all the boxes going to be white including the office?

Would you be able to supply answers to the above as soon as possible?

Thank you,  
Bayard Mentrum  
Chair, NGNA

---

**From:** Margaret Gander-Vo <[Margaret@SGLAW.com](mailto:Margaret@SGLAW.com)>

**Sent:** Tuesday, November 3, 2020 8:19 AM

**To:** [beebalmbees@gmail.com](mailto:beebalmbees@gmail.com)

**Cc:** [djensen5913@gmail.com](mailto:djensen5913@gmail.com); Alan M. Sorem <[asorem@sglaw.com](mailto:asorem@sglaw.com)>; Jennifer S. Marshall <[jmarshall@sglaw.com](mailto:jmarshall@sglaw.com)>

**Subject:** RE: Comprehensive Plan/Zone Change/Site Plan Review 3 for 5213 Portland Road

Hello Bayard:

My client's goal is to develop the site in phases while allowing for the development of commercial uses as the surrounding area develops over time. In the meantime, they hope to develop this first phase as a display and sales office which would be complete with a paved parking area and landscaping, as shown on the Site Plan. The intent is to develop the frontage in a way that improves the area and will be similar to the landscaping and improvements that you would see for a typical office park, with the exception of the buildings. We believe this fits in well with the development pattern in the surrounding area and will drastically improve the frontage from the vacant gravel lot that is currently there. Here are the answers to your questions:

**1. Do you have a rendering of the container display? And a photo of the building?**

See below for several concept photos including one of my Client's typical container display and ideal office. As you can see, the use of a container for the office is to show the functionality and possibilities of creative uses for containers, expertly modified by my Client's world-class Mod Shop (located in Mt. Vernon, Washington). Note also that the use of a container "display" area is precisely to highlight that we are not in the business of "old rusty freight cars". These are bright, clean, eco-friendly containers built specifically for secure and rodent-proof storage that can be delivered right to your home or job site.

**2. I am supposing the containers are what you are using on the google. Am I correct?**

Attached is a flyer showing the variety of container styles. My client's website also shows the container styles: [https://getsimplebox.com/locations/salem-portland/?utm\\_source=gmb&utm\\_medium=organic](https://getsimplebox.com/locations/salem-portland/?utm_source=gmb&utm_medium=organic)

**3. Are these containers in a building?**

The Containers will be stored in a graveled storage area, there will not be a building at this time. The containers will be organized in rows, keeping the appearance neat and orderly and the inventory area will be fenced and landscaped for security screening and beautification.

**4. How does the whole building look, not just the office?**

I have attached a picture of the model office (it is the only building). However, my client will be installing a parking area and landscaping so that the street frontage will be dramatically improved.

**5. What is the inventory storage made out of? Is this a building or a fence?**



It will be a graveled area with fencing and screening. The intent is that the majority of the inventory will not be very visible from the street due to the landscaping, office, and display area. Below are several sample pictures from other sites.

**6. The site plan you sent doesn't show any streets but the display is at Portland Road, right on the front parking lot?**

Yes, Portland Road runs parallel to the office. There will be a landscape buffer installed between the parking area and Portland Road, with the exception of the driveway approach, in accordance with the applicable standards.

**7. How many containers are they thinking about putting on display at a time?**

They typically aim for an odd number between 1 and 5, with 3 being the general goal.

My client would like to emphasize that they are operating a clean and orderly business, not renting or selling "rusty rail cars." They hope to improve the frontage of the Property so that the area is generally more inviting, as they have done at several other sites. They take pride in being a community-focused small business. They are the current Washington State Small Business of the Year, Inc. 5000 honoree for fastest-growing storage company, award-winner for Community-minded small business, a consistent monthly donor to Habitat for Humanity, United Way disaster relief, local food banks, and other non-profits - sponsoring one orphan or widow for every one of their staff members. They pay their employees well and work to build strong relationships in the communities they operate in. The business is centered around providing a convenient and stress-reducing service to the community. They are asking for is a chance to get set up right and show what they can do to provide good, quality jobs and services to the City of Salem while also improving the current state of the Property. Please let me know if you have any other questions.

Best,

**Margaret Y. Gander-Vo**

Associate Attorney – Real Estate and Land Use

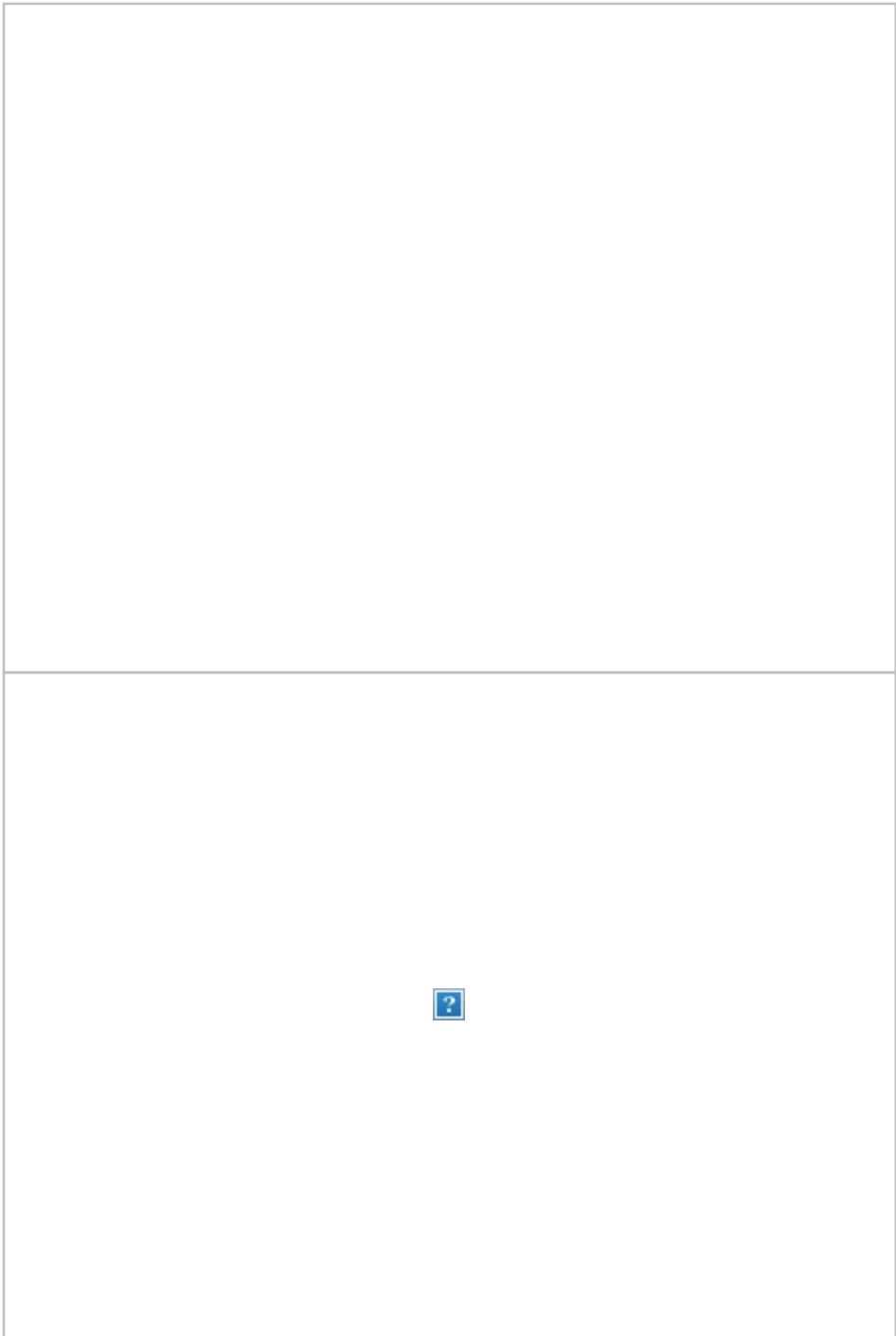


Park Place, Suite 200 | 250 Church Street SE | Salem, Oregon 97301

tel: 503.485.4271 | fax: 503.371.2927

[Email](#) | [Web](#)

*This message & attachments hereto are privileged and confidential. Do not forward, copy, or print without authorization. Sender has scrubbed metadata from the attachment & recipient shall not scan for metadata erroneously remaining. If recipient does not agree to all conditions above, recipient shall delete this message & the attachments & notify sender by email.*



---

**From:** [beebalmbees@gmail.com](mailto:beebalmbees@gmail.com) <[beebalmbees@gmail.com](mailto:beebalmbees@gmail.com)>

**Sent:** Friday, October 30, 2020 4:09 PM

**To:** Margaret Gander-Vo <[Margaret@SGLAW.com](mailto:Margaret@SGLAW.com)>

**Cc:** [djensen5913@gmail.com](mailto:djensen5913@gmail.com)

**Subject:** RE: Comprehensive Plan/Zone Change/Site Plan Review 3 for 5213 Portland Road

Hi Margaret,

I have some more questions for you as the following:

1. Do you have a rendering of the container display? And a photo of the building?
2. I am supposing the containers are what you are using on the google. Am I correct?
3. Are these containers in a building?
4. How does the whole building look, not just the office?
5. What is the inventory storage made out of? Is this a building or a fence?
6. The site plan you sent doesn't show any streets but the display is at Portland Road, right on the front parking lot?
7. How many containers are they thinking about putting on display at a time?

It would be helpful if you can supply more information and pictures of what your client wants to do, so please offer any pertinent information you have. If you already have renderings, please supply.

When my wife, who is also acting secretary, emailed Penny, our last chair, this was her response: "they had better prove they can upgrade the property and make it look like something besides old rusty freight cars that are dropped on a piece of property."

We are trying to clean up Portland Road with our "Urban Renewal" plan. I hope you will be able to persuade your client to go along with our plan and help us in keeping Portland Road looking good. Looking forward to your early response.

Bayard Mentrum  
Acting Chair of NGNA

---

**From:** Margaret Gander-Vo <[Margaret@SGLAW.com](mailto:Margaret@SGLAW.com)>

**Sent:** Friday, October 30, 2020 8:00 AM

**To:** [beebalmbees@gmail.com](mailto:beebalmbees@gmail.com)

**Cc:** 'Irma Dowd' <[IDowd@cityofsalem.net](mailto:IDowd@cityofsalem.net)>; Alan M. Sorem <[asorem@sglaw.com](mailto:asorem@sglaw.com)>; Jennifer S. Marshall <[jmarshall@sglaw.com](mailto:jmarshall@sglaw.com)>; [djensen5913@gmail.com](mailto:djensen5913@gmail.com)

**Subject:** RE: Comprehensive Plan/Zone Change/Site Plan Review 3 for 5213 Portland Road

Hello Bayard:

My client both sells and leases the containers, some of which are in used condition so there is some inventory staging that happens on the property so that customers can look at the condition of the containers (this would primarily be in the "inventory area"). Additionally, my client would like the option to set up "model" containers, showing the versatility of the storage containers (e.g. setup as a workshop, contractor storage, etc) in the "display area." The building designated on the Site Plan as the "office" is itself a storage container that has been converted for on-site use by my client. We are not proposing a fence facing (parallel) to the street.

There is a 30 foot shared access easement centered on the southern property line that provides access to my client's property and the property to the south.

As mentioned above, the office is one of the shipping containers that has been setup for office use. It is approximately 10 ft high but I will see about trying to get a rendering for you so that you have a better sense of what is being proposed.

Please let me know if you have any other questions. Ideally both myself and my client would like to attend the zoom meeting, if possible.

Thank you,

**Margaret Y. Gander-Vo**

Associate Attorney – Real Estate and Land Use



Park Place, Suite 200 | 250 Church Street SE | Salem, Oregon 97301  
tel: 503.485.4271 | fax: 503.371.2927

[Email](#) | [Web](#)

*This message & attachments hereto are privileged and confidential. Do not forward, copy, or print without authorization. Sender has scrubbed metadata from the attachment & recipient shall not scan for metadata erroneously remaining. If recipient does not agree to all conditions above, recipient shall delete this message & the attachments & notify sender by email.*

---

**From:** [beebalmbees@gmail.com](mailto:beebalmbees@gmail.com) <[beebalmbees@gmail.com](mailto:beebalmbees@gmail.com)>

**Sent:** Thursday, October 29, 2020 7:10 PM

**To:** Margaret Gander-Vo <[Margaret@SGLAW.com](mailto:Margaret@SGLAW.com)>

**Cc:** 'Irma Dowd' <[IDowd@cityofsalem.net](mailto:IDowd@cityofsalem.net)>; Alan M. Sorem <[asorem@sglaw.com](mailto:asorem@sglaw.com)>; Jennifer S. Marshall <[jmarshall@sglaw.com](mailto:jmarshall@sglaw.com)>; [djensen5913@gmail.com](mailto:djensen5913@gmail.com)

**Subject:** RE: Comprehensive Plan/Zone Change/Site Plan Review 3 for 5213 Portland Road

Hello Margaret,

Thank you for your below email. The next NGNA meeting will be held via Zoom on Thursday, November 19 at 6 p.m.

Irma Dowd is helping us with the zooming and I am sure she will notify us in ample time how to get into this zoom. We will put you on the agenda for your proposal as requested. I see you've addressed the appropriate parties involved.

In the meantime, please answer the following questions:

1. About your Box Storage containers, why do you need a display area for boxes? Is there a fence around it facing the street? What is it for?
2. It appears that your driveway encroaches on the neighboring property. Do you own it? Or do

you have an easement for that?

3. How tall is your building? Do you have a drawing of the front elevation you can send?

Thank you for recontacting us and I look forward to receiving your answers to the above.

Bayard Mentrum  
Acting chair of NGNA

---

**From:** Margaret Gander-Vo <[Margaret@SGLAW.com](mailto:Margaret@SGLAW.com)>  
**Sent:** Thursday, October 29, 2020 4:53 PM  
**To:** [beebalmbees@gmail.com](mailto:beebalmbees@gmail.com); [djensen5913@gmail.com](mailto:djensen5913@gmail.com)  
**Cc:** Irma Dowd <[IDowd@cityofsalem.net](mailto:IDowd@cityofsalem.net)>; Alan M. Sorem <[asorem@sglaw.com](mailto:asorem@sglaw.com)>; Jennifer S. Marshall <[jmarshall@sglaw.com](mailto:jmarshall@sglaw.com)>  
**Subject:** Comprehensive Plan/Zone Change/Site Plan Review 3 for 5213 Portland Road

Hello Bayard and Don:

I had previously sent the email below regarding a Land Use Application that we are preparing to submit for the property located at 5213 Portland Road. I have attached the proposed site plan. I recently learned that you have switched chairs and I wanted to resend our request to attend one of your meetings.

Can you please let me know when you are holding your next meeting so we can present our proposal and get some feedback from the neighbors before we submit our application?

Thank you,

**Margaret Y. Gander-Vo**

Associate Attorney – Real Estate and Land Use



Park Place, Suite 200 | 250 Church Street SE | Salem, Oregon 97301  
tel: 503.485.4271 | fax: 503.371.2927

[Email](#) | [Web](#)

*This message & attachments hereto are privileged and confidential. Do not forward, copy, or print without authorization. Sender has scrubbed metadata from the attachment & recipient shall not scan for metadata erroneously remaining. If recipient does not agree to all conditions above, recipient shall delete this message & the attachments & notify sender by email.*

---

**From:** Margaret Gander-Vo  
**Sent:** Monday, September 14, 2020 3:24 PM

**To:** 'northgateneighborhoodsalem@gmail.com' <[northgateneighborhoodsalem@gmail.com](mailto:northgateneighborhoodsalem@gmail.com)>;  
'djensen5913@gmail.com' <[djensen5913@gmail.com](mailto:djensen5913@gmail.com)>  
**Cc:** 'Alan M. Sorem' <[asorem@sglaw.com](mailto:asorem@sglaw.com)>; Jennifer S. Marshall <[jmarshall@sglaw.com](mailto:jmarshall@sglaw.com)>  
**Subject:** Comprehensive Plan/Zone Change/Site Plan Review 3 for 5213 Portland Road

Hello Pennie & Don:

I represent Anthem Enterprises which owns the property located at 5213 Portland Road NE. We are submitting a consolidated land use application for a change from Commercial to Industrial Commercial to allow for the use of the property as a location for the sale, lease, and some incidental storage of Simple Box Storage containers.

We would like to attend your next neighborhood association meeting to present our proposal and get some feedback from the neighbors before we submit our application. Can you let me know when your next meeting will be held? We're waiting on a finalized site plan packet, but will provide it to you as soon as it is ready.

Best,

**Margaret Y. Gander-Vo**

Associate Attorney – Real Estate and Land Use



Park Place, Suite 200 | 250 Church Street SE | Salem, Oregon 97301  
tel: 503.485.4271 | fax: 503.371.2927

[Email](#) | [Web](#)

*This message & attachments hereto are privileged and confidential. Do not forward, copy, or print without authorization. Sender has scrubbed metadata from the attachment & recipient shall not scan for metadata erroneously remaining. If recipient does not agree to all conditions above, recipient shall delete this message & the attachments & notify sender by email.*

**ANTHEM ENTERPRISES, LLC**  
**COMPREHENSIVE PLAN CHANGE/ZONE CHANGE/TYPE III SITE PLAN REVIEW**  
**CONSOLIDATED WRITTEN STATEMENT**

---

**OWNER/APPLICANT:**

Anthem Enterprises, LLC  
 PO Box 704  
 Lynden, WA 98264

**APPLICANT'S REPRESENTATIVES:**

Alan Sorem, Attorney  
 Margaret Gander-Vo, Attorney  
 Saalfeld Griggs PC  
 250 Church Street SE, Ste. 200  
 Salem, OR 97301  
 Phone: 503-399-1070  
 Email: asorem@sglaw.com; margaret@sglaw.com

Steve Ward, PE  
 Westech Engineering Inc.  
 3841 Fairview Industrial Drive SE  
 Suite 100  
 Salem, OR 97302  
 Phone: 503-585-2474  
 Email: sward@westech-eng.com

Julio Vela, PhD, PE GE  
 GeoEngineers, Inc.  
 333 High Street NE, Ste. 102  
 Salem, OR 97301  
 Phone: 503-603-6656  
 Email: jvela@geoengineers.com

Mike Ard, PE  
 Ard Engineering, LLC  
 17790 SW Dodson Drive  
 Sherwood, Oregon 97140  
 Phone: (503) 537-8511  
 Email: mike.ard@gmail.com

**SUBJECT PROPERTY INFORMATION:**

The subject property is located at approximately 5213 Portland Road NE in Salem, Oregon and is identified as Tax Lot 1503 of Marion County Assessor's Map Number 06-2W-31D (herein the "**Subject Property**"). The total acreage of the Subject Property is approximately 1.85 acres. The Subject Property is currently undeveloped with shared access onto Portland Road NE. The City of Salem (herein the "**City**") designates the Subject Property as "Commercial" (COM) on its comprehensive plan map and it is zoned "General Commercial" (CG). (See Current Zoning Map, **Exhibit 101**). The Subject Property is located within the



City limits and is outside the City's Urban Service Area ("**USA**"). Access to the Subject Property is provided via Portland Road NE.

#### **SUMMARY OF PROPOSAL:**

Anthem Enterprises, LLC ("**Applicant**") is proposing to rezone the Subject Property from General Commercial (CG) to Industrial Commercial (IC) and to change the comprehensive plan designation from Commercial (COM) to Industrial Commercial (IC).

The purpose of this combined request is to allow for the use of the Subject Property for shipping container sales, rental, and storage (the "**Proposed Use**"). The Subject Property will be open to the general public with an on-site salesperson available to show potential customers the existing inventory and to facilitate the purchase and rental of a variety of sizes of shipping containers (the "**Containers**"). While there is standardization across the inventory of the type and size of Container, there is some variability within the inventory due to the availability of both new and used Containers available for purchase. As a result, the vast majority of purchasing customers visit the site and select between the existing inventory. During the month of April 2020, which was the most recent month of typical activity for the Proposed Use, there were eleven (11) container sales and of those sales, nine (9) of the customers visited the Subject Property. Three (3) of those customers retrieved their shipping container from the Subject Property.

There will be four (4) employees total: one (1) off-site sales and administrative professional, one (1) on-site sales professional, and two (2) drivers. The drivers load and unload the Containers and deliver the Containers to customers as well as perform any maintenance needed for the Containers. The unloading and loading of the Containers with customer belongings are the responsibility of the drivers. Applicant does not anticipate customers loading or unloading the Containers.

The majority of trips to and from the Subject Property are related to the delivery and return of the leased Containers. During the month of April 2020, approximately twenty-three (23) Containers were delivered to local customers, while there were eight (8) deliveries of purchased Containers, nine (9) site visits by customers seeking to purchase a Container, and three (3) Containers were retrieved by the customer purchasing the Container.

Applicant previously submitted a zoning determination application which was designated by the City as SUD 19-02 (the "**Zoning Determination**"). The ultimate determination by the Hearings Officer was that while elements of the Proposed Use are permitted within the CG zone, the primary "warehousing and distribution" use is not a permitted use in the CG zone. However, a significant amount of the Proposed Use focuses on the sale and lease of the Containers directly to customers, who purchase and lease the Containers primarily after visiting the Subject Property to evaluate the size and condition of the individual Containers. This mirrors the definition of "retail sales" in the Salem Revised Code (the "**Code**" or "**SRC**") which specifically includes the "sale, lease, or rental of products directly to final consumers \* \* \* \* [including] the sale, lease, or rental of products to contractors. Visits by customers are generally not scheduled. Stores are typically open to the general public." SRC 400.045(b).

Applicant primarily sells, leases, and rents directly to its customer base, which is the "final consumer." The vast majority of Applicant's gross revenue (approximately 70%) is derived from a sale of Containers on the Subject Property. Approximately 30% of Applicant's revenue comes from leasing the Containers.



A proposed on-site office setup in one of the Containers allows potential customers to examine the Containers and provides a space for Applicant’s on-site employees to finalize on-site transactions. Applicant’s customers generally do not perform any loading or unloading of the Containers and do not have access to the Containers while on the Subject Property. In this way, Applicant’s use of the Subject Property falls squarely within the retail uses permitted in the General Commercial zone with the exception of the portions of the Proposed Use characterized as “Warehousing and Distribution,” which will occur solely within the back portion of the Subject Property. Thus, the proposed change to the IC zone will not materially change the character of the surrounding area.

The purpose of this combined request is to allow for the use of the Subject Property for the Proposed Use. Concurrent with the comprehensive plan map amendment and zone change, Applicant requests Type III Site Plan Review approval (collectively the “**Proposal**”). SRC 300.120.

As shown on Applicant’s Site Plan (see **Exhibit 102**) (the “**Site Plan**”), Applicant will use one of Applicant’s Containers on the Subject Property as a model office and the sales office for the on-site employee. Applicant will also install a paved parking area, display area for other units, and the required landscaping adjacent to Portland Road (the “**Proposed Development**”). Only five parking spaces are needed as the Proposed Use does not generate significant traffic. The Proposed Development is the first phase of development for the Subject Property. The western portion of the Subject Property will remain undeveloped, with a portion of the undeveloped area used for inventory storage as well as short-term storage of customer’s packed Containers. The far western portion of the Subject Property will be developed with a stormwater detention and treatment facility consistent with the City of Salem’s standards, which will ensure all stormwater from the Subject Property is collected and treated on-site.

**EXISTING CONDITIONS:**

The Subject Property has approximately one hundred seventy-four (174) feet of street frontage on Portland Road NE. It is currently undeveloped and was being used for shipping container sales, rental, and storage until it was paused pending land use approval.

The surrounding properties have the following designations:

Property Location	Zoning Designation	Comprehensive Plan Designation
North	Residential Agriculture (RA)	(DR) Developing Residential
South	General Commercial (CG)	(COM) Commercial
East (across Portland Rd)	Industrial Commercial (IC)	(IC) Industrial Commercial
West	Public/Private Education (PE)	(CSE) Community Service Education

On June 26, 2018, Applicant’s previous representative, Mark Ferris, met with City staff members to discuss the development of the Subject Property. (See Pre-Application Summary Report, **Exhibit 103**).

The Subject Property is located within the Northgate Neighborhood Association (herein “**Neighborhood Association**”). On November 19, 2020, Margaret Gander-Vo, on behalf of Applicant, attended the Neighborhood Association meeting to discuss the Proposal in lieu of an open house. Both the Neighborhood Association and adjacent property owners have had an opportunity to provide input and comments on the project.

Applicant provided Cherriots staff with a copy of the Site Plan on January 14, 2021 for review. Cherriots staff did not provide feedback or comments on the Proposal.

**OWNERSHIP OF THE PROPERTY:**

Applicant is owner of the Subject Property and has provided a copy of the last deed of record, attached as **Exhibit 104**. There are no additional encumbrances on the Subject Property.

**PREVIOUS LAND USE ACTIONS:**

- Similar Use Determination Case No. 19-02 (determined the classification of the use on the Subject Property as “Warehousing and Distribution”).
- Comprehensive Plan Change/Zone Change CP/ZC 92-23.
- Partitioning Plat No. 92-24MV.
- Minor Partitioning Plat No 90-16, granted tentative approval 1990.
- Urban Growth Area Development Preliminary Declaration 90-1UG, 1990.
- Annexed in 1989.

In the Zoning Determination case, City staff found that the Proposed Use shared some characteristics in common with allowed retail uses. For example, the Proposed Use allows retail and wholesale sales of heavy vehicle and trailer sales. While these uses share characteristics in common with retail uses allowed in the CG zone, the City ultimately concluded they are properly characterized as warehousing and distribution. Such uses are not allowed in the CG zone, and therefore, Applicant has filed this comprehensive plan map amendment and zone change application.

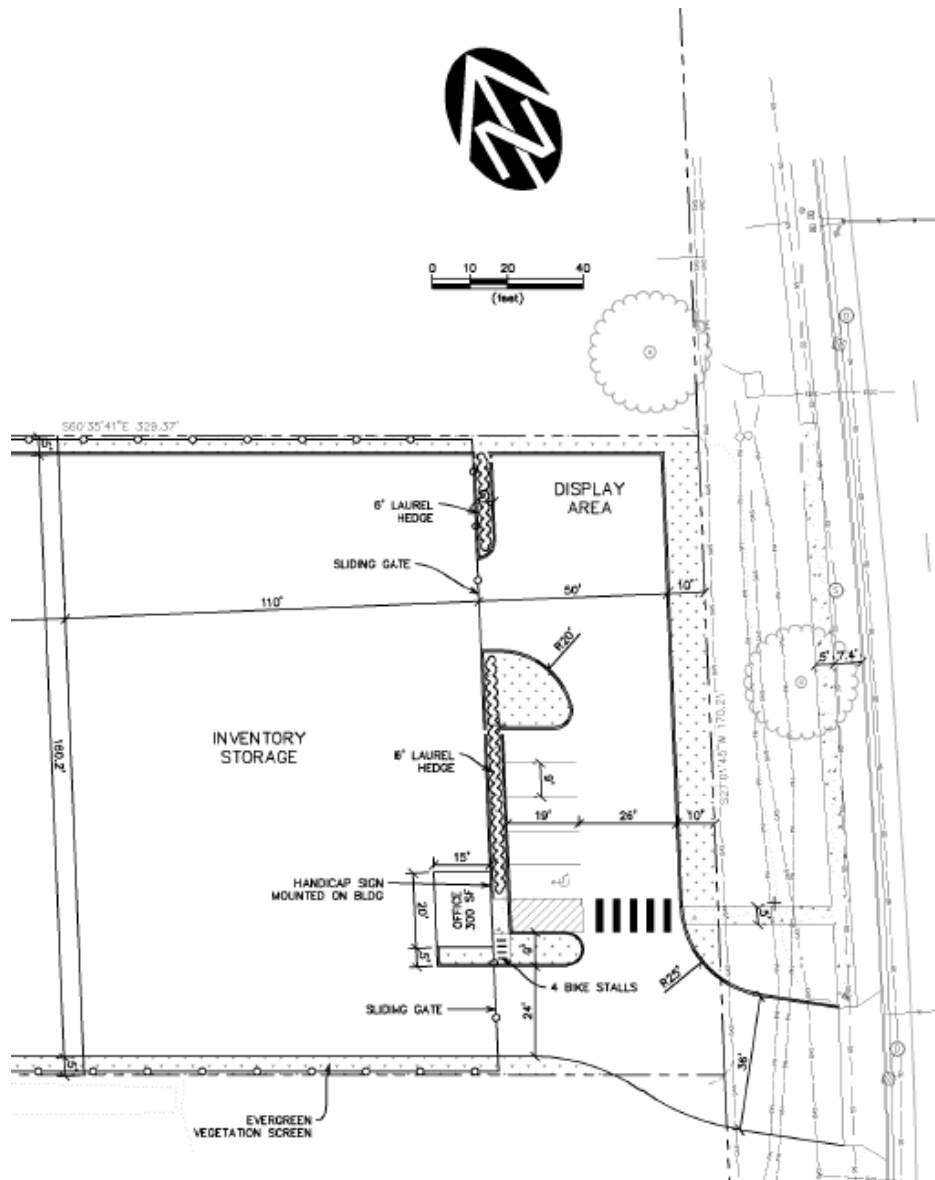
The Planning Commission’s prior decision for CP/ZC 92-23 changed the comprehensive plan designation of the Subject Property from “Developing Residential” to “Commercial” and the zoning from “Residential Agriculture” to “General Commercial” subject to several conditions of approval as part of a larger development to the north. The development plans for the Subject Property never materialized. Nonetheless, the Proposal can be developed consistently with the prior conditions of approval with the partial exception of former condition No. 3, which prohibited “vehicle or equipment storage for other businesses” on-site. Conformance with conditions of approval for a prior zone change is not an approval criterion; however, Applicant offers as conditions of approval to the Proposal the following conditions, which were applied to CP/ZC 92-23:

1. Exterior lighting, if used, should be designed to provide illumination to the site and not cause glare onto Portland Road NE in addition to the surrounding residential areas. Exterior light fixtures should be so located and designed that the light source, viewed by an observer five feet above the ground at five feet outside the boundary of the commercial development shall within 50 feet of the base of the light standards be either:
  - a. Completely shielded from direct view,
  - b. Not greater than five foot-candles.
2. No billboards are permitted on site.
3. A concrete sidewalk shall be installed at the time of development.
4. Applicant shall comply with applicable Oregon Department of Transportation regulations and obtain an access control permit, if required by ODOT.

The CP/ZC 92-23 Condition of Approval No. 1, related to landscaping, has been superseded by the City's site plan review and landscaping standards, which are applied below. Condition No. 5 relates to a BPA easement located on another property. Condition No. 6 pertains to an ODOT access control permit, which is restated above.

**SITE PLAN:**

Applicant's Site Plan is attached as Exhibit 102 along with a detail plans set including Applicant's Erosion Control Plan, Grading and Drainage Plan, Surfacing Plan, and Utility Plan (see **Exhibit 105**). An excerpt of Applicant's Site Plan showing the Proposed Development is provided below.



**APPLICABLE DETAIL PLANS:**

Detail plans are prepared as policy guides to the Salem Area Comprehensive Plan (“**SACP**”) and are specific plans for a particular geographic area of the City, or for the provision or performance of some particular service or function. The Northgate Neighborhood Association does not have a detail plan, neighborhood plan, or any goals or policies that would act as mandatory approval criteria for this application.

**SALEM TRANSPORTATION SYSTEM PLAN (STSP):**

The STSP uses a Street Classification System to determine the functional classification of each street within the City’s street system. Portland Road NE abuts the Subject Property to the east. The functional classification for Portland Road NE is classified on the City of Salem Street Classification System Map as a Major Arterial. Portland Road NE is also Oregon 99E. Applicant will be required to obtain an access permit subject to ODOT jurisdiction due to the proposed change in use and will work to obtain this permit parallel to this application. Applicant has an existing driveway approach and will contact ODOT upon approval of this application to determine what additional action is necessary.

**FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A COMPREHENSIVE PLAN MAP (MINOR) AMENDMENT**

**CHAPTER 64. - COMPREHENSIVE PLANNING**

**Sec. 64.025. - Plan map amendments.**

**(e) Criteria.**

**(2) Minor plan map amendment. The greater the impact of the proposed minor plan map amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied.**

**A minor plan map amendment may be made if it complies with the following:**

**(A) The minor plan map amendment is justified based on the existence of one of the following:**

**(i) Alteration in circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.**

**Proposed Finding:** The Subject Property is located within an area that was projected to develop as commercial. Development in this area has been slower than anticipated based on the lack of traditional commercial development in the intervening years. The property immediately to the south of the Subject Property is developed as a motorsports store; the property to the north is the District Office building for the Church of God; and the property to the east opposite of the office building is a nursery and garden center. The property on the opposite side of Portland Road is zoned Industrial Commercial (IC) and is developed with the Portland General Electric business campus. The surrounding uses are all uses that are permitted in and consistent with the IC zone. The IC zone is intended to allow “a wide variety of retail office, heavy commercial, light manufacturing, and warehousing activities.” SRC 551.001. The development of the surrounding area and the changing nature of consumer behavior has altered the economic viability of using the Subject Property for a limited commercial use. The flexibility of the IC zone is needed to meet current and future demands.

The surrounding area has developed in a manner that supports a change to the IC zone. The nearby North Star subdivision development is more dense than traditional single family residential development in City. Salem, in general, and the Portland Road corridor, specifically, are experiencing an increase in the proportion of the population residing in multi-family developments. *Pew Research Center, More U.S. households are renting than at any point in 50 years, <https://www.pewresearch.org/fact-tank/2017/07/19/more-u-s-households-are-renting-than-at-any-point-in-50-years/> (July 19, 2017); Slate, Self-Storage Nation; Americans are storing more stuff than ever, <https://slate.com/culture/2005/07/self-storage-in-america.html> (July 18, 2005).* These increases in multi-family living increase the need for both on-site and off-site storage at nearby locations.

Additionally, recent increases in jobsite theft has increased the need for commercial secure on-site and mobile storage. *KOMO News Reporter, Thieves, vandals target private construction sites idled by pandemic, <https://komonews.com/news/coronavirus/thieves-vandals-target-private-construction-sites-idled-by-pandemic> (April 10, 2020).* These changes in circumstances for the nearby employment and residential lands have increased the need for the Proposed Use, which is only allowed in the industrial zones. Applicant's proposed change to the IC zone will allow for this needed use while remaining consistent with the surrounding commercial uses.

There is also early indication that Salem's future commercial retail needs are fast changing. New retail investment in Salem recently has been slow as large retail chains have either closed or moved out of Salem, including ShopKo, Toys R Us, and Nordstrom, to name a few. This recent downturn in retail commercial use, suggests that there is less demand for this forecasted type of use while very large box stores (e.g. Costco) are increasingly dominating commercial retail spaces as are standalone built-to-suits and national fast-food and discount retail stores (e.g. Dollar General). 2020 SVN Commercial Real Estate Economic Forum Materials Page 12-13. Early indications suggest that recent shifts from traditional retail to alternative shopping habits has only been compressed by the COVID 19 Pandemic, with physical store closures at an all-time high in 2017 and 2019, and with several national retail chains filing bankruptcy over the last several months. *"The Pandemic Will Change American Retail Forever," The Atlantic, April 27, 2020, <https://www.theatlantic.com/ideas/archive/2020/04/how-pandemic-will-change-face-retail/610738/>.* Within this context, the Subject Property, along with the surrounding area, is no longer best situated for limited commercial retail or office uses.

The most recent draft of the proposed SACP designates the Subject Property and portions of the surrounding area as Mixed Use. The Mixed-Use designation is designed to facilitate a variety of housing options in conjunction with an expanded category of non-residential uses, including "shopping and services, convenience stores, commercial office (including live/work units) and compatible commercial and/or industrial uses within neighborhoods and structures." There are two stand-alone mixed-use zones, Mixed Use-I and Mixed Use-II. The Proposed Use is not a permitted use in either zone, thus this application remains necessary. As established above, the Proposed Use is well equipped to support both residential and commercial uses. The storage units are frequently rented to facilitate residential moves, allowing families and business owners to store belonging both in the short-term and long-term. Additionally, the proposed changes to the neighborhood will require a significant amount of development in the surrounding area, requiring continued use of the storage units for commercial construction offices and secure on-site tool storage. The Proposed Use will allow a shift from Commercial to Industrial Commercial, providing consistency with the surrounding area as it currently exists in addition to supporting the long-term development of the surrounding area as potential mixed-use. This criterion is satisfied.

***(ii) Equally or better suited designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation.***

**Proposed Finding:** Applicant is requesting a comprehensive plan change from Commercial to Industrial Commercial to allow for the use of the Subject Property as a rental and sales office for Applicant's mobile storage units. Applicant previously applied for a similar use determination to determine if this use was permitted in the zone and the City determined that as a "Warehousing and Distribution." Applicant purchased the Subject Property with the intent of operating this business from a portion of the Subject Property while potentially developing the back portion of the property at a later date. A switch from Commercial to Industrial Commercial will allow for the Proposed Use while retaining the ability for future development that is commercial in nature. The Industrial Commercial designation will allow for Applicant to develop the Subject Property for the Proposed Use while also allowing the flexibility for more traditional commercial development as the surrounding properties develop further in the future. A change from Commercial to Industrial Commercial will equally or better suit for the Subject Property. This criterion is satisfied.

***(iii) Conflict between comprehensive plan map designation and zone designation. A minor plan map amendment may be granted where there is a conflict between the comprehensive plan map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the comprehensive plan map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:***

***(aa) Whether there was a mistake in the application of a land use designation to the property;***

***(bb) Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the comprehensive plan map designation;***

***(cc) Whether the property has been developed for uses that are incompatible with the comprehensive plan map designation; and***

***(dd) Whether the comprehensive plan map designation is compatible with the surrounding comprehensive plan map designations;***

**Proposed Finding:** There is not a conflict between the comprehensive plan map and the zone designation. This criterion is not applicable.

***(B) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;***

**Proposed Finding:** The Subject Property is located outside of the City's USA, but within the City limits where development at an urban level is anticipated. The Subject Property is located within the G-0 water service level with an 8-inch waterline that extends into the Subject Property from a 16-inch main in Portland Road NE, providing a typical flow of approximately 500 to 1,100 gallons per minute. There is also an 8-inch sewer line located on the Subject Property, near the Portland Road frontage. Applicant is not anticipating a connection to water and sewer lines at this phase of development. Applicant has proposed an on-site stormwater detention system to offset the stormwater displaced as a result of the Proposed Development. There are existing utilities adjacent to the Subject Property that, upon

development of the Subject Property, are capable of being served at the level needed to support the first phase of development within the Industrial Commercial designation.

***(C) The proposed plan map designation provides for the logical urbanization of land;***

**Proposed Finding:** The proposed comprehensive plan designation will allow for development to continue in a manner that is consistent with the surrounding area as well as allowing for future commercial development, if development of that nature becomes more appropriate in the future. The landscaping and development standards applicable in the Industrial Commercial designation and zoning will exceed those required in the current zone and designation and will allow for a productive use of a currently vacant unit of land. This, in addition to Applicant’s proposed phased development of the Subject Property, allows for a logical urbanization of land in a manner that retains flexibility for future industrial or commercial development as the surrounding area develops. This criterion is satisfied.

***(D) The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and***

***A. Land Use Plan Map***

***3. Plan Map Designations***

***e. Industrial/Commercial The intent of this designation is to provide areas for a mixture of heavy commercial and light manufacturing and warehousing activities.***

**Proposed Finding:** The Proposed Use has been classified as “Warehousing and Distribution” through the City’s Similar Use Determination procedure. This use is identified as a permitted use in the IC zone, the implementing zone for the IC designation. The Proposed Use is in line with the intent of the designation.

***B. Special Resource Information***

***Special conditions which exist in some locations need to be recognized in order to develop in a satisfactory manner. The following outlines sources of information on these special conditions and resources.***

**Proposed Finding:** There are no identified special resources on the Subject Property. This section is not applicable.

#### **IV. Salem Urban Area Goals and Policies**

##### **Goal 1. Citizen Involvement.**

**Proposed Finding:** A minor comprehensive plan amendment is processed as a quasi-judicial land use action. Public notice is required and a public hearing will be held to give interested citizens an opportunity to be involved in the process. In addition to the City's required citizen involvement tasks, Applicant has been in contact with the Neighborhood Association to keep its members apprised of what is happening with the Subject Property. Together, Applicant's outreach efforts with the Neighborhood Association and the City's public hearing process ensure that there is adequate citizen involvement in the land use process.

##### **Goal 2. Land Use Planning.**

**Proposed Finding:** The zoning code is a part of the Unified Development Code ("**UDC**") and was adopted by the City and acknowledged by the Land Conservation and Development Commission ("**LCDC**") as being in compliance with Oregon Statewide Planning Goals, statutes and administrative rules.

Additionally, there are a number of detail plans the City has adopted as policy guides to the comprehensive plan. The following is a list of detail plans relevant to this Proposal:

*Salem Transportation System Plan.* Adopted June 28, 1998, and amended February 14, 2000, May 14, 2001, January 24, 2005, March 28, 2005, July 9, 2007, and February 2, 2016. *Salem Urban Area Public Facilities Plan.* Adopted October 12, 1992.

The zoning code has been adopted by the City and acknowledged by the State of Oregon in accordance with the planning process established under Goal 2. Following this process, it became a part of the body of acknowledged planning documents that can be used as a basis for future land use decisions. Applicant's consolidated Proposal will be processed in accordance with the land use procedures established by SRC Chapter 300 and any other applicable Oregon statutes or administrative rules. This procedure will ensure compliance with Statewide Planning Goal 2.

##### **Goal 3. Agricultural Lands.**

**Proposed Finding:** The proposed plan amendment does not affect the inventory of agricultural lands. Thus, Goal 3 is not applicable to this Proposal.

##### **Goal 4. Forest Lands.**

**Proposed Finding:** The proposed plan amendment application does not affect the inventory of forest lands. Thus, Goal 4 is not applicable to this Proposal.

##### **Goal 5. Open Space, Scenic and Historic Areas and Natural Resources.**

**Proposed Finding:** The Subject Property is designated for commercial use and does not have any natural, historic, or scenic value. Goal 5 is not applicable to this Proposal.



**Goal 6. Air, Water and Resources Quality.**

The following italicized section has been excerpted from Oregon’s Statewide Planning Goals & Guidelines for Goal 6: *Air, Water, and Land Resource Quality* (OAR 660-015-0000(6)):

*To maintain and improve the quality of the air, water and land resources of the state. All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable airsheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.*

**Proposed Finding:** The proposed comprehensive plan amendment will not exceed the carrying capacity of the air and water resources available to serve the Subject Property. The Subject Property lies within the City, where development at an urban scale and density is intended to occur. There are adequate water and sewer services in place nearby to serve the Subject Property. Applicant has proposed a stormwater detention facility in the northwest corner of the Subject Property to manage the stormwater offset by the Proposed Development. Therefore, the City can adequately serve the Proposed Development’s waste and discharge needs, and future development will not exceed the current resources’ carrying capacity.

The effects of using the Subject Property for the Proposed Use on air, water, and land resources will be similar to those of other similar commercial activities in the City that would be permitted under the existing designation. The effects of urban development are anticipated on lands that are within the City.

The Subject Property is primarily a vacant field. There are no significant natural resources on the Subject Property. Development of vacant urban land is expected, and the proposed change will have no significant negative impacts on the quality of the land. This goal is satisfied.

**Goal 7. Areas Subject to Natural Hazards.**

The following italicized section has been excerpted from Oregon’s Statewide Planning Goals & Guidelines for Goal 7: *Areas Subject to Natural Hazards* (OAR 660-015-0000(7)):

**A. NATURAL HAZARD PLANNING**

- 1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.*
- 2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.*

**Proposed Finding:** The City has adopted specific policies for protection against flood hazards, potential landslides and other natural hazards. Policies pertaining to flood hazards are contained in both the Natural Hazard Mitigation Plan and the Stormwater Master Plan. Implementing measures can be found

in the SRC under Chapters 809 and 601. These policies and implementation measures recognize the complimentary benefits of natural hazard and natural resource management. The Subject Property is relatively flat but has been designated as “moderate risk” for liquefaction during an earthquake. Applicant has had a geological engineer prepare a Geotechnical Report for the Subject Property, which has been submitted as part of this application as **Exhibit 106**. Any development on the Subject Property will be in conformance with the geotechnical engineer’s recommendations. The Subject Property is not within a floodplain. This goal is satisfied.

**Goal 8. Recreational Needs.**

The following italicized section has been excerpted from Oregon’s Statewide Planning Goals & Guidelines for Goal 8: *Recreational Needs* (OAR 660-015-0000(8)):

*To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

*Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.*

**Proposed Finding:** The Subject Property is not within a designated or identified open space area and does not contain any structures subject to historic review. Furthermore, the Subject Property does not contain any wildlife habitat, groundwater resources, or natural areas. Therefore, Goal 8 is not applicable to this Proposal.

**Goal 9. Economic Development.**

The following italicized section has been excerpted from Oregon’s Statewide Planning Goals & Guidelines for Goal 9: *Economic Development* (OAR 660-015-0000(9)):

*Comprehensive plans for urban areas shall:*

- 1. Include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends;*
- 2. Contain policies concerning the economic development opportunities in the community;*
- 3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies;*

**Proposed Finding:** The SACP contains commercial and economic development policies pertaining to the identification and protection of employment lands. This Proposal to amend the comprehensive plan map from Commercial to Industrial Commercial will neither increase nor decrease the City’s employment lands, as the change will allow for the continued development of commercial uses on the Subject Property while allowing for additional light industrial uses.

The City conducted an Economic Opportunities Analysis in 2014 (the “EOA”) which determined that there is a shortage of commercial land (170 acres office and commercial services and 100 acres retail and retail services) and a surplus of industrial land (907 acres). However, the EOA also identifies that there is a lack of economic diversity within the Salem employment market and that Oregon as a whole is “is heavily dependent on a limited number of industries” resulting in a greater potential for economic volatility. *Salem Economic Opportunities Analysis, ECONorthwest, December 2014 p. 11.* Salem’s employment is heavily concentrated in health care, social assistance, accommodations and food services, and retail sales with a number of these traded sectors reporting wages below Salem’s average wage (especially food services and retail sales). *Id.* The EOA specifically identifies the areas for potential growth within traded-sector employment, the majority of which occurs within the IC zone (light and specialty manufacturing). *Id.* These traded-sector jobs typically provide higher wage jobs than those in retail and food services. *Id. p. 24-25.*

Moreover, the EOA suggests that the City’s economic development strategy should focus on attracting jobs within the industrial-traded sectors, including companies like Applicant’s, which is seeking to provide well-paying jobs and investing in properties that offer the potential to grow. *Id. 28-29.* Allowing Applicant to develop the Subject Property as an Industrial Commercial use meets the goal of developing the Subject Property for an efficient use of land in the short-term while allowing for greater flexibility for the future phases of development, including potential use for the type of commercial use that is currently permitted under the CG zoning. As such, this Proposal is consistent with Goal 9’s requirement to provide a variety of economic opportunities for City residents, including commercial opportunities. (OAR 660-009-0000).

**Goal 10. Housing.**

The following italicized section has been excerpted from Oregon’s Statewide Planning Goals & Guidelines for Goal 10: *Housing* (OAR 660-015-0000(10)):

***To provide for the housing needs of citizens of the state.***

*Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.*

**Proposed Finding:** The Subject Property is vacant and therefore not an existing source of housing. The proposed change to the Subject Property will not impact the inventory of land for housing within the City and UGB.

**Goal 11. Public Facilities and Services.**

The following italicized section has been excerpted from Oregon’s Statewide Planning Goals & Guidelines for Goal 11: *Public Facilities and Services* (OAR 660-015-0000(11)):

***To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.***

*Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and*

*requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons.*

**GUIDELINES**

**A. PLANNING**

*3. Public facilities and services in urban areas should be provided at levels necessary and suitable for urban uses.*

*4. Public facilities and services in urbanizable areas should be provided at levels necessary and suitable for existing uses. The provision for future public facilities and services in these areas should be based upon: (1) the time required to provide the service; (2) reliability of service; (3) financial cost; and (4) levels of service needed and desired.*

**Proposed Finding:** The City utilizes an Urban Growth Management Program to ensure necessary public facilities and services are available to serve new development. As part of the program, the City has designated an USA boundary delineating the area in the City where all necessary public facilities have either been installed or are fully committed in the adopted Capital Improvement Plan. The Subject Property is located outside the boundary of the USA. However, public services are readily available within Portland Road NE. Therefore, public facilities and services are readily available to serve the Subject Property, in compliance with Goal 11.

**Goal 12. Transportation.**

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 12: Transportation (OAR 660-015-0000(12)):

*A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans.*

OAR Section 660-012-0060(1) further states that to determine if a proposed use significantly affects a transportation facility, the following must be found:

*(a) Changes the functional classification of an existing or planned transportation facility;*

*(b) Changes standards implementing a functional classification system; or*

(c) *As measured at the end of the planning period identified in the adopted transportation system plan:*

- (A) *Allow land uses or levels of development which would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) *Reduce the performance of an existing or planned transportation facility below the minimum acceptable level performance standard identified in the TSP or comprehensive plan;*
- (C) *Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

**Proposed Finding:** The SACP contains transportation policies pertaining to the provision of a balanced, multimodal transportation system for the City’s USA that supports the safe and efficient movement of goods and people. As a supplement to the SACP, the City has also adopted the STSP, which considers all transportation modes, is based on an inventory of transportation needs, encourages sustainability, facilitates the economic flow of goods and services, and conforms to the SACP and the Regional Transportation System Plan. As part of this application, Applicant has engaged a traffic engineer to provide a Transportation Plan Rule analysis which has been submitted as part of this application. In accordance with this analysis, Applicant’s Proposed Use will result in “no change in site trips under the reasonable worst-case development scenario.” See Traffic Memo. Accordingly, the Proposed Development will not significantly impact the surrounding transportation system. Thus, Goal 12 is satisfied.

**Goal 13. Energy Conservation.**

The following italicized section has been excerpted from Oregon’s Statewide Planning Goals & Guidelines for Goal 13: *Energy Conservation* (OAR 660-015-0000(13)):

**GUIDELINES**

**A. PLANNING**

*3. Land use planning should, to the maximum extent possible, seek to recycle and re-use vacant land and those uses which are not energy efficient.*

**Proposed Finding:** This application will, to the maximum extent possible, seek to recycle and re-use vacant land. The site will be accessible using alternate modes of transportation, and the use of centralized storage and distribution itself promotes the efficient use of land. The site will provide industrial commercial services on undeveloped land that would otherwise require travel to more distant locations. Therefore, the Proposal will help conserve and promote energy efficiency consistent with Goal 13.

**Goal 14. Urbanization.**

**Proposed Finding:** This Proposal does not include land located outside of the UGB or include the extension of services to properties outside the UGB; thus, Goal 14 is not applicable to this application.

**Goals 15. Willamette River Greenway; 16. Estuarine Resources; 17. Coastal Shorelands; 18. Beaches and Dunes; and 19. Ocean Resources.**

**Proposed Finding:** The Subject Property is not within the Willamette River Greenway or in an estuary or coastal area, thus, Goals 15, 16, 17, 18 and 19 are not applicable.

Based on the findings contained above, this consolidated land use application to amend the comprehensive plan map designation from Commercial to Industrial Commercial is consistent with the applicable Statewide Planning Goals

***(E) The amendment is in the public interest and would be of general benefit.***

**Proposed Finding:** The proposed change to Industrial Commercial will allow Applicant to develop the Subject Property under the Code's development standards for the Subject Property, including street frontage improvements and landscaping. The Subject Property has been vacant for quite some time and the Proposed Use will allow for a more efficient use of urban land, in conformance with both the existing and the proposed comprehensive plan designations. Allowing the development of the Subject Property according to these standards will be in the public interest. This criterion is satisfied.

**FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A ZONING MAP AMENDMENT**

**CHAPTER 265 - ZONE CHANGES**

***Sec. 265.005. - Quasi-judicial zone changes.***

***(e) Criteria.***

***(1) A quasi-judicial zone change shall be granted if all of the following criteria are met:***

***(A) The zone change is justified based on the existence of one or more of the following:***

***(i) A mistake in the application of a land use designation to the property;***

***(ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or***

***(iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.***

**Proposed Finding:** The zoning on the Subject Property was changed from Developing Residential to Commercial in 1992 when the surrounding area was expected to develop into a commercial corridor

similar to the commercial corridors along Commercial, 12<sup>th</sup> Street, and Broadway, as discussed in detail above. This development has not occurred, and Applicant is proposing a change in zoning from General Commercial to Industrial Commercial to allow for a broader range of development to occur. The proposed shift from General Commercial to Industrial Commercial will allow for the short-term development of vacant property for Industrial Commercial use while retaining the ability to develop the balance of the Subject Property for a broader range of industrial and commercial uses as the surrounding area develops. This criterion is satisfied.

***(B) If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.***

**Proposed Finding:** The zone change is being proposed by the owner of the Subject Property, not the City. This criterion is not applicable.

***(C) The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.***

**Proposed Finding:** Applicant is requesting a comprehensive plan amendment concurrently with the requested zone change. As discussed above, a change in the zoning of the Subject Property and the amendment to the comprehensive plan designation are in compliance with the SACP. This criterion is satisfied.

***(D) The zone change complies with applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development.***

**Proposed Finding:** As discussed above, the Proposed Development will comply with the applicable statewide planning goals and the administrative rules adopted by the Department of Land Conservation and Development. This criterion is satisfied.

***(E) If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the comprehensive plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the comprehensive plan to address the proposed zone change; or include both the demonstration and an amendment to the comprehensive plan.***

**Proposed Finding:** Applicant is proposing a zone change from General Commercial to Industrial Commercial and a corresponding comprehensive plan amendment from COM to IC. As discussed above, the most recent EOA identifies a shortage of commercial land, specifically for commercial office and commercial retail/retail services. However, as shown in the chart attached ***Exhibit 107***, the IC zone permits all of the same retail sales and services and business and professional services uses as the CG zone does. The proposed zone change will merely provide opportunities missing in the current zone rather than eliminate commercial opportunities presently available. Moreover, the EOA identifies an overall lack of economic diversity in the City's employment market, and the proposed comprehensive

plan designation change from the existing Commercial to Industrial Commercial supports a more holistic look at the context in which the Proposed Use will operate.

Over the past decade, there has been a new focus on the best way to implement mixed-use designations to reduce the dependence on cars and promote the development of services that support residential uses closer to residential development through reducing traditional barriers to industrial and commercial development in residential zones. *Commercial Mixed-Use Code Handbook p. 1-5*. The objective of this development is to provide pedestrian-oriented spaces that encourage multi-modal transportation options while keeping a diverse set of goods and services that support residential uses. *Id. p. 5-10*.

The Proposed Use accomplishes these goals by updating the existing sidewalks to provide for increased pedestrian access to the Subject Property as well as the surrounding area while providing additional storage for the support of potential residential and commercial properties in the vicinity, as well as providing additional support for the construction of those residential and commercial uses.

As discussed previously, the IC zone is specially suited to provide these support services while retaining the potential for the remainder of the Subject Property to develop in the future in a manner that supports the needed economic opportunities identified in the EOA. The IC zone was developed to provide for the type of long-term flexibility that allows for transitions within a given area over a period of time. While the Subject Property will be classified as “industrial lands” for the purpose of the EOA, the range of possible development options is broad, including single family residential, eating and drinking establishments, retail sales, personal services, commercial office, commercial entertainment facilities, outpatient medical services, daycares, and governmental services as well as other commercial and residential uses. By retaining the ability to use the Subject Property for this variety of commercial uses while simultaneously allowing light industrial uses, like the Proposed Use, the existing deficit of commercial lands is not exacerbated, and the Subject Property will be able to be put to use while the surrounding area continues to develop. This criterion is satisfied.

***(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.***

**Proposed Finding:** The proposed zone change from General Commercial to Industrial Commercial does not in and of itself result in an increase in traffic that impacts the surrounding traffic infrastructure. As part of this application, Applicant has provided a Transportation Planning Rule Analysis (“TPR”) that demonstrates that the Proposed Development will operate at a level below many traditional commercial uses (See Traffic Memo, attached as **Exhibit 108**). The TPR demonstrates that given the similarities between the two zones, the proposed change will result in no change in site trips. The Proposed Use will not significantly affect the surrounding transportation facilities. This criterion is satisfied.

***(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.***

**Proposed Finding:** The Subject Property is located within the City’s USA where urban levels of development are expected to occur. As discussed above, there are public facilities and public services



close at hand. At this phase of development, Applicant is not proposing connection to public facilities; however, water and sewer connections are available, and Applicant is proposing an on-site stormwater detention facility to manage the stormwater infiltration offset by the Proposed Development. This criterion is satisfied.

***(2) The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied.***

**Proposed Finding:** Applicant’s proposed zone change is a shift from General Commercial to Industrial Commercial to allow for the use of the Subject Property as for Applicant’s mobile storage unit business. The City determined that the Proposed Use is best classified as “Warehousing and Distribution.” This use is a permitted use in the IC zone, which allows for a greater range of both commercial and industrial uses than the existing CG zone. The proposed zone change will allow Applicant to develop the Subject Property in the short term for the Proposed Use while maintaining the capability for commercial development in the event the surrounding area further develops for commercial use. The proposed change will have a minimal impact on the surrounding area as the Proposed Use is in line with the existing commercial and industrial commercial uses on the surrounding properties and will help to support future mixed-use development in the vicinity. Applicant has demonstrated that the applicable approval criteria are satisfied and respectfully requests approval of the application.

## **FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A TYPE III SITE PLAN REVIEW**

### **CHAPTER 220 - SITE PLAN REVIEW**

#### ***Sec. 220.005. - Site plan review.***

##### ***(f) Criteria.***

***(3) Class 3 site plan review. An application for Class 3 site plan review shall be granted if:***

***(A) The application meets all applicable standards of the UDC;***

#### ***IC- Industrial Commercial Zone (SRC Chapter 551)***

##### ***SRC 551.005(a) – Uses.***

**Proposed Finding:** Applicant previously submitted a request for a Similar Use Determination in which the City determined that the Proposed Use is best classified as “Warehousing and Distribution.” Warehousing and Distribution is a permitted use in the IC Zone. This standard is met.

#### ***SRC 551.010 – Development standards.***

***(a) Lot Standards. Lots within the IC zone shall conform to the standards set forth in Table 551-2.***

***All uses in the IC Zone shall have a minimum of 16 feet of street frontage.***

**Proposed Finding:** The Subject Property has approximately one-hundred sixty-seven (167) feet of street frontage exceeding the 16-foot minimum. This standard is met.

***(b) Setbacks. Setbacks within the IC zone shall be provided as set forth in Tables 551-3 and 551-4.***

***The applicable setbacks in the IC zone are set forth in SRC 806 for vehicle use areas and the zone-to zone setbacks which is five (5) feet for the Commercial Zone.***

**Proposed Finding:** As shown on the Site Plan, the Proposed Use will comply with all applicable setbacks and all areas of the Proposed Development will be at least five (5) feet from the adjacent property lines.

***Landscaping (SRC 542.010(d)):***

***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.***

**Proposed Finding:** The Proposed Development will comply with the landscaping requirements for the setbacks and vehicle use areas including the standards governing the number and type of plant units. Applicant has shown the proposed landscaping areas for the Proposed Development and demonstrated that the Proposed Development satisfies that Code as to the percentage of landscaping required. As proposed, the application meets this standard.

***SRC 800.065. – Pedestrian access.***

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

***(a) Pedestrian connections required. The on-site pedestrian circulation system shall provide pedestrian connectivity throughout the development site as follows:***

***(1) Connection between building entrances and streets.***

***(A) A pedestrian connection shall be provided between the primary building entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street (see Figure 800-6).***

**Proposed Finding:** The Subject Property is not part of a larger developed site. As demonstrated on the Site Plan, pedestrian access is provided from the primary building entrance from the office to Portland Road NE. There are no other buildings on the Subject Property. This standard is satisfied.

***(B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop (see Figure 800-7).***

**Proposed Finding:** Cherrits Route 12 runs on nearby Kale Street NE, but there is no transit stop along the street frontage of the development site. This standard is not applicable.

***(2) Connection between buildings on the same development site. Where there is more than one building on a development site, a pedestrian connection, or pedestrian connections, shall be provided to connect the primary building entrances of all of the buildings.***

**Proposed Finding:** The Subject Property is not part of a larger development site and the model office will be the only building on the Subject Property. This standard is not applicable.

***(3) Connection through off-street parking areas.***

***(A) Surface parking areas. Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance as provided in this subsection.***

***(iii) A pedestrian connection provided between a primary building entrance and a street may be counted as a required connection through an off-street surface parking area.***

***(iv) Regardless of the size of the off-street parking area, pedestrian connections are not required through off-street surface parking areas that have a depth, in all locations, of not more than 124 feet. For purposes of this subsection, parking area depth is measured through the parking area from its outside edge towards the building.***

**Proposed Finding:** Applicant's proposed parking area is approximately forty (40) feet deep when measured from the building, below the minimum depth requiring pedestrian connections through the parking area. As depicted on the Site Plan, Applicant has provided pedestrian access from the primary entrance of the model office to the adjacent sidewalk. This standard is satisfied.

***(b) Design and materials. Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza.***

**Proposed Finding:** The Proposed Development shall provide a pedestrian connection from the main entrance to the adjacent street which meets the applicable design and material standards. This standard is satisfied.

***(c) Lighting. The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.***

**Proposed Finding:** The Proposed Development will be constructed in accordance with the design and lighting specifications set forth in the SRC. This standard is met.

**Streets and Right-of-Way Improvements (SRC Chapter 803)**

**SRC. 803.010. - Streets, Generally.**

**Except as otherwise provided in this chapter, all streets shall be improved to include the following: adequate right-of-way, paving, curbing, bike lanes (where required), sidewalks, street lighting, stormwater facilities; utility easements, turnarounds, construction strips, landscape strips, parking lanes, adequate right-of-way geometry, paving width, grade, structural sections and monumentation, that conforms to the Public Works Design Standards.**

**Proposed Finding:** Portland Road NE is presently developed with adequate right-of-way, bike lanes, and street lighting. Applicant has proposed an on-site stormwater detention facility, moving stormwater generated from the proposed parking area to the northwestern portion of the Subject Property. Applicant will install the necessary sidewalks and landscaping strips, conforming to the public works design standards, at the time of development.

**SRC. 803.015. - Traffic Impact Analysis.**

**(b) Applicability. An applicant shall provide a traffic impact analysis if one of the following conditions exists:**

- (1) The Development will generate 200 or more daily vehicle trips onto a local street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major arterial, or parkway. Trips shall be calculated using the adopted Institute of Transportation Engineer's Trip Generation Manual. In developments involving a land division, the trips shall be calculated based on the Development that will occur on all lots that will be created by the land division.**
- (2) The increased traffic resulting from the Development will contribute to documented traffic problems, based on current accident rates, traffic volumes or speeds, and identified locations where pedestrian and/or bicyclist safety is a concern.**
- (3) The City has performed or reviewed traffic engineering analyses that indicate approval of the Development will result in levels of service of the street system that do not meet adopted level of service standards.**

**Proposed Finding:** The Proposed Development involves the construction of a paved parking area to serve a model office that will serve as a sale and rental office for the Proposed Use. The Proposed Use will generate less than 200 daily vehicle trips onto Portland Road NE, a major arterial. The Proposed Development does not involve a land division, and there are not documented traffic problems in the vicinity that will be exacerbated by the Proposed Use. The Proposed Development will not result in a substandard level of service for the surrounding street system. Applicant has provided a TPR Analysis prepared by a traffic engineer in conjunction with this application. Based on the findings contained therein, Applicant's Proposed Use will result in no additional site trips under the reasonable worst-case development scenario. This criterion is satisfied.

**Off-Street Parking, Loading, and Driveways (SRC Chapter 806)**

***SRC 806.005 - Off-Street Parking; When Required.***

***(a) General applicability. 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.***

Table 806-1 states that the minimum parking area for the Proposed Use is the greater of .75 space per employee or 1 per 5,000 square feet. Table 806-2 states that the maximum number of parking spaces is 2.5 times the minimum (for 20 spaces or fewer) or 1.75 times the minimum (greater than 20 spaces).

**Proposed Finding:** The Proposed Use requires one (1) on-site employee and two (2) delivery drivers for a total of three (3) employees. Thus, the minimum required parking is three (3) parking spaces with a maximum of six (6) spaces. Applicant proposes four (4) standard parking spaces with one (1) ADA accessible parking space for a total of five (5) parking spaces. This standard is met.

**Bicycle Parking**

***SRC 806.045(a) - General Applicability.***

**Bicycle parking shall be provided and maintained for 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. The applicable requirement under SRC 806, Table 806-8 is the greater of four (4) or one (1) per 10,000 square feet.**

**Proposed Finding:** The Proposed Development consists of a 300 square foot model office, meaning that the applicable bike parking standard is four (4) bicycle parking stalls. Applicant has provided four (4) stalls. This standard is met.

***Landscaping and Screening (SRC Chapter 807)***

**All required setbacks shall be landscaped with a minimum of one plant unit per twenty square feet of landscaped area. A minimum of forty 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.**

**Proposed Finding:** As identified on the Site Plan, Applicant will provide the required amount of landscaping within the area developed in the initial phase of the Proposed Development. Applicant will comply with the SRC requirements regarding the number and type of plant units. As requested by the neighborhood association, Applicant is providing additional evergreen screening along the property lines and along the fence running parallel to Portland Road. Applicant is in the process of working with a local landscaping company to develop a landscaping plan that satisfies the Code requirements as well as the aesthetic concerns of the neighborhood. Applicant's landscaping will meet the requirements for plant units under the Code. This standard is met.

***Preservation of Trees and Vegetation (SRC Chapter 808)***

The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than twenty-four (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.

**Proposed Finding:** No protected trees have been identified on the Site Plan for removal.

***Wetlands (SRC Chapter 809)***

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.

**Proposed Finding:** There are no wetlands on the Subject Property. This standard is not applicable.

***Landslide Hazards (SRC Chapter 810)***

**A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.**

**Proposed Finding:** The Subject Property is designated as "moderate risk" for liquefaction during an earthquake. As part of this application and attached as ***Exhibit 106***, Applicant has provided a Geological Engineering Report which is signed and stamped by a Julio C. Vela, PhD, PE, GE. The Proposed Development will be constructed in accordance with the recommendations set forth in the Geological Engineering Report. This criterion is satisfied.

***(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;***

**Proposed Finding:** The Subject Property provides for the safe and efficient movement of goods and people. The Subject Property has frontage along Portland Road NE, a major arterial, and is well connected to the existing public street system, thereby providing connectivity with the surrounding neighborhood. Portland Road NE is currently developed with bicycle paths and transit services are close at hand, all of which encourage the use of alternative modes of transportation. This criterion is satisfied

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

**Proposed Finding:** Applicant is proposing the development of a paved parking area with five (5) parking spaces, one of which is ADA accessible with an adjacent loading area. The pedestrian pathways connect from the main entrance to the office to the adjacent sidewalk, providing for the safe and efficient movement of pedestrians. Applicant has provided the necessary vehicle and bicycle parking, and there is

adequate turning and queueing capacity both within the proposed parking area and inventory and loading areas. As designed, the Subject Property shall facilitate the safe and efficient movement of vehicles, bicycles and pedestrians.

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

**Proposed Finding:** The Subject Property is located outside of the USA; however, public services and facilities are close at hand. Upon development of the Subject Property, there will be adequate water, sewer and other utilities for the Proposed Use. Applicant has proposed a stormwater detention facility on the northwestern portion of the Subject Property to address the additional stormwater discharge resulting from the proposed impervious surface area. This criterion is satisfied.

### **WRITTEN STATEMENT—CONCLUSION**

Based on the findings contained in this written statement, Applicant has satisfactorily addressed the applicable criteria for granting an approval of this consolidated land use application to change the comprehensive plan designation from Commercial to Industrial Commercial and the zoning from General Commercial to Industrial Commercial.

## EXHIBIT LIST

Exhibit 101 – Current Zoning Map

Exhibit 102 – Site Plan

Exhibit 103 – Pre-Application Summary Report

Exhibit 104 – Last Deed of Record

Exhibit 105 – Detail Plans Set

Exhibit 106 – Geotechnical Report

Exhibit 107 – Zoning Comparison Table

Exhibit 108 – Traffic Memorandum



## CG and IC Zone Use Comparison Chart

Permitted (P), special (S), conditional (C), and prohibited (N) uses in the CG and IC zones are set forth below.

Use	CG—GENERAL COMMERCIAL	IC—INDUSTRIAL COMMERCIAL
	Status and Limitations & Qualifications	Status and Limitations & Qualifications
<b>Household Living</b>		
Single family	P - Residential home, as defined under ORS 197.660, within an existing single family dwelling allowed as a continued use pursuant to subsection (b) of this section.	P - The following single family activities: <ul style="list-style-type: none"> <li>■ Residential home, as defined under ORS 197.660, within an existing single family dwelling allowed as a continued use pursuant to SRC 551.005(b).</li> <li>■ Dwelling unit for a caretaker on the premises being cared for or guarded.</li> </ul>
		S - Manufactured home as a dwelling for a caretaker, subject to SRC 700.030.
		C - The following single family activities: <ul style="list-style-type: none"> <li>■ Single family detached dwelling.</li> <li>■ Residential home, as defined under ORS 197.660.</li> <li>■ Manufactured home.</li> </ul>
	N - All other single family.	N - All other single family.
Two family		C - Duplex.
	N	N - All other two family.
Three family	S - Subject to SRC 700.081.	S - Subject to SRC 700.081.
Four family	S - Subject to SRC 700.081.	S - Subject to SRC 700.081.
Multiple family	C	C
<b>Group Living</b>		
Room and board	P - Room and board serving 5 or fewer persons.	
	C - Room and board serving 6 to 75 persons.	C - Room and board serving up to 75 persons.
	N - All other room and board.	N - All other room and board.

Use	CG—GENERAL COMMERCIAL Status and Limitations & Qualifications	IC—INDUSTRIAL COMMERCIAL Status and Limitations & Qualifications
Residential care	C	C
Nursing care	P	P
<b>Lodging</b>		
Short-term commercial lodging	P	P
Long-term commercial lodging	P	C
Nonprofit shelters	P - Nonprofit shelters serving 5 or fewer persons.	
	C - Nonprofit shelters serving 6 to 75 persons.	C - Nonprofit shelters serving up to 75 persons.
	P - Nonprofit shelters serving victims of domestic violence for 10 or fewer persons.	P - Nonprofit shelters serving victims of domestic violence for 10 or fewer persons.
	N - All other nonprofit shelters.	N - All other nonprofit shelters.
<b>Retail Sales and Service</b>		
Eating and drinking establishments	P	P
Retail sales	N - Used merchandise stores, where sales and storage of merchandise and equipment is not conducted entirely within a building or within a yard fully enclosed by a sight-obscuring fence, wall, or hedge.	
	P - All other retail sales.	P
Personal services	P	P
Postal services and retail financial services	P	P

Use	CG—GENERAL COMMERCIAL Status and Limitations & Qualifications	IC—INDUSTRIAL COMMERCIAL Status and Limitations & Qualifications
<b>Business and Professional Services</b>		
Office	P	P
Audio/visual media production	P	P
Laboratory research and testing	P	P
<b>Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service</b>		
Motor vehicle and manufactured dwelling and trailer sales	P	P
Motor vehicle services	P	P
Commercial parking	P	P
Park-and-ride facilities	P	P
Taxicabs and car services	P	P
Heavy vehicle and trailer sales	P	P
Heavy vehicle and trailer service and storage	P	P
<b>Recreation, Entertainment, and Cultural Services and Facilities</b>		
Commercial entertainment—indoor	C - Nightclubs, located within 200 feet of a residential zone.	C - Night clubs, located within 200 feet of a residential zone.
	P - All other commercial entertainment—indoor.	P - All other commercial entertainment—indoor.
Commercial	C - Drive-in movie theaters.	

<b>Use</b>	<b>CG—GENERAL COMMERCIAL Status and Limitations &amp; Qualifications</b>	<b>IC—INDUSTRIAL COMMERCIAL Status and Limitations &amp; Qualifications</b>
entertainment— outdoor	P - All other commercial entertainment— outdoor.	P
Major event entertainment		N - Race tracks.
	C - Race tracks.	
	P - All other major event entertainment.	P - All other major event entertainment.
Recreational and cultural community services	P	P
Parks and open space	P	P
Nonprofit membership assembly	P	P
Religious assembly	P	P
<b>Health Services</b>		
Medical centers/hospitals	N	N
Outpatient medical services and laboratories	P	P
<b>Education Services</b>		
Day care	P	P
Basic education	P	P
Post-secondary and adult education	P	P
<b>Civic Services</b>		
Governmental	P	P

Use	CG—GENERAL COMMERCIAL Status and Limitations & Qualifications	IC—INDUSTRIAL COMMERCIAL Status and Limitations & Qualifications
services		
Social services	P	P
Governmental maintenance services and construction	N	P
<b>Public Safety</b>		
Emergency services	P	P
Detention facilities	N	N
Military Installations	P	P
<b>Funeral and Related Services</b>		
Cemeteries	N	N
Funeral and cremation services	P	P
<b>Construction Contracting, Repair, Maintenance, and Industrial Services</b>		
General repair services	P	P
Building and grounds services and construction contracting	P	P
Cleaning plants	P	P
Industrial services	P	P
<b>Wholesale Sales, Storage, and Distribution</b>		
General wholesaling	P	P

Use	CG—GENERAL COMMERCIAL Status and Limitations & Qualifications	IC—INDUSTRIAL COMMERCIAL Status and Limitations & Qualifications
Heavy wholesaling	P - The following heavy wholesaling activities: <ul style="list-style-type: none"> <li>■ Nursery stock wholesalers.</li> <li>■ Tractor and farm equipment wholesalers.</li> </ul>	P - All other heavy wholesaling.
	C - The following heavy wholesaling activities: <ul style="list-style-type: none"> <li>■ Firearms wholesalers.</li> <li>■ Wood products and timber wholesalers.</li> </ul>	C - The following heavy wholesaling activities: <ul style="list-style-type: none"> <li>■ Firearms wholesalers.</li> <li>■ Wood products and timber wholesalers</li> </ul>
	N - All other heavy wholesaling.	N - The following heavy wholesaling activities: <ul style="list-style-type: none"> <li>■ Chemicals and allied products wholesalers.</li> <li>■ Scrap dealers.</li> </ul>
Warehousing and distribution	P – The following warehousing and distribution activities: <ul style="list-style-type: none"> <li>■ Distribution centers for online, mail order, and catalog sales.</li> <li>■ Postal processing and distribution centers.</li> </ul>	P
	N - All other warehousing and distribution.	
Self-service storage	N	P
<b>Manufacturing</b>		
General manufacturing	P - General manufacturing, provided the manufacturing does not exceed 10,000 square feet of total floor area per development site and retail sales of the products manufactured is provided on-site.	P – The following general manufacturing activities: <ul style="list-style-type: none"> <li>■ Industrial and institutional food service contractors.</li> <li>■ Sign manufacturing.</li> <li>■ Fabrics, leather goods, footwear, and apparel manufacturing. Except rubber and plastic footwear manufacturing.</li> <li>■ General food manufacturing.</li> <li>■ Beverage and related products manufacturing.</li> <li>■ Tobacco products manufacturing.</li> <li>■ Cabinetry.</li> <li>■ Aircraft and aircraft parts manufacturing.</li> <li>■ Motor vehicles and motor vehicle equipment manufacturing.</li> <li>■ Computer and electronics manufacturing.</li> <li>■ Paperboard containers and boxes manufacturing.</li> <li>■ Rubber and plastic footwear manufacturing.</li> <li>■ Rubber and plastics products manufacturing.</li> <li>■ Costume jewelry and precious metals metalsmithing.</li> <li>■ Furniture manufacturing.</li> <li>■ Fabricated metal products manufacturing.</li> <li>■ Wood product manufacturing.</li> <li>■ Engineered wood product manufacturing.</li> </ul>

Use	CG—GENERAL COMMERCIAL Status and Limitations & Qualifications	IC—INDUSTRIAL COMMERCIAL Status and Limitations & Qualifications
		<ul style="list-style-type: none"> <li>■ Wood preservation.</li> <li>■ Plastics and rubber products manufacturing.</li> <li>■ General chemical manufacturing.</li> <li>■ Leather tanning.</li> <li>■ Metal coating and engraving.</li> <li>■ Battery manufacturing.</li> <li>■ Ship and boat building.</li> <li>■ Commercial and service industry machinery manufacturing.</li> <li>■ Metalworking machinery manufacturing.</li> <li>■ Sawmill and woodworking machinery manufacturing.</li> </ul>
	<p>C - The following general manufacturing activities, when exceeding 10,000 square feet of total floor area per development site:</p> <ul style="list-style-type: none"> <li>■ Industrial and institutional food service contractors.</li> <li>■ Costume jewelry and precious metals metalsmithing.</li> <li>■ Sundries and notions.</li> <li>■ Signs.</li> </ul>	
	N - All other general manufacturing.	N - All other general manufacturing.
Heavy manufacturing	N	N
Printing	P	P
<b>Transportation Facilities</b>		
Aviation facilities		C - Helicopter landing areas, with or without passenger and freight terminal facilities.
	N	N - All other aviation facilities.
Passenger ground transportation facilities	P	P
Marine facilities	N	P
<b>Utilities</b>		
Basic utilities	C - Reservoirs; water storage facilities.	

Use	CG—GENERAL COMMERCIAL Status and Limitations & Qualifications	IC—INDUSTRIAL COMMERCIAL Status and Limitations & Qualifications
	P - All other basic utilities.	P
Wireless communication facilities	Allowed - Wireless communication facilities are allowed, subject to SRC chapter 703.	Allowed - Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	C	C
Power generation facilities	C	C
Data center facilities	N	P
Fuel dealers	P	P
Waste-related facilities	P - Recycling depots.	P - Recycling depots.
	C - Solid waste transfer stations.	C - Solid waste transfer stations.
	N - All other waste-related facilities.	N - All other waste-related facilities.
<b>Mining and Natural Resource Extraction</b>		
Petroleum and natural gas production	N	C
Surface mining	N	N
<b>Farming, Forestry, and Animal Services</b>		
Agriculture	C - Marijuana production, when conducted indoors with an air filtration system to minimize odor impacts upon neighboring properties.	C - Marijuana production.
	P - All other agriculture.	P - All other agriculture.
Forestry	P	P
Agriculture and	P	P



<b>Use</b>	<b>CG—GENERAL COMMERCIAL Status and Limitations &amp; Qualifications</b>	<b>IC—INDUSTRIAL COMMERCIAL Status and Limitations &amp; Qualifications</b>
forestry services		
Keeping of livestock and other animals	C	C - The following keeping of livestock and other animal activities: <ul style="list-style-type: none"> <li>■ Animal shelters.</li> <li>■ Boarding kennels.</li> <li>■ Animal training facilities.</li> </ul>
		N - All other keeping of livestock and other animals.
Animal services	C - Wildlife rehabilitation facilities.	C - Wildlife rehabilitation facilities.
	P - All other animal services.	P - All other animal services.
<b>Other Uses</b>		
Temporary uses	P - The following temporary uses: <ul style="list-style-type: none"> <li>■ Temporary motor vehicle and recreational vehicle sales, subject to SRC 701.035.</li> </ul>	
Home occupations	S - Home occupations, subject to SRC 700.020.	S – Home occupations, subject to SRC 700.020.
Accessory dwelling units	S - Accessory dwelling units, subject to SRC 700.007.	S - Accessory dwelling units, subject to SRC 700.007.

**ANTHEM ENTERPRISES, LLC  
LANDSCAPING STANDARD – CLASS 2 ADJUSTMENT  
SUPPLEMENTAL WRITTEN STATEMENT**

---

**I. SUPPLEMENTAL WRITTEN STATEMENT:**

This Supplemental Written Statement is submitted in response to a notice of incompleteness issued by Aaron Panko on February 18, 2021, regarding Anthem Enterprises, LLC (“**Applicant**”) application 21-102124-ZO (Comp Map Amend - Minor), 21-102126-ZO (Quasi-Judicial Zone Change), 21-102127-RP (Class 3 Site Plan Review) (jointly referred to as the “**Application**”) and is intended to be reviewed in conjunction with the Application as a unified document, including references to exhibits and defined terms.

**II. SUMMARY OF DEVELOPMENT PROPOSAL:**

Applicant has proposed the development of a portion of the 1.85 acre parcel located at approximately 5213 Portland Road NE in Salem Oregon. The purpose of this combined request is to allow for the use of the Subject Property for shipping container sales, rental, and storage (the “**Proposed Use**”). The Subject Property will be open to the general public with an on-site salesperson available to show potential customers the existing inventory and to facilitate the purchase and rental of a variety of sizes of shipping containers (the “**Containers**”).

As shown on Applicant’s Site Plan (see **Exhibit 102**) (the “**Site Plan**”), Applicant will use one of Applicant’s Containers on the Subject Property as a model office and the sales office for the on-site employee. Applicant will also install a paved parking area, display area for other units, and the required landscaping adjacent to Portland Road (the “**Proposed Development**”). Only five parking spaces are needed as the Proposed Use does not generate significant traffic. The Proposed Development is the first phase of development for the Subject Property. The western portion of the Subject Property will remain undeveloped, with a portion of the undeveloped area used for inventory storage as well as short-term storage of customer’s packed Containers. The far western portion of the Subject Property will be developed with a stormwater detention and treatment facility consistent with the City of Salem’s green stormwater infrastructure standards, which will ensure all stormwater from the Subject Property is collected and treated on-site.

As part of the Proposed Development, Applicant is proposing adding landscaping to the portion of the Property that is been developed at this time with additional landscaping providing a visual buffer along the southern property line to provide a residential screen for the adjacent residential use. As Applicant is only developing a portion of the site, Applicant previously provided landscaping that satisfied the landscaping requirements for that portion of the Property. City of Salem Planning Staff have identified that the Applicant either needs to comply with the provisions of Salem Revised Code (“**SRC**” or the “**Code**”) SRC 551.010(d)(3), or, seek an administrative adjustment to this requirement.

**III. REQUEST:**

Applicant is requesting one (1) additional Class 2 Adjustment to the requirement under SRC 551.010(d)(3) to landscape fifteen (15%) percent of the development.

**IC (Industrial Commercial) Zone – Landscaping – SRC Chapter 551.**

**Pursuant to SRC 551.010(d)(3), the proposed IC (Industrial Commercial) designation requires a minimum of 15 percent of the development to be landscaped.**

**The subject property is approximately 80,335 square feet in size, requiring a minimum of 12,050 square feet of landscape area. The site plan appears to indicate that 3,518 square feet of landscaping will be provided for the first phase of development. Please clarify that a minimum of 12,050 square feet of landscape area, meeting the planting requirements of SRC Chapter 807, will be provided with the first phase of development. The summary table for the site plan shall be updated.**

**Proposed Findings:** Applicant is proposing the phased development of the Subject Property with the goal of ultimately developing the site with commercial uses as the surrounding area begins to develop. At the request of the Northgate Neighborhood Association Applicant has agreed to add additional landscaping the Subject Property beyond what would be required under the code in order to provide additional screening for the surrounding uses. When the standard is applied only to the area that is being developed, Applicant exceeds the applicable standard. Applicant is seeking a Class 2 Adjustment to this standard.

**CHAPTER 250. – ADJUSTMENTS**

**Sec. 250.005. - Adjustments.**

**(a) Applicability.**

**(1) Classes.**

**(A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.**

**(B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.**

**Proposed Finding:** Applicant is requesting an adjustment to the requirement to landscape fifteen (15%) percent of the Subject Property. Applicant is requesting an adjustment from the requirement to landscape fifteen (15%) percent of the 80,335 square foot Subject Property to requiring the landscaping of fifteen (15%) percent of the 28,935 square feet of the Subject Property that is being developed as Phase I of the development of the Subject Property. The adjustment would result in a reduction in the landscaped area from 12,050 square feet to 4,340 square feet, a decrease in excess of twenty (20%) percent, requiring a class 2 adjustment.

**(b) Procedure type. Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.**

**(c) Submittal requirements. In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment shall include the following:**

**(1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:**

**(A) The total site area, dimensions, and orientation relative to north;**

**(B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;**

**(C) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;**

**(D) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;**

**(E) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and**

**(F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.**

**Proposed Finding:** A proposed site plan has been provided by the Applicant showing the landscaping in question. This criterion is satisfied.

**(2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:**

**(A) The total site area, dimensions, and orientation relative to north;**

**(B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;**

**(C) The location of the 100-year floodplain, if applicable; and**

**(D) The location of drainage patterns and drainage courses, if applicable.**

**Proposed Finding:** An existing conditions plan has been provided. This criterion is satisfied.

**(d) Criteria.**

[...]

**(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.**

**Proposed Finding:** The purpose underlying SRC 551.010(d)(3) is not expressly stated in the Code, but Applicant can infer that the purpose of SRC 551.010(d)(3) is to provide for additional screening to protect adjacent, non-industrial uses. As previously stated, Applicant is proposing additional landscaping along the southern property line, and along the property line to the north of the Proposed Development. Applicant will also be installing landscaping screening along the fence line separating the inventory storage area from the proposed parking area. These landscaping buffers will adequately screen the Proposed Development from the surrounding uses, meeting the intent of the SRC 551.010(d)(3). Additionally, when applying the landscaping standard to the portion of the Property being developed, Applicant exceeds the required fifteen (15) percent. Requiring landscaping over the totality of the Subject Property would increase the cost of future development and make it more difficult to clear the site to allow for any future expansion. Applicant has stated in the application that the Proposed Development is intended to be the first phase of development, when looking at the development of the Subject Property within this context the intent of SRC 551.010(d)(3) is equally or better met by the Proposed Development. This criterion is satisfied.

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

**Proposed Finding:** The Property is not located in or adjacent to a residential zone. This criterion is not applicable.

**(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.**

**Proposed Finding:** Applicant is requesting one (1) adjustment to the relevant standards. The intent of the IC zone is to allow “a wide variety of retail, office, heavy commercial, light manufacturing, and warehousing activities.” The Proposed Use falls within the intent of the zone and allowing for a reduction in the overall landscaping requirement while screening the surrounding uses from the Proposed Development remains consistent with the purpose of the zone. This criterion is satisfied.

#### **IV. CONCLUSION:**

The intent of the standards set forth in SRC 551.010(d)(3) is equally or better met by the enhanced screening of the Proposed Development from the surrounding uses. Applicant satisfies the submittal and approval criteria for the Class 2 Adjustments and respectfully requests approval.

**DRAWINGS FOR:**

**5213 PORTLAND ROAD  
SALEM, OR 97305**

**FOR:**

**SIMPLE BOX STORAGE  
PO BOX 704  
LYNDEN, WA 98264**

**ROSS BLACK, OWNER  
360-510-0702  
ROSS@GETSIMPLEBOX.COM**

**DRAWING INDEX**

DWG	TITLE
C0.0	COVER SHEET & VICINITY MAP
C0.1	CONSTRUCTION NOTES
C0.2	CONSTRUCTION NOTES
C1.0	SITE PLAN
C2.0	PRE-CONSTRUCTION EROSION CONTROL PLAN
C2.1	POST-CONSTRUCTION EROSION CONTROL PLAN
C2.2	EROSION CONTROL NOTES & DETAILS
C2.3	EROSION CONTROL NOTES & DETAILS
C2.4	EROSION CONTROL NOTES & DETAILS
C3.0	GRADING & DRAINAGE PLAN
C3.1	SURFACING PLAN
C4.0	OVERALL UTILITY PLAN
C5.0	CIVIL DETAILS
C5.1	CIVIL DETAILS



Know what's below.  
Call before you dig.

PROJECT  
LOCATION



VICINITY MAP

**GENERAL LEGEND**

ITEM	ENCLOSED	EXISTING
SANITARY SEWER	—	—
STORM DRAIN	—	—
WATER	—	—
GAS	—	—
TELEPHONE	—	—
POWER	—	—
FENCE	—	—
BARRICADE	—	—
TELEPHONE MANHOLE	—	—
TELEPHONE PEDestal	—	—
SANITARY SEWER MANHOLE	—	—
STORM DRAIN MANHOLE	—	—
CATCH BASIN	—	—
PIPE HORNBAND AND VALVE	—	—
WATER METER	—	—
WATER VALVE	—	—
POWER POLE W/ANCHOR	—	—
POLE W/LUMINAIRE	—	—
LIGHT POLE	—	—
SON POST	—	—
MAILBOX	—	—
HEDGE OR BUGH	—	—
TREES	—	—

Attachment D

NO.	DATE	DESCRIPTION	BY
01	12/13/2020	REVISED PER COMMENTS	BY
02			
03			
04			
05			
06			
07			
08			
09			
10			



**WE**  
REGISTERED ENGINEERS AND PLANNERS  
CONSULTING ENGINEERS, P.C.  
1841 FRYMAN BUILDING, S.E. 52nd Ave, Suite 100, Salem, OR 97305  
Phone: (503) 596-2174 Fax: (503) 596-2098  
E-mail: we@weconsulting.com

SIMPLE BOX STORAGE  
5213 PORTLAND ROAD  
COVER SHEET & VICINITY MAP

DRAWING  
**C0.0**  
JOB NUMBER  
3185.1000.0

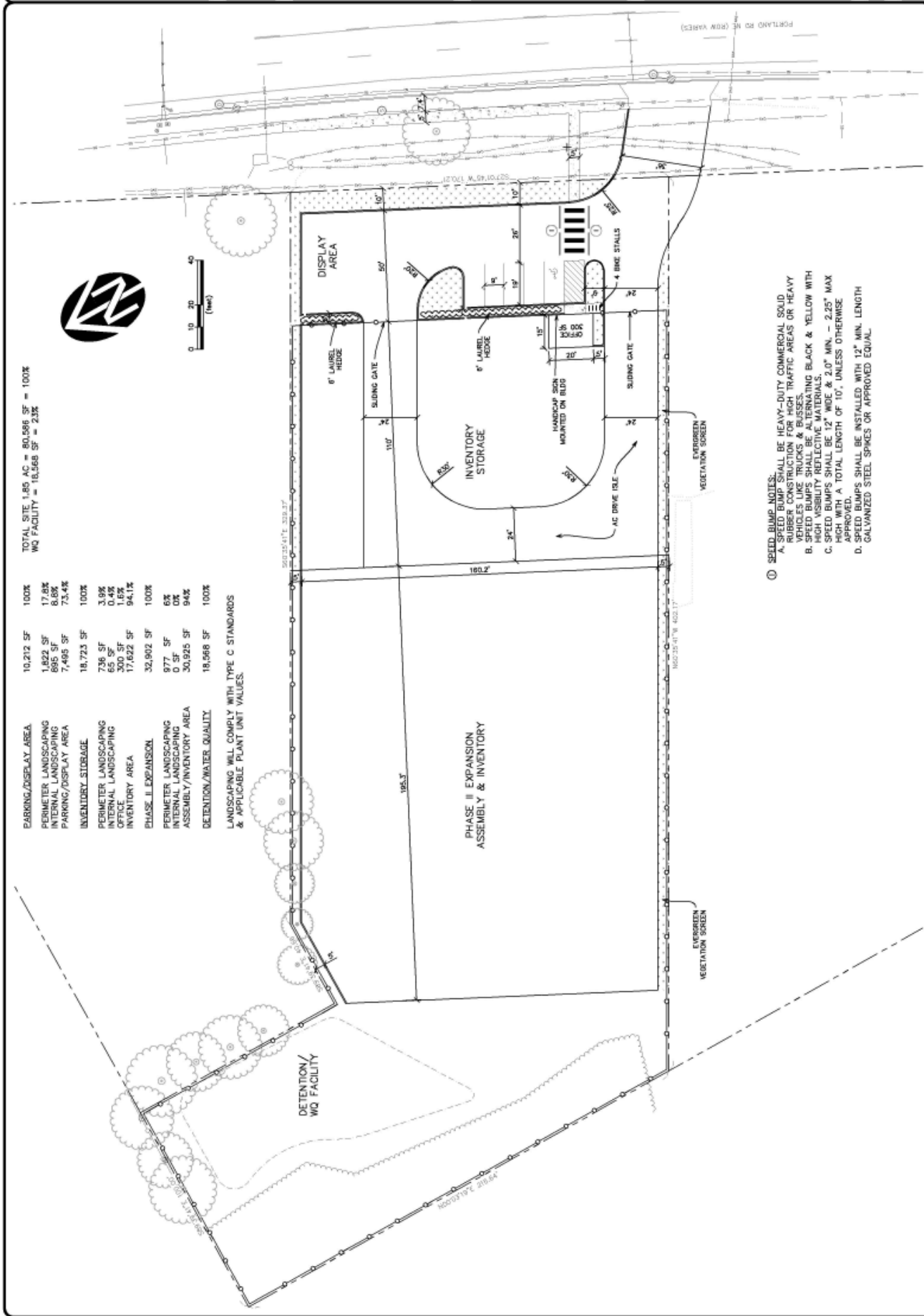
NO.	DATE	DESCRIPTION	BY

DATE: 01/21/2021  
 DRAWN: JAW  
 CHECKED: JAW  
 PROJECT: 20210101  
 SHEET: 1  
 SCALE: AS SHOWN

**WEST**  
 WEST ENGINEERING, INC.  
 CONSULTING ENGINEERS AND PLANNERS  
 1641 FRYMAN BLVD. SUITE 100, PORTLAND, OR 97203  
 PHONE: (503) 996-2174 FAX: (503) 996-2086  
 E-MAIL: west@westeng.com

**SITE PLAN**  
 SIMPLE BOX STORAGE  
 5213 PORTLAND ROAD  
 PORTLAND, OR 97203

DRAWING: C1.0  
 JOB NUMBER: 3185.1000.0



TOTAL SITE 1.85 AC = 80,566 SF = 100%  
 WQ FACILITY = 16,566 SF = 2.1%

Category	Area (SF)	Percentage
PARKING/DISPLAY AREA	10,212 SF	100%
PERIMETER LANDSCAPING	1,822 SF	17.8%
INTERNAL LANDSCAPING	685 SF	8.8%
PARKING/DISPLAY AREA	7,495 SF	73.4%
INVENTORY STORAGE	18,723 SF	100%
PERIMETER LANDSCAPING	738 SF	3.9%
INTERNAL LANDSCAPING	65 SF	0.4%
OFFICE	300 SF	1.6%
INVENTORY AREA	17,622 SF	94.1%
PHASE II EXPANSION	32,802 SF	100%
PERIMETER LANDSCAPING	977 SF	6%
INTERNAL LANDSCAPING	0 SF	0%
ASSEMBLY/INVENTORY AREA	30,825 SF	94%
DETONATION/WATER QUALITY	18,566 SF	100%

LANDSCAPING WILL COMPLY WITH TYPE C STANDARDS & APPLICABLE PLANT UNIT VALUES.

- ① SPEED BUMP NOTES:  
 A. SPEED BUMP SHALL BE HEAVY-DUTY COMMERCIAL SOLID RUBBER CONSTRUCTION FOR HEAVY TRAFFIC AREAS OR HEAVY VEHICLES (TRUCKS & BUSES).  
 B. SPEED BUMPS SHALL BE ALTERNATING BLACK & YELLOW WITH HIGH VISIBILITY REFLECTIVE MATERIALS.  
 C. SPEED BUMPS SHALL BE 12" WIDE & 2.0" MIN. - 2.25" MAX HIGH WITH A TOTAL LENGTH OF 10', UNLESS OTHERWISE APPROVED.  
 D. SPEED BUMPS SHALL BE INSTALLED WITH 12" MIN. LENGTH GALVANIZED STEEL SPIKES OR APPROVED EQUAL.

NO.	DATE	DESCRIPTION	BY

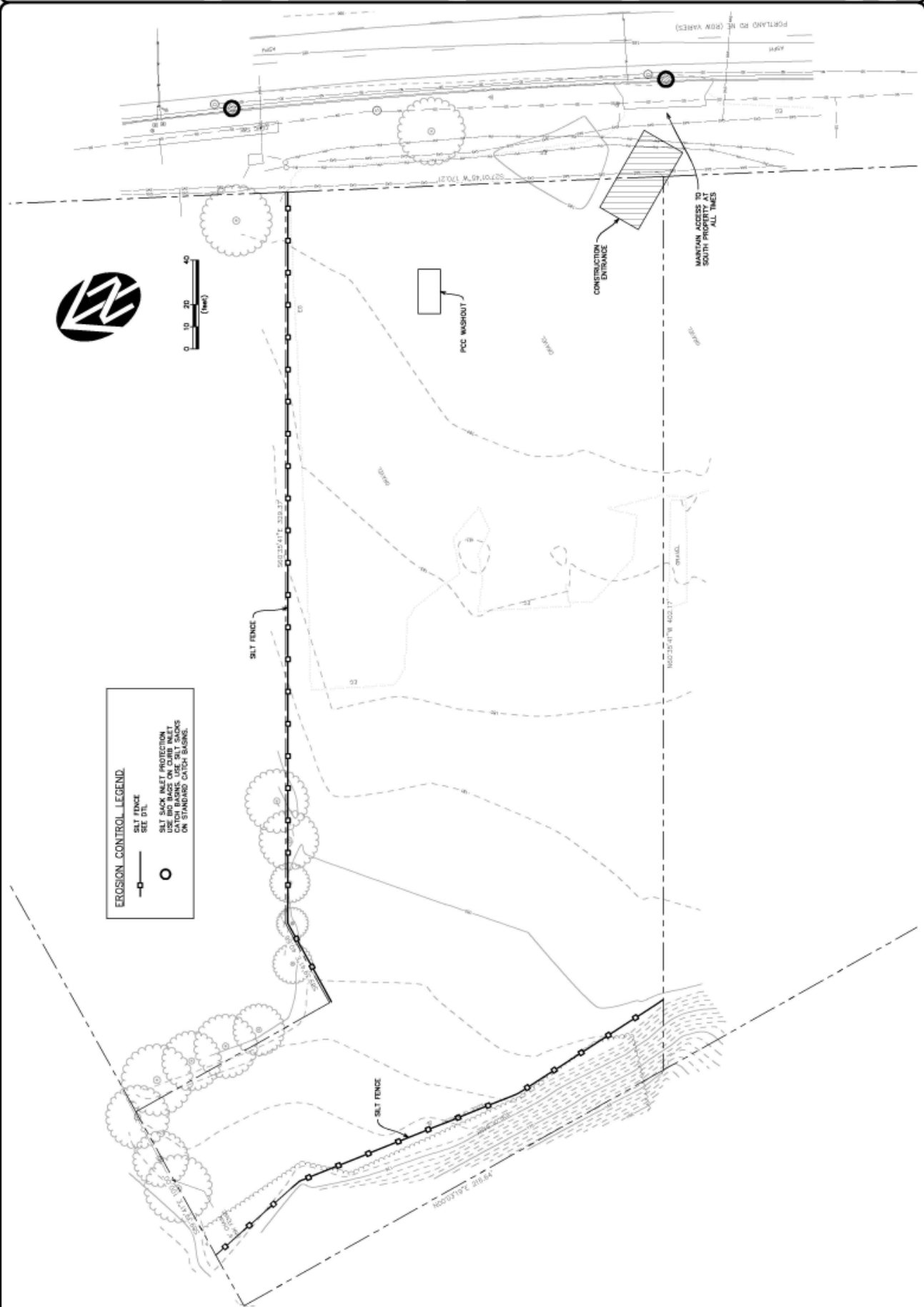
DATE: 01/11/2021  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 PROJECT NO: 2021-01-01  
 SHEET NO: 1 OF 1  
 SCALE: AS SHOWN



**WESTER ENGINEERING, P.C.**  
 CONSULTING ENGINEERS AND PLANNERS  
 1641 FRYER BUILDING, S.E. 52nd Ave., Suite 100, Portland, OR 97206  
 Phone: (503) 996-2474 Fax: (503) 996-2098  
 E-mail: west@westeng.com

**PRE-CONSTRUCTION  
 EROSION CONTROL PLAN**  
 5213 PORTLAND ROAD  
 SIMPLE BOX STORAGE

DRAWING  
**C2.0**  
 JOB NUMBER  
 31185.1000.0



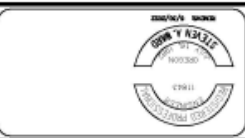
**EROSION CONTROL LEGEND**

- SILT FENCE
- SILT SACK INLET PROTECTION
- USE 18" BARS ON CURB INLET
- USE 12" BARS ON STANDARD CATCH BASINS.



NO.	DATE	DESCRIPTION	BY

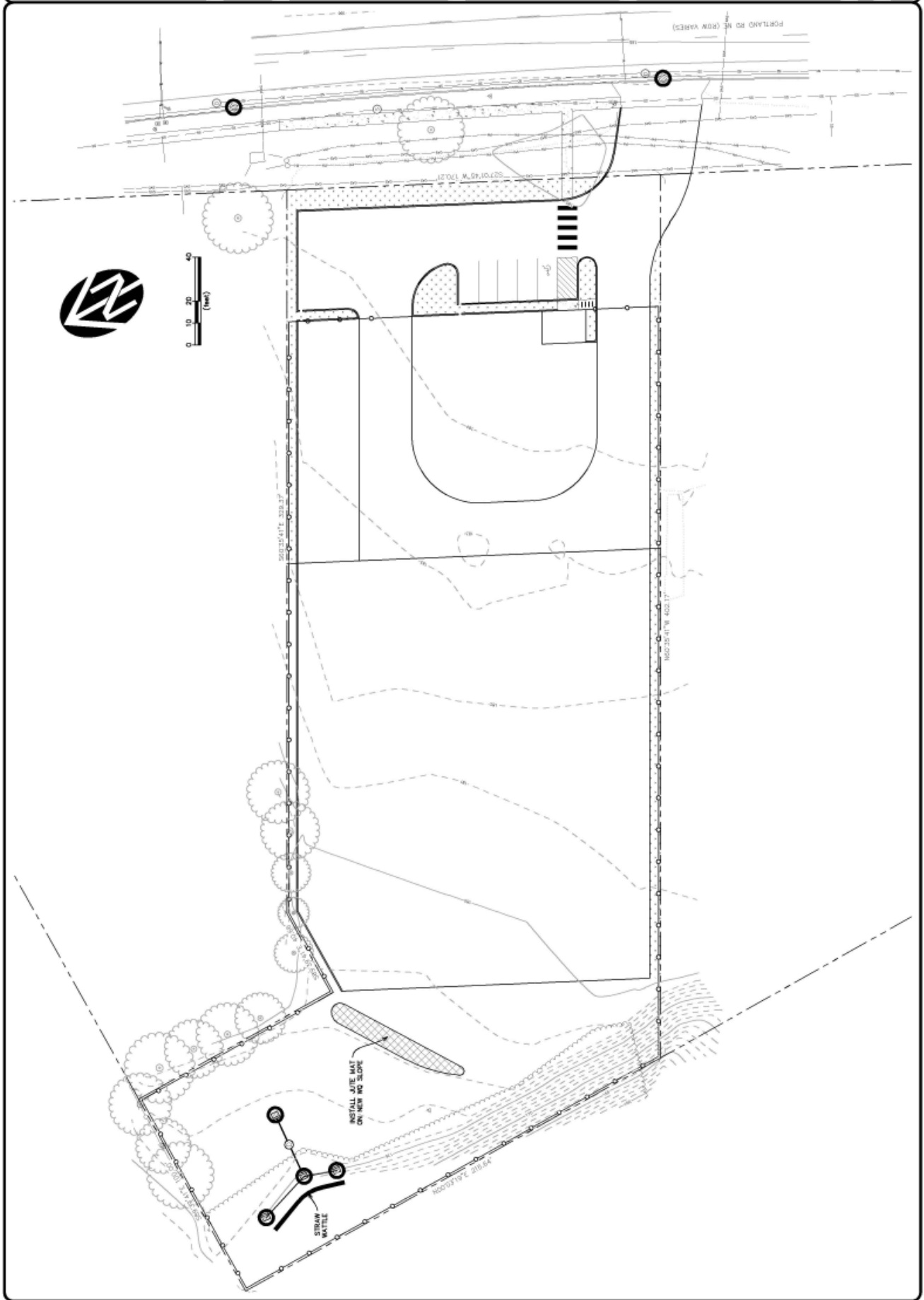
DATE: 04/11/2021  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 SCALE: AS SHOWN



**WESTER ENGINEERING, P.C.**  
 CONSULTING ENGINEERS AND PLANNERS  
 1841 FRYER BUILDING IN S.E. CORNER 1000 SOUTH, 98.87000  
 PORTLAND, OREGON 97202  
 PHONE: (503) 998-2374 FAX: (503) 998-2086  
 E-MAIL: west@westeng.com

**POST CONSTRUCTION  
 EROSION CONTROL PLAN**

5213 PORTLAND ROAD  
 SIMPLE BOX STORAGE  
 DRAWING NO. **C2.1**  
 JOB NUMBER **3185.1000.0**

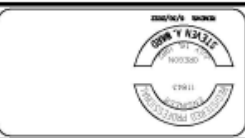






NO.	DATE	DESCRIPTION	BY

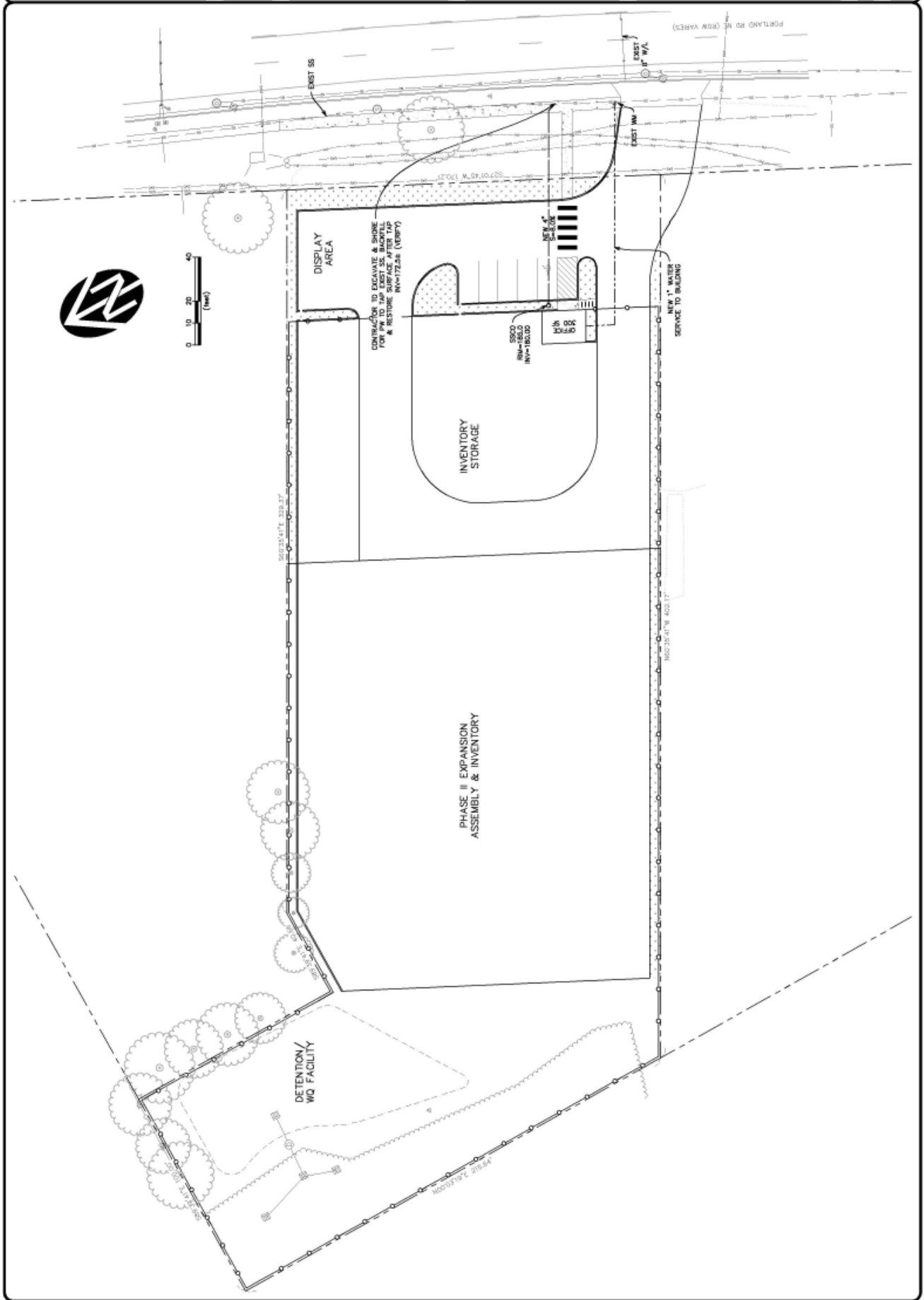
DATE: 01/11/2021  
 DRAWN: [Signature]  
 CHECKED: [Signature]  
 PROJECT: [Signature]



**WE**  
 WESTER ENGINEERING, INC.  
 CONSULTING ENGINEERS AND PLANNERS  
 1841 FRYMAN ROAD, SUITE 100, SEASIDE, OR 97138  
 PHONE: (503) 596-2174 FAX: (503) 596-2086  
 E-MAIL: west@westeng.com

**OVERALL UTILITY PLAN**  
 5213 PORTLAND ROAD  
 SIMPLE BOX STORAGE


DRAWING  
**C4.0**  
 JOB NUMBER  
 31185.1000.0





# MEMO

**TO:** Aaron Panko, Planner III  
Community Development Department

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

**DATE:** May 11, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
CPC-ZC-SPR-ADJ21-02 (21-102124-ZO)  
5191 PORTLAND ROAD NE  
SHIPPING CONTAINER SALES AND STORAGE**

## PROPOSAL

A Minor Comprehensive Plan Map Amendment from Commercial to Industrial Commercial and a Zone Change from CG (General Commercial) to IC (Industrial Commercial), and a Class 3 Site Plan Review application for development of a Warehousing and Distribution use (shipping container sales and storage) for property approximately 1.85 acres in size, and located at 5191 Portland Road NE - 97305 (Marion County Assessors Map and Tax Lot number: 062W31D 01503).

## RECOMMENDED CONDITIONS OF APPROVAL

1. Construct sidewalk along the frontage of the property, including the proposed driveway access.
2. Provide a shared access easement for the proposed driveway.
3. Provide street trees to the maximum extent feasible along the frontage of Portland Road NE.
4. Design and construct a storm drainage system in compliance with SRC Chapter 71 and PWDS.

## FACTS

Public Infrastructure Plan—The *Water System Master Plan*, *Wastewater Management Master Plan*, and *Stormwater Master Plan* provide the outline for facilities adequate to serve the proposed zone.

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); and *Salem Transportation System Plan* (Salem TSP).

Transportation Planning Rule—The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (OAR 660-012-0060). The TPR analysis is required to demonstrate that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060.

## Streets

1. Portland Road NE
  - a. Standard—This street is designated as a Major Arterial street in the Salem TSP and is under the jurisdiction of the Oregon Department of Transportation. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
  - b. Existing Conditions—This street has an approximate 78-foot improvement within a 148-foot-wide right-of-way abutting the subject property.

## Storm Drainage

1. Existing Conditions
  - a. A 21-inch storm main is located in Portland Road NE.

## Water

1. Existing Conditions
  - a. The subject property is located in the G-0 water service level.
  - b. An 8-inch public water main is located in Portland Road NE near the southern boundary of the subject property. Mains of this size generally convey flows of 500 to 1,100 gallons per minute.

## Sanitary Sewer

1. Existing Conditions
  - a. An 8-inch sewer main is located along the frontage of the subject property.

## CRITERIA AND FINDINGS

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

**Finding:** The proposed development 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. The subject property is located outside of the Urban Service Area but does not precede City construction of required facilities. Pursuant to SRC 200.020, no Urban Growth Preliminary Declaration is required.

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.

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 2- and 3-point landslide hazard areas on the subject property. SRC 810.020 requires a geological assessment or report when regulated activity is proposed in a mapped landslide hazard area. **The applicant's proposal does not disturb any portion of a mapped landslide hazard area; therefore, a geological assessment is not required.**

**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:** Portland Road NE is under the jurisdiction of the Oregon Department of Transportation and it exceeds the right-of-way width and pavement width standards per the Salem TSP. However, the existing street is underimproved pursuant to SRC 803.005 because it is lacking sidewalk, street trees, and streetlights. The proposed development generates less than 20 new average daily vehicle trips; therefore, the applicant is exempt from boundary street improvements pursuant to SRC 803.040(d)(5). However, land use decision CPC/ZC92-23 conditioned that a concrete sidewalk be installed at the time of development. The proposal meets the definition of development pursuant to SRC 111.005. The application materials show the installation of a sidewalk along the frontage of the property. The sidewalk shall be extended across the frontage of the proposed driveway and constructed in accordance with the Salem TSP and PWDS. Additionally, pursuant to SRC 86.015(e), the applicant shall provide street trees to the maximum extent feasible along the frontage of the property. The Oregon Department of Transportation is the permitting authority for all work proposed within the right-of-way of Portland Road NE.

**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 driveway access onto Portland Road NE is proposed to be shared with the adjacent property to the south and permitting for the driveway access is under the jurisdiction of the Oregon Department of Transportation. Pursuant to SRC 804.045, the applicant shall provide a shared access easement for the proposed driveway. The shared driveway as proposed and conditioned 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 infrastructure are available within surrounding streets / areas and appear to be adequate to serve the proposed development, except gravity service to the lower portions of the property may be limited due to topographic constraints. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

The applicant'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.

**Criteria: SRC 265.005(e)(1)(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.**

**Finding:** The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings.

**Criteria: SRC 265.005(e)(1)(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.**

**Finding:** The water, sewer, and storm infrastructure are available within surrounding streets/areas and is adequate to serve the proposed development. See site-specific infrastructure requirements addressed above in SRC Chapter 220 criteria.

Prepared by: Jennifer Scott, Program Manager  
cc: File