

TO: HEARINGS OFFICER

**FROM: LISA ANDERSON-OGILVIE, AICP,
PLANNING ADMINISTRATOR**

**SUBJECT: ZONE CHANGE, CLASS 3 SITE PLAN REVIEW, PROPERTY LINE
ADJUSTMENT, TREE REGULATION VARIANCE CASE NO. ZC-SPR-TRV-
PLA25-11
3750 FAIRVIEW INDUSTRIAL DRIVE SE
AMANDA NO.: 25-118364-PLN**

REQUEST

Summary: A proposal to develop a battery energy storage system facility and substation with a zone change to expand the allowed uses to Basic Utilities and Power Generation Facilities.

Request: A consolidated application for a Class 3 Site Plan Review, Property Line Adjustment to eliminate a shared property line between two abutting units of land, and a Tree Regulation Variance to remove two trees within a riparian corridor to develop a substation and battery storage facility, classified as a Basic Utilities and Power Generation use. In addition, a quasi-judicial zone change to modify a condition of approval of a prior zone change, CPC-ZC07-1, to expand the permitted uses to include Basic Utilities and Power Generation. The subject property is approximately 7.16 acres in size, zoned IC (Commercial Industrial) located at 3750 Fairview Industrial Drive SE (Marion County Assessor Map and Tax Lot Number: 083W0200/1804).

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

APPLICANT: Goldfinch Energy Storage, LLC

OWNER: 1241 Pacific LLC

REPRESENTATIVE: Emily Ramos, US Solar and Storage

APPLICATION PROCESSING

On September 3, 2025, US Solar and Storage filed a consolidated Zone Change, Class 3 Site Plan Review, Property Line Adjustment, and Tree Regulation Variance application on behalf of the applicant, Goldfinch Energy Storage, LLC. Because multiple land use applications are required in connection with the proposal, the applications have been consolidated and are being processed together as one pursuant to SRC 300.120(c). When multiple applications are consolidated, the review process for the application follows the highest numbered procedure type required for the land use applications involved, and the Review Authority is the highest applicable Review Authority under the highest numbered procedure type. Based on these requirements, the consolidated Zone Change, Class 3 Site Plan Review, Property Line Adjustment, and Tree Regulation Variance is required to be reviewed by the Hearings Officer and processed as a Type III procedure.

After receiving additional information, the application was deemed complete for processing on November 20, 2025. The 120-day state mandated decision deadline for this collective application is March 24, 2026.

The public hearing before the City of Salem Hearings Officer was initially scheduled for December 17, 2025 and was rescheduled at the applicant's request to January 14, 2026, at 5:30 p.m. located at the Salem Police Department, 333 Division Street NE. A request for comments was sent to surrounding property owners and residents initially on December 3, 2025 with rescheduled notices provided on December 9, 2025. Public hearing notice was also posted on the property on January 2, 2026, 12 days prior to the hearing, pursuant to SRC requirements.

SUMMARY OF RECORD

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center website. You may use the search function without registering and enter the permit number listed here: [25 118364](#).

PROPOSAL

The subject property is currently zoned IC (Industrial Commercial) with the applicant is seeking to develop a substation and battery storage facility classified as a Basic Utilities and Power Generation use (**Attachment B**). As such, the applicant has submitted a Zone Change, Class 3 Site Plan Review, Property Line Adjustment, and Tree Regulation Variance. Under the Comprehensive Plan Change and Zone Change case CPC-ZC07-1, changed the Comprehensive Plan designation of the subject property from "Industrial" to "Industrial Commercial" and the zoning from IBC (Industrial Business Campus) to IC (Industrial Commercial). The applicant has submitted a Zone Change application requesting to modify a use condition, specifically Condition 2 to expand the allowed uses to include a *Basic Utilities* and *Power Generation Facilities*. Condition 2 restrict the permitted uses to Exhibit 1 of the final decision (**Attachment C**).

The applicant's written statements summarizing each request and addressing compliance with the required approval criteria is included in the record.

FACTS AND FINDINGS

1. Existing Conditions

The properties subject to the proposed zone change total approximately 7.16 acres in size, are located at 3750 Fairview Industrial Drive SE, and have frontage on, and take vehicular access from, Fairview Industrial Drive SE, which is designated as a Minor Arterial Street under the City's Transportation System Plan (TSP). The West Middle Fork of Pringle Creek abuts the development site along the northwest property line.

As shown on the existing conditions plan submitted by the applicant, the site is primarily undeveloped with an existing pump station located in the southeast corner of the site.

The subject property is within the 390-acre Fairview Urban Renewal Area, a tax-increment financing district established by the Salem Urban Renewal Agency in June 1984. The Urban Renewal Area was created in conjunction with a development agreement between the State of Oregon and City of Salem to create a 285-acre industrial-commercial employment center. As a result, the City has made a substantial investment in the area in the form of infrastructure upgrades, land acquisition, and other improvements.

The IBC (Industrial Business Campus) zone was originally established in the early 1980s, at around the same time as the Fairview URA, and all land within the Fairview URA was initially zoned IBC. Between 2007 and 2017, the Planning Commission approved eight Comprehensive Plan Map and Zone Change cases within the URA, which changed several properties from an “Industrial” Plan Map designation with IBC zoning to an “Industrial-Commercial” designation with IC zoning.¹ The purpose of the Plan Map and Zone Change cases was generally to allow a greater range of commercial uses than those allowed in the IBC zone. With the adoption of the Unified Development Code (UDC) in 2014, amendments to the IBC zone increased the number of commercial office and service uses permitted.

Trees:

The City’s tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 20 inches or greater and most other trees with diameter-at-breast-height of 30 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. West Middle Fork of Pingle Creek runs along the northwest portion of the property with trees along both banks. Any Significant Trees or Riparian trees on the property would be subject to the protections of SRC Chapter 808 upon development.

Wetlands and Waterways:

The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property and the West Middle Fork of Pringle Creek flows along the northwest boundary of the property.

Site Topography:

According to the City’s adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-3-point landslide hazard areas on the subject property. The proposed development activity is not a regulated activity under SRC Chapter 810 and does not add any activity points to the proposal, which results in a total of 3 points.

2. Salem Area Comprehensive Plan (SACP) Designation

¹ Case numbers CPC-ZC07-01; CPC-ZC08-07; CPC-ZC11-05; CPC-ZC11-07; CPC-ZC11-08; CPC-ZC13-02, CPC-NPC-ZC17-05, and CPC-NPC-ZC-SPR18-03.

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Industrial Commercial."

A comprehensive plan and zone change processed under CPC-ZC07-1 changed the Comprehensive Plan designation of the subject property from "Industrial" to "Industrial Commercial" and the zoning from IBC (Industrial Business Campus) to IC (Industrial Commercial). As part of CPC-ZC07-01, the approved change in zone designation is subject to the following conditions:

Condition 1: All future uses and developments shall be required to adhere to the development standards in the IBC zoning district, or as amended in the IBC zone. These standards include: 1) Height; 2) Lot Area and Dimensions; 3) Yards Adjacent to Streets; 4) Side and Rear Yards; 6) Lot Coverage; 7) Open Storage; 8) Landscaping; 9) Off-Street Parking and Loading; and 10) Lighting.

Condition 2: Future used permitted shall be limited to uses identified in Exhibit 1 (of CPC/ZC07-01). The uses identified as conditional uses under the IC zone shall apply with the exclusion of residential care facilities, single family dwellings and manufactured homes.

The current proposal is to modify Condition 2 of CPC-ZC07-1 which limited the permitted uses to the permitted uses listed under Exhibit 1 of the decision. The specific modification will expand the permitted uses to include *Basic Utilities* and *Power Generation Facilities* as a permitted use. Per SRC 265.020(b), modification of use conditions shall be by zone change and meet the criteria as provided by under 265.005.

The Comprehensive Plan designations of surrounding properties include:

Comprehensive Plan Map Designations of Surrounding Properties	
North	"Industrial Commercial"
South	Across Fairview Industrial Drive SE– "Industrial Commercial" and Parks, Open Space, and Outdoor Recreation
East	"Industrial Commercial" and "Industrial"
West	"Industrial Commercial"

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.

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 is abutted by designated Fairview Industrial Drive SE, a designated Minor Arterial, runs along southwest property boundary.

Neighborhood Plan: The subject property is within the boundary of the Morningside Neighborhood Association, which has an adopted neighborhood plan. The Morningside Neighborhood Plan map designates the property as “Industrial Commercial”. The proposed request will not require a change to the Morningside Neighborhood Plan Generalized Land Use Map to change the designation of the subject property.

2. Zoning of Surrounding Properties

The subject property is currently zoned IC (Industrial Commercial).

The zoning of surrounding properties is described as follows:

Zoning of Surrounding Properties	
North	IC (Industrial Commercial)
South	Across Fairview Industrial Drive SE– IC (Industrial Commercial) and PA (Public Amusement)
East	IC (Industrial Commercial) and IBC (Industrial Business Campus)
West	IC (Industrial Commercial)

3. Neighborhood Association and Citizen Comments

The subject property is located abutting the boundary of the Morningside Neighborhood Association (MNA).

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. Notice was provided on January 8, 2025, to the neighborhood associations via email.

Neighborhood Association Comment: Notice of the application was provided to MNA pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

Homeowners Association: Pursuant to SRC 300.620(b)(2)(B)(vi), notice is required to be provided to any active and duly incorporated Homeowners' Association (HOA) involving property subject to a Type III land use application. According to application materials submitted by the applicant, the subject property is not located within a Homeowners' Association (HOA); therefore, HOA notice is not applicable.

Public Comment: In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.620(b)(2)(B)(ii), (iii), (viii), & (ix), to property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report no public comments have been received.

4. City Department Comments

Development Services - Reviewed the proposal and provided findings which are included in this decision.

Building and Safety Division - Reviewed the proposal and indicated building permits required as applicable.

Fire Department - Reviewed the proposal and indicated if sprinklers are required, an FDC and fire hydrant shall be located in an approved location. Additional items may be required during plan review in accordance with Section 1207 of the Oregon Fire Code.

5. Public Agency Comments

Oregon Department of Aviation (ODAV)- Commented and noted that in accordance with FAR Part 77.9 and OAR 738-070-0060, development at this site may be required to undergo aeronautical evaluations by the FAA and ODAV. The applicant can use the FAA's Pre-Screening Tool to determine which proposed structures (including buildings, light poles, cranes, and other tall equipment used during development or maintenance) warrant a notice of construction. If so, they are required to provide separate notices of construction to both the FAA and ODAV. The applicant should receive the resulting aeronautical determination letters from the FAA and ODAV prior to approval of any building permits. In addition, the height of any new structures, trees, and other planted vegetation shall not penetrate FAR Part 77 Imaginary Surfaces, as determined by the FAA and ODAV.

6. Criteria for Granting a Quasi-Judicial Zone Change

Pursuant to SRC 265.050(a-b) conditions of approval may be placed on a Zone Change. Any conditions imposed shall be construed and enforced, in all respects, as provisions of this zoning code relating to the use and development of land. Additionally, any proposed modification of a *use* condition shall be by zone change. Modification of any other condition shall be by variance.

The applicant is proposing to modify Condition 2 of CPC-ZC07-1 which limited the permitted uses to the permitted uses listed under Exhibit 1 of the decision. The specific modification will expand the permitted uses to include Basic Utilities and Power Generation Facilities as a permitted use. The modified condition shall apply as follows:

Condition 1: In addition to the permitted uses identified in Condition 2 of CPC/ZC07-01, Basic Utilities and Power Generation Facilities as classified under SRC 400.110 are a permitted use.

The following analysis addresses the proposed zone change to modify the condition of approval.

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

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 proposed zone would be compatible with the vicinity's development pattern; or**
- (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 does not identify a mistake in the application of a land use designation to the property and does not clearly identify a change in the economic, demographic, or physical character of the vicinity. Rather, the proposal is justified based on (iii), that the proposed zone change to modify the conditions of approval of a prior zone change to expand allowed uses to include *Basic Utilities* and *Power Generation Facilities* is equally or better suited for the property than the existing use limitations.

At the time of the Fairview Industrial Park Phase II subdivision in 1987, the subject property and surrounding were all similarly zoned as IBC (Industrial Business Campus). Starting in 2007 with a Comprehensive Plan Map and Zone Change land use case (CPC-ZC07-01) the subject property and properties across Fairview Industrial Drive SE changed from the "Industrial" designation to the "Industrial Commercial" designation; six similar cases (CPC-ZC08-07; CPC-ZC11-05; CPC-ZC11-07; CPC-ZC11-08; CPC-ZC13-02, and CPC-NPC-ZC17-05.) created similar changes for properties within the vicinity. These changes have led the area

to develop as more of a commercial business park with light manufacturing/industrial uses.

The intent of the Industrial Commercial comprehensive plan designation is to provide areas for a mixture of heavy commercial and light manufacturing and warehouse activities while also allowing for utility centered uses. Within the IC zone, *Basic Utility* uses Under CPC-ZC07-01, Condition 2 limited the allowed uses of the subject property with the intention of preserving the allowed uses of the IBC which was established for the large-scale, high-technology electronics manufacturing while allowing limited commercial uses and light manufacturing. Subsequent zone changes affecting the area and IBC zoned properties did not include a similar condition, identifying that the character of area as more of a commercial business park with light manufacturing/industrial uses. Within the IC zone, *Basic Utilities* is a permitted use with *Power Generation Facilities* being conditionally permitted. The proposed change to modify Condition 2 of CPC-ZC07-01 is equally or better suited for the property by helping to promote a wider range of uses for an existing undeveloped property while creating additional consistency to the surrounding uses to better complement commercial and light-industrial uses already within the vicinity of the subject property.

As discussed above, recent and consistent site-specific plan map amendments have been approved along Fairview Industrial Drive SE in the immediate vicinity of the subject property which have contributed to the changing character of the Fairview Industrial Drive area from an industrial manufacturing park to an area that supports a wider variety of industrial and commercial uses. The proposal meets this criterion.

(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: The proposed zone change has not been initiated by the City of Salem therefore, this criterion does not apply.

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

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

E 1 Economic Development Goal: Strengthen and diversify the economy to enhance Salem's economic prosperity and resiliency. (SUA)

E 1.1 Diversity: A diverse range of businesses and industries should be encouraged in the Salem Urban Area to provide jobs and services to the diverse, growing population and to strengthen economic resiliency.

Finding: The subject property currently is currently undeveloped except for an existing pump-station with additional land available for development. The Industrial Commercial zone allows a wide array of commercial and industrial uses including light manufacturing with Condition 2 of CPC-ZC07-01 primarily limiting service and office oriented commercial uses on the property. The applicant's request, if approved, will expand the subject property's ability for a diverse range of industry and commercial uses while expanding utility infrastructure uses that future

development can expand upon, which is in line with the Comprehensive Plan policy.

E 1.10 Regional center: The Salem Urban Area shall be retained, developed, and promoted as a commercial, cultural, and economic center for the Mid-Willamette Valley region.

Finding: The subject property will retain land for development of commercial and industrial uses. The proposal will not remove from the inventory that allows for a larger host of uses that will further promote the Salem urban area as a commercial center in the Marion-Polk County region.

E 2 Land Supply Goal: Maintain an adequate supply of land to meet Salem’s economic and employment needs.

E 2.4 Infill and redevelopment: Industrial development should be encouraged in infill and redevelopment locations that are currently served or adjacent to developed properties to maximize returns on public infrastructure investments.

Finding: The subject property is within the Urban Service Area with future development of the proposed site not requiring the extension or development of new public services at this time. Services within the vicinity of the site are adequate to serve future development. City services, including water, sewer, and storm infrastructure are available within surrounding streets. The subject property is also within a half-mile of Madrona Avenue SE which is designated as a Major Arterial. Development of this site, which is located within a commercial and industrial area of the city, will maximize existing public infrastructure and complies with this policy.

E 2.1 Employment land: The City shall provide a supply of employment land that accommodates the amounts, size, types, locations, and service levels needed to meet the short-term and long-term employment growth forecasts for the Salem Urban Area.

Finding: The proposed use condition modification does not affect the designation of the subject property as Industrial Commercial and maintains the overall acreage available within the Urban Growth Boundary for industrial uses, while allowing a relatively small parcel to be developed with a wider range of uses consistent with the industrial development pattern in the vicinity.

E 2.9 Industrial land conversion: Industrial land that may be appropriate for conversions to commercial or other non-industrial uses should include some or all of the following:

1. located outside of industrial areas or isolated from other industrial uses,
2. surrounded by incompatible uses (such as housing),
3. located adjacent to properties that have converted to commercial uses,
4. have limited or no access to major roads (such as arterial streets, collector streets, or highways) or,
5. lack of rail access.

Finding: Following the direction of this policy, the site is appropriate for an “Industrial Commercial” designation but may not be appropriate for conversation to an entirely non-industrial designation. As identified in the Economic Opportunities Analysis (EOA) for areas

within the Salem Urban Growth Boundary for the years 2015 to 2035, the City has surplus of industrial land at approximately 907 acres more than projected to be needed while commercial land is projected to have a shortage of 271 acres.

Although the expansion of uses proposed by the applicant does not expand the allowed uses of commercial it can be interpreted as maintaining industrial land and a partially commercial or other non-industrial land. Under this interpretation, the subject property is still an appropriate area for limited commercial use because of the future land needs projected in the EOA and the industrial commercial zoning designation placed on adjacent properties.

Lastly, the subject property does have abundant access to major roads through Fairview Industrial Drive SE, a Minor Arterial Street, that leads to a Madrona Avenue SE, Major Arterial, which further connects into other arterial and collector streets that lead throughout the City of Salem and to Kuebler Blvd SE, via 32nd SE/Trelstad Ave SE,. This connectivity could indicate that the site may be appropriate for both industrial and commercial uses but the surrounding development which has shift to mixture of both commercial and industrial uses providing for a logical change to the "Industrial Commercial" Comprehensive Plan Map designation.

Staff finds that the proposal is consistent with the applicable Goals and Policies of the Comprehensive Plan.

Section 9: Land Use and Urbanization

L1 Urbanization and Growth Management Goal: Manage growth in the Salem Urban Area through cooperative efforts between the City of Salem, Marion and Polk counties, and other jurisdictions to provide area residents with a high quality of life, contain urban development, promote the City's efficient delivery of services, and preserve adjacent agricultural lands.

Findings: The subject property is located within the limits of the City of Salem and within the Urban Growth Boundary, which contain urban development subject to the City's zoning code and development standards. The proposal meets this goal.

L 3 Urban Development Goal: Ensure that future development within the Salem Urban Area is designed to respond to and enhance the surrounding environment, while accommodating growth.

Findings: The setback, landscaping and screening requirements of the zoning code help to buffer incompatible land uses. In this case, the existing Condition 1 of CPC-ZC07-01 is remaining unaffected by the proposed zone change which requires development of the property to comply with the IBC zone development standards, which requires greater setbacks adjacent to a street and a greater percentage of landscaping to be provided on a development site. This goal will be met and implemented through the application of the IBC development standards during development of the property. The proposal meets this goal.

L 4 Plan Administration Goal: Ensure the Salem Area Comprehensive Plan and its implementation tools advance the community's vision for the future and are consistent with state and federal regulations.

Findings: The applicant has provided responses to applicable statewide planning goals which demonstrates this comprehensive plan goal is met.

L5 Transportation and Land Use Coordination Goal: Coordinate transportation and land use planning efforts to ensure infrastructure improvements support development patterns, land use designations, and densities.

Findings: The proposal will not have an impact on the transportation system. The proposal meets this goal. The Comprehensive Plan designation is used in planning transportation facilities in the Salem TSP, and in this case is not changing. Therefore, pursuant to OAR 660-012-0060(9), the proposed zone change to expand the permitted uses for the subject property does not significantly affect an existing or planned transportation facility.

Section 11: Natural Resources and the Environment

N1 Environmental Protection Goal: Protect and enhance the quality and function of Salem's natural resources, ecosystems, and environment.

Findings: The subject property contains natural resources such as riparian areas along northwest portion of site and the Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property and the West Middle Fork of Pringle Creek flows along the southern boundary of the property. The properties are subject to all applicable development standards of the Salem Revised Code, which are addressed in the below sections. The proposal meets this goal.

N2 Urban Forest Goal: Preserve, increase, and enhance Salem's urban forest.

Findings: As discussed, the properties are subject to all applicable development standards of the Salem Revised Code, the properties will not be developed in a way that decreases the City's urban forest. The proposal meets this goal.

Section 12: Climate Change and Natural Hazards

CC 1.3 Utilities Coordination Goal: The City should collaborate with utility providers serving the Salem area to support development of renewable energy sources and infrastructure and reduce reliance on fossil fuels.

Findings: The proposed use condition modification will expand the permitted uses of the subject property to include *Basic Utilities* and *Power Generation Facilities*. The application consolidated with a proposal for the development of a battery storage and substation site. Through the expansion of the permitted uses and proposed development, the property will support the local utility infrastructure. The proposal meets this goal.

Section 14: Transportation

T4 Local Connectivity Goal: Provide an interconnected local street system that allows for dispersal of traffic, encourages a mix of travel modes, reduces the length of trips, and

increases opportunities for people to walk and bike.

Findings: No development is proposed with the application that will affect the local street system; therefore, this goal is not applicable.

T5 Bicycle System Goal: Accommodate bicyclists of all ages and abilities by providing a well-connected system of on- and off-street bicycle facilities that will encourage increased ridership, safe bicycle travel, and active transportation and will support public health.

Findings: No development is proposed with the application that will affect the local street system; therefore, this goal is not applicable.

T6 Pedestrian System Goal: Accommodate pedestrians of all ages and abilities by providing a comprehensive system of connecting sidewalks, walkways, trails, and pedestrian crossings that will encourage and increase safe pedestrian travel and active transportation to support public health.

Findings: No development is proposed with the application that will affect the local street system; therefore, this goal is not applicable.

T7 Transit System Goal: Support a public mass transit system that provides convenient, robust, and accessible transit services to residents throughout the Salem Urban Area, particularly in transportation-disadvantaged areas.

Findings: No development is proposed with the application that will affect the public mass transit system; therefore, this goal is not applicable.

Section 16: Community Services and Historic Resources

CS 1 Community Spaces and Culture Goal: Foster development of community gathering spaces and other amenities that provide opportunities for people to socialize and celebrate together.

Findings: No development is proposed with the application that will affect community gathering spaces or other amenities; therefore, this goal is not applicable.

CS 3 Historic Preservation Goal: Identify, protect, and encourage the awareness and sensitive use of historic resources, places, archaeological sites and landscapes that contribute to the unique character and history of Salem.

Findings: No development is proposed with the application that will impact a historic resource; therefore, this goal is not applicable

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

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.

Finding: In addition to contacting Morningside Neighborhood Association prior to application submittal, notice of the proposal was provided to the Morningside Neighborhood Association neighborhood association, surrounding property owners and tenants within the notification area, and posted on the property prior to the hearing. The Hearing Officer will hold a public hearing to consider the request. The required contact, public notice, and public hearing process ensure all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

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.*

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

Finding: The subject property is undeveloped industrial land, there are no known scenic, historic, or cultural resources on the subject property. West Middle Fork of Pringle Creek runs along the northwestern extent of the development site. Development is proposed with the application, which is subject to the applicable standards of the Salem Revised Code.

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.*

Finding: Development is proposed with the application; with the proposed development subject to the applicable standards of the Salem Revised Code.

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

Finding: The subject property is not located within a floodplain or floodway. Mapped landslide hazards are identified on the subject property with no impact anticipated by the proposed development. The proposed development is subject to the applicable standards of the Salem Revised Code. Staff finds that the 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.*

Finding: The subject property is not within an identified recreation area, and no destination resort is planned for this property. The subject property is a natural area protected under Goal 5, which is addressed above. 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.*

Finding: 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. The EOA provides strategies to meet the projected employment land needs in the Salem area. In 2015, the City Council adopted 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 proposed change to Industrial Commercial will maintain the industrial designation for the property and will increase the number of permitted uses on the subject property, thereby opening up additional opportunities for economic development, consistent with the intent of Goal 9.

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

Finding:

As part of the “Our Salem” update to the Comprehensive Plan, the City redesignated and rezoned land to provide for additional multiple-family housing, as identified in the City’s 2014 Housing Needs Analysis. The City now exceeds its projected need for land designated for residential land and is now focused on ways to produce needed housing through the Housing Production Strategy. The property’s current industrial designation does not allow residential uses. Under Condition 2 of CPC-ZC07-01, residential uses are not permitted on the subject property with the proposed change not impacting that restriction. The proposed zone change will not reduce the City’s supply of land for housing. The proposal meets this Goal.

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.*

Finding: The subject properties are located within the Urban Service Area and are served by existing public facilities. No development is proposed with the application; any future development will be subject to the applicable standards of the Salem Revised Code. The proposal meets this Goal.

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

Finding: 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 proposal includes a zone to modify Condition 2 of CPC-ZC07-1 to expand the permitted uses to include *Basic Utilities* and *Power Generation Facilities*. The proposal does not, however, include an amendment to the City’s comprehensive plan map or land use regulations. The Comprehensive Plan map designations of properties throughout the City are utilized as the basis for planning the City’s transportation facilities in the Salem Transportation System Plan. Therefore, pursuant to OAR 660-012-0060(9), the proposed zone change does not significantly affect an existing or planned transportation facility and the proposal conforms to this statewide planning goal.

Statewide Planning Goal 13 – Energy Conservation: *Requires local governments to consider the effects of its comprehensive planning decision on energy consumption.*

Finding: The development of the property will be required to be built to comply with current energy standards. The proposal conforms to this statewide planning goal.

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.*

Finding: The subject property is located within the Urban Growth Boundary (UGB), and public facilities required to serve future development are located nearby. Existing transportation and utility infrastructure is available in the vicinity. The request allows for the efficient use and development of property without requiring extension of new public services. The proposed comprehensive plan map amendment will allow the efficient use of urbanized land within the UGB in compliance with Goal 14.

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

Finding: The Salem Area Comprehensive Plan is consistent with Statewide Planning Goals. The Comprehensive Plan policies have been addressed above, therefore consistent with Statewide Planning Goals.

(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 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.*

Finding: The existing Industrial Commercial designation will remain; therefore, a change to the comprehensive plan map designation for the property is not required for the proposed zone change, this criterion is not applicable.

(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: In 2007, a comprehensive plan map amendment and zone change (CPC/ZC 07-01) was approved to change the comprehensive plan map designation for the subject property from 'Industrial' to 'Industrial Commercial', and to change the zoning designation from IBC (Industrial Business Campus) to IC (Industrial Commercial). The original zone change approval (CPC/ZC 07-01) was subject to use limitations, including a restriction on basic utility uses. A new zone change request is being submitted to amend the list of permitted uses for the subject property to include basic utility uses, while keeping the IC (Industrial Commercial) zoning designation and the Industrial Commercial comprehensive plan map designation. The Comprehensive Plan designation is used in planning transportation facilities in the Salem TSP, and in this case is not changing. Therefore, pursuant to OAR 660-012-0060(9), the proposed zone change to expand the permitted uses for the subject property does not significantly affect an existing or planned transportation facility.

(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 appear to be adequate to serve the proposed development. Site-specific infrastructure requirements will be addressed as part of the consolidated Site Plan Review application in accordance with SRC Chapter 220.

7. Analysis of Class 3 Site Plan Review Approval Criteria

Salem Revised Code (SRC) 220.005(f)(3) provides that an application for a Class 3 Site Plan Review shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 220.005(f)(3)(A): The application meets all applicable standards of the UDC.

Finding: As discussed above, the proposal includes development of a new substation and battery energy storage system with associated landscaping and site improvements on a currently vacant site.

The combined size of the subject property is approximately 7.16 acres and located along Fairview Industrial Drive SE. The subject property is located entirely within the IC (Industrial Commercial) zone, which is a result of the comprehensive plan and zone change, CPC/ZC07-01, that changed the zoning of the site from IBC (Industrial Business Campus) to IC. A condition of the zone change required that the development standards of the IBC zone as currently amended still adhere to the site. Therefore, the development standards of IBC (SRC Chapter 552) are applicable to development.

Use Standards – IC (Industrial Commercial)

SRC 554.005(a) – Uses:

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the IG zone are set forth in Table 555-1.

Finding: As condition under Condition 2 of CPC/ZC07-01, the uses of the property are limited to Exhibit 1 of the final decision, which does not include the proposed Basic Utilities and Power Generation uses. The applicant has sought a Zone Change to modify Condition 2 of CPC/ZC07-01 to include *Basic Utilities* and *Power Generation Facilities* uses as permitted uses within the zone which is discussed in Section 6 of this report.

Development Standards – IBC (Industrial Business Campus)

SRC 552.010(b) – Lot Standards:

Lots within the IBC zone shall conform to the standards set forth in Table 552-2.

Finding: Within the IBC zone, lot standards require that a minimum 16 feet of street frontage is required for all uses. The development site is composed of two unit of lands approximately 5.22-acres and 1.94-acres in size. Under Section 8 of this report, the applicant is seeking a Property Line Adjustment to eliminate the common property line and consolidate the properties into a single unit of land. Following the Property Line Adjustment, the subject property will have 385 feet of frontage along Fairview Industrial Drive SE. As conditioned below, the subject property is in compliance with the minimum lot standards of the IBC zone.

SRC 552.010(c) – Setbacks:

Setbacks within the IBC zone shall be provided as set forth in Table 552-3 and Table 552-4.

Abutting Street

Southwest: Adjacent to the southwest is right-of-way for Fairview Industrial Drive SE. Buildings and accessory structures abutting a street require a minimum setback of 20 feet. Per Chapter 806, vehicle use areas require a minimum six-to-ten-foot setback adjacent to a street.

Finding: Along the portion of the development site abutting Fairview Industrial Drive SE, the

applicant is proposing to develop a new substation and vehicle access areas which are proposed to be setback a minimum 20 feet from the street abutting property line. There is an existing pump station located within the southern portion abutting the street which is not proposed to be modified. As proposed, the development meets the standard

Interior Side and Rear

North, South, and East: Adjacent to the north, east, and south are interior lot lines abutting an IC zoned property. Vehicle use areas and structures require a minimum 10-foot setback with Type C landscaping.

Finding: To the north, the development site abuts a property containing West Middle Fork of Pringle Creek and is zoned IC. Based on the applicant's plans, the proposed development of battery storage structures, operation and maintenance buildings, and vehicle use areas are proposed to be setback 55 feet from the northern property line with existing riparian vegetation, riparian mitigation areas, Type C landscaping, and stormwater facilities proposed within the setback area.

As outlined above, the property is composed two units of land that are proposed to be consolidated through a Property Line Adjustment that is discussed in Section 8 of this report. As currently configured, the proposed development includes structures and vehicle use areas that cross property boundaries where the minimum 10-foot setback would be required. As such, the following is conditioned to ensure that the property is consolidated prior to development.

Condition 2: Prior to Building Permit issuance, the applicant shall record the property line adjustment.

Following the property line adjustment, along the developments southern and eastern property lines, the applicant's site plans show that all structures and vehicle use areas will be setback a minimum of 10 feet with Type C landscaping provided. As conditioned, the proposed development meets the standard.

SRC 552.010(d) – Lot Coverage, Height:

Buildings and accessory structures within the IBC zone shall conform to the lot coverage and height standards set forth in Table 552-5.

Finding: There is no maximum lot coverage for buildings and accessory structures, and the allowed maximum building height is 70 feet for all uses. The applicant's written statement indicates that the battery systems height will be 12 feet while the substation will be a maximum 62 feet in height.

SRC 552.010(f) – Landscaping

Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

- (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 20 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicular use areas, may count toward meeting this requirement.

Finding: The development site is 7.16-acres in size, or 311,914 square feet, requiring a total of 62,382.8 square feet of landscaping across the development site. The applicant has proposed 54,543 square feet of new landscaped areas meeting Type A and Type C Landscaping standards within required setback areas and with approximately 18,900 square feet of retained and replanted areas within the riparian corridor. In total, approximately 73,443 square feet of landscaping is proposed thus meeting the development site landscaping standard.

General Development Standards (SRC 800)

SRC 800.055(a) – Applicability.

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of one cubic yard or larger is proposed.

Finding: The applicant's plans do not propose a new solid waste service area; therefore, the standard is not applicable.

SRC 800.065 – Pedestrian Access.

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

Finding: The pedestrian access standards of SRC Chapter 800.065 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.
- (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.
- (C) A pedestrian connection is not required between the primary building entrance of a building and each adjacent street if the development site is a corner lot and the building has a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting one of the adjacent streets; or the building is a

service, storage, maintenance, or similar type of building not primarily intended for human occupancy.

Finding: There is no planned or existing planned transit stop along the street frontage of the site. Furthermore, per SRC 800.065 (a)(1)(C)(ii), a pedestrian connection is not required between the primary building entrance of a building and each adjacent street when the building is a service, storage, maintenance, or similar type building not primarily intended for human occupancy. The proposed substation, maintenance buildings, and battery storage systems all are not intended for human occupancy; therefore, the standard is not applicable.

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

(B) A pedestrian connection, or pedestrian connections, is not required between buildings on the same development site if:

- (i) The buildings have a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting a street; and
- (ii) A public sidewalk within the adjacent street right-of-way provides pedestrian access between the primary building entrances; or
- (iii) The buildings are service, storage, maintenance, or similar type buildings not primarily intended for human occupancy.

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 of the buildings.

Finding: As discussed above, pedestrian connections are not required between the primary building entrance of a building and each adjacent street when the building is a service, storage, maintenance, or similar type building not primarily intended for human occupancy. The proposed substation, maintenance buildings, and battery storage systems all are not intended for human occupancy; therefore, the 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 development site does not include any existing or proposed parking areas greater than 25,000 square feet or including 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: There are no proposed parking structures or parking garages as part of the proposed development; 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 that pass 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 development site does have vehicular access proposed through the abutting property to the southeast; however, per SRC 800.065(a)(5), pedestrian connections are not required when where the use of an abutting property has specific security needs that make providing a connection impractical or undesirable. As the proposed development is intended to be a secured facility that is not open to the public, the pedestrian connection requirement is not applicable.

SRC 800.065(b) – Design and materials

Required pedestrian connections shall be in the form of a walkway or may be in the form of a plaza.

- (1) Walkways shall conform to the following:
 - (A) Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards and shall be 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.
- (2) Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.

Finding: As discussed above, there are no required pedestrian connections required for the proposed development. Therefore, this standard is not applicable.

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: As discussed above, there are no required pedestrian connections required for the proposed development. Therefore, this standard is not applicable.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005(a) – Off-Street Parking; When Required.

Off-street parking shall be provided and maintained as required under SRC Chapter 806 for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

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

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

SRC 806.015(a) - Amount of Off-Street Parking.

- 1) *Maximum Off-Street Parking.* Except as otherwise provided in this section, and unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-1. For the purposes of calculating the maximum amount of off-street parking allowed, driveways shall not be considered off-street parking spaces.

Finding: Based on the applicants plans and written statement, there are no proposed off-street parking areas; therefore, the standard is met.

SRC 806.015(d) – Required Electric Vehicle Charging Spaces

For any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential and nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical vehicle charging. In order to comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417.

Finding: The proposal does not include development of a new building with more than five dwelling units, and thus this standard is not applicable.

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

- (a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.
- (b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks. Underground parking may be located beneath required setbacks; provided, however, no portion of the structure enclosing the underground parking shall project into the required setback, and all required setbacks located above the underground parking structure shall be landscaped as otherwise required under the UDC.
- (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 off-street parking and vehicle use area development standards of SRC Chapter 806 are not applicable to this development as there are no proposed off-street parking areas.

Driveway Standards

SRC 806.040 – Driveway development standards for uses or activities other than single family, two family, three family, or four family.

- (a) *Access.* The off-street parking and vehicle use area shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available, or a loop to the single point of access. The driveway approaches to the driveways shall conform to SRC Chapter 804.
- (b) *Location.* Driveways shall not be located within required setbacks, except where the driveway provides access to the street, alley, or abutting property; or where the driveway is a shared driveway located over the common lot line and providing access to two or more uses.
- (c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for driveways abutting streets, and abutting interior front, side, and rear property lines.
- (d) *Dimensions.* Driveways shall conform to the minimum width set forth in Table 806-8.

Finding: Pursuant to SRC 806.040(d), Table 806-8, one-way driveways are required to have a minimum width of 12 feet and two-way driveways are required to have a minimum width of 22 feet. As shown on the site plan, vehicular access is proposed with a 22-foot-wide two-way driveway from Fairview Industrial Drive SE and conforms to minimum required driveway width standards.

Bicycle Parking

SRC 806.045 – General Applicability.

- (a) Bicycle parking shall be provided as required under this chapter for each proposed new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to change of use of existing building in Central Business District (CB) zone.* Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB zone shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. If the minimum number of required bicycle parking spaces are not present within the block face, the applicant shall be required to obtain a permit to have the required number of spaces installed. For purposes of this subsection, "block face" means the area within the public street right-of-way located along one side of a block, from intersecting street to intersecting street.
- (c) *Applicability to nonconforming bicycle parking area.* When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

SRC 806.050 – Proximity of Bicycle Parking.

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

SRC 806.055 – Amount of Bicycle Parking.

Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-9.

Finding: A minimum of four bicycle parking spaces are required to be provided for a *Basic Utilities and Power Generation* use. The applicant has indicated that a minimum of four bicycle parking spaces will be provided, meeting the standard.

SRC 806.060 – Bicycle Parking Development Standards

Unless otherwise provided under the UDC, bicycle parking areas shall be developed and maintained as set forth in this section.

- (a) *Location.* Short-term bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.
 - (1) *Short-term bicycle parking.* Short-term bicycle parking shall be located outside a building within a convenient distance of, and 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) *Long-term bicycle parking.*

Finding: The site plan indicates the proposed short-term bicycle parking spaces are within 50 feet of a primary entrance of the proposed new buildings; therefore, this standard is met.

- (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.

Finding: As shown on the site plan, the bicycle parking area has direct access to the public right-of-way and within 50-feet of the maintenance buildings, free of obstruction or barriers, in conformance with the requirements of SRC 806.060(b).

- (c) *Dimensions.* All bicycle parking areas shall meet the following dimension requirements:
 - (1) *Bicycle parking spaces.* Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.
 - (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.

Finding: Bicycle parking spaces shall be a minimum of six feet in length and one and half feet in width when the proposed bicycle racks are side-by-side. For horizontal spaces, the bike rack shall be centered along the long edge of the bicycle parking space. The proposed bicycle parking spaces are located on a paved pad, with adequate dimensions to provide pedestrian passage for all proposed spaces; the length of each proposed stall is at least six feet, while the width is at least two feet wide. Each of the bicycle parking clusters is arranged in a manner that

will adequately provide access to a primary building entrance via a pedestrian walkway; therefore, the standard is met.

- (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.

Finding: The proposed bicycle parking spaces are placed on a hard surface material; therefore, the standard is met.

- (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 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 806-11.

Finding: The site plan indicates inverted staple style bike racks will be provided. The proposed bike racks conform to material requirements of SRC 806.060(e).

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; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

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

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

SRC 806.075 – Amount of Off-Street Loading.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts and dimensions not less than those set forth in Table 806-11.

Finding: A *Basic Utilities and Power Generation Facilities* use with a total floor area of less than 5,000 square feet is not required to provide an off-street load area. The proposed building is maintenance buildings measure approximately 1,645 square feet in size; therefore, this standard is not applicable.

Landscaping

SRC 807 – Landscaping and Screening

The provisions of this chapter apply to all required landscaping and screening under the UDC. Unless otherwise provided in the UDC, required landscaping and screening shall conform to the standards set forth in this section.

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: The development site is 7.16-acres in size, or 311,914 square feet, requiring a total of 62,382.8 square feet of landscaping across the development site. The applicant has proposed 54,543 square feet of new landscaped areas meeting Type A and Type C Landscaping standards within required setback areas and with approximately 18,900 square feet of retained and replanted areas within the riparian corridor. Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

❖ NATURAL RESOURCES

SRC Chapter 601 – Floodplain

Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

Finding: Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no regulatory 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 the following trees unless 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.

1. Heritage Trees;
2. Significant Trees (including Oregon White Oaks with diameter-at-breast-height (*dbh*) of 20 inches or greater and any other tree with a *dbh* of 30 inches or greater, with the exception of tree of heaven, empress tree, black cottonwood, and black locust);
3. Trees and native vegetation in riparian corridors; and
4. Trees on lots or parcels 20,000 square feet or greater.

The tree preservation ordinance defines “tree” as, “any living woody plant that grows to 15 feet

or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves.”

Finding: Along the development site’s northern property line, the site abuts West Middle Fork of Pringle Creek with the riparian corridor projecting into the development site. As defined under SRC 111.001, a riparian corridor is measured as 50 feet horizontally from the top of bank on each side of a waterway with less than 1,000 cubic feet per second average annual stream flow. Within the riparian corridor, trees and native vegetation require are required to be protected during development or require a Tree Regulation Variance or Tree Removal Permit before removal per SRC 808.020.

The applicant’s plans delineate the boundary of the riparian corridor and indicates that there are four trees with a dbh of 10 inches or more in size with two native bitter cherry trees with a dbh of 6.5 and 4 inches. The applicant’s grading plans indicate that grading will be outside of the protection areas required for the bitter cherry trees located within the southern extent of the corridor. However, the applicant’s plans indicate that grading and development will occur to accommodate the stormwater detention within the corridor. The required grading and location of the facility will impact two black cottonwoods with a dbh of 30 and 21 inches. The applicant is seeking a Tree Regulation Variance for the removal of the two black cottonwoods. There is one black cottonwood with a dbh of three inches also proposed to be removed within the riparian corridor; however, the tree species is not native to Oregon and is less than 10 inches dbh so no permit is required for the removal.

Outside of the riparian corridor, the applicant indicates that there are no significant or heritage trees proposed for removal.

SRC Chapter 809 – Wetlands

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

Finding: The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

SRC Chapter 810 – Landslide Hazards

The City’s landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

Finding: According to the City’s adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-3-point landslide hazard areas on the subject property. The proposed development activity is not a regulated activity under SRC Chapter 810 and does not add any activity points to the proposal, which results in a total of 3 points. The proposed development is classified as a low landslide risk and no additional information is required.

❖ **CITY INFRASTRUCTURE STANDARDS**

The existing conditions of public infrastructure available to serve the subject property are described in the following table:

Utilities & Parks	
Type	Existing Conditions
Water	Water Service Level: G-0
	A 12-inch water main is located in Fairview Industrial Drive SE.
Sanitary Sewer	A 12-inch sanitary sewer main is located in Fairview Industrial Drive SE.
Storm Drainage	A 15-inch storm main is located in Fairview Industrial Drive SE.
	A 30-inch storm main crosses over the subject property.

SRC Chapter 200 – Urban Growth Management

SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside the City’s Urban Service Area.

Finding: The subject property is located inside the Urban Service Area and adequate facilities are available. An Urban Growth Area permit is not required.

SRC Chapter 71 – Stormwater

The proposed development is subject to SRC Chapter 71 and the revised Public Works Design Standards (PWDS) as adopted in Administrative Rule 109, Division 004.

Finding: The applicant’s engineer submitted a preliminary stormwater report that demonstrates the intent to utilize green stormwater infrastructure (GSI), as required by SRC Chapter 71 and the Public Works Design Standards (PWDS). However, there are a few errors contained in the report and pre-development flow rates for required storm events are not met. With corrections, the project can comply with the PWDS and SRC Chapter 71 requirements to utilize GSI for stormwater runoff generated by the development. Prior to issuance of a Building Permit, the applicant shall submit a final stormwater report that demonstrates the stormwater system will be designed and constructed in accordance with the Public Works Design Standards.

Condition 3: Design and construct a storm drainage system at the time of development

in compliance with *Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS)*.

SRC Chapter 802 – Public Improvements

▪ **Development to be served by City utilities:**

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS).

Finding: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant’s preliminary utility plan. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the Public Works Design Standards (PWDS) and to the satisfaction of the Public Works Director.

▪ **Easements:**

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: There is an existing 30-inch public storm main on the subject property. Public Works Design Standards Section 1.8 (Easements) requires a minimum 20-foot-wide easement for storm mains of this diameter. As a condition of approval, the applicant shall dedicate an easement for existing public infrastructure on the site to current standards established in the PWDS.

Condition 4: Prior to issuance of a Certificate of Final Approval, dedicate an easement for the existing public storm main on the site to current standards in Public Works Design Standards Section 1.8 (Easements).

❖ **CITY STREET AND RIGHT-OF-WAY STANDARDS**

The existing conditions of streets abutting the subject property are described in the following table:

Streets			
Street Name		Right-of-way Width	Improvement Width
Fairview Industrial Drive SE (Minor Arterial)	Standard:	72-feet	46-feet
	Existing Condition:	76-feet	53-feet

SRC Chapter 803 – Street and Right-of-way Improvements

▪ **Boundary Street Improvements**

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for certain development.

Finding: Fairview Industrial Drive SE abuts the subject property and is classified as a minor arterial street according to the Salem Transportation System Plan (TSP). Fairview Industrial Drive SE meets the minimum right-of-way width and pavement width standards established in SRC 803.025; therefore, improvements along Fairview Industrial Drive SE are not required. In addition, the development generates less than 20 new average daily vehicle trips; therefore, no right-of-way dedication or street improvements are required (SRC 803.040(d)). The existing street system is adequate to serve the proposed development.

▪ **Street Trees**

Pursuant to SRC 803.035(k) and SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible.

Finding: There is an existing landscape planter along Fairview Industrial Drive SE; however, there are no existing street trees within the landscape planter. The applicant's landscape plans show new street trees to be planted along the street frontage in compliance with the requirements of SRC Chapter 86. Street tree plantings will be required prior to issuance of a Certificate of Final Approval for the Civil Site Work permits.

Condition 5: Prior to issuance of a Certificate of Final Approval, install street trees to the maximum extent feasible along Fairview Industrial Drive SE.

SRC Chapter 804 – Driveway Approaches

SRC 804 establishes development standards for driveway approaches providing access from the public right-of-way to private property in order to provide safe and efficient vehicular access to development sites.

Finding: The proposed development site is served by a private shared accessway on adjacent property to the south. The private shared accessway is accessed via Fairview Industrial Drive through an existing driveway approach. No new driveway approaches to the public right-of-way are proposed. A Class 2 Driveway Approach Permit is not required for the proposed vehicular connection to the existing private accessway.

SRC Chapter 805 – Vision Clearance

SRC Chapter 805 establishes vision clearance standards in order to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

Finding: The proposal does not include any new structures. The proposed electrical equipment does not cause a vision clearance obstruction; the proposed development meets the vision clearance standards established in SRC Chapter 805.

SRC 220.005(f)(3)(B): The transportation system into and out of the proposed development conforms to all applicable city standards.

Finding: Access to the proposed development will be provided by the network of existing public streets that surround the property. The street system in and adjacent to the development will provide for the safe, orderly, and efficient circulation of traffic to and from the development. This criterion is met.

SRC 220.005(f)(3)(C): The proposed development mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.

Finding: The proposed battery energy storage facility generates less than 1,000 average daily vehicle trips to the arterial street system. Therefore, a TIA is not required as part of the development submittal per SRC 803.015(b)(1). This criterion is not applicable.

SRC 220.005(f)(3)(D): The proposed development will be served with City water, sewer, storm drainage, and other utilities.

Finding: The Development Services Division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the lots within the proposed development, subject to the conditions of approval established in this decision. This approval criterion is met.

8. Analysis of Property Line Adjustment Approval Criteria

Pursuant to SRC 205.055(a), a property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a), or to incorporate into another unit of land, as provided by ORS 92.010(9)(e), excess right-of-way that was acquired for street or other right-of-way purposes and subsequently sold by a public body.

Salem Revised Code (SRC) 205.055(d) provides that an application for a property line adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial.

SRC 205.055(d)(1): The property line adjustments will not create an additional unit of land;

Findings: The proposed property line adjustment will eliminate the common property line between two existing units of land, resulting in one consolidated unit of land (**Attachment D**). The proposed property line adjustment will not create an additional unit of land; therefore, this criterion is met.

SRC 205.055(d)(2): The property line adjustments will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;

Findings: The proposed property line adjustment will consolidate two existing units of land into one property 7.16-acres in size. As described in the site plan review findings above, the proposed consolidated property will have a minimum 385 linear feet of frontage along Fairview Industrial Drive SE. The IBC zone requires that lots have a minimum 16 feet of frontage along street abutting property lines. This criterion is met.

SRC 205.055(d)(3): The property line adjustments involve only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded, or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established;

Findings: The two units of land were lawfully created as Parcel 2 and Parcel 3 of Partition Plat 2007-53, Fairview Industrial Park- Phase II. This criterion is met.

SRC 205.055(d)(4): The property line adjustments are not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;

Findings: There are no existing land use approvals or previous conditions of approval applicable to the properties that would prohibit the proposed property line adjustment. This criterion is met.

SRC 205.055(d)(5): The property line adjustments do not involve the relocation or elimination of any public easement or right-of-way;

Findings: The proposed property line adjustment does not involve the relocation or elimination of any public easements or right-of-way. Additionally, no right-of-way will be relocated or eliminated as a result of the consolidation; therefore, this criterion is met.

SRC 205.055(d)(6): The property line adjustments do not adversely affect the availability or access to public and private utilities or streets;

Findings: The proposed property line adjustment eliminates the common property line between two abutting units of land. The proposed property line adjustment does not affect availability or access to public and private utilities or streets; therefore, his criterion is met.

9. Analysis of Tree Regulation Variance Criteria

Salem Revised Code (SRC) 808.045(d) provides that an application for a Tree Variance shall

be granted if the following criteria are met. The applicant has requested to address the hardship criteria of SRC 808.045(d)(1). The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 808.045(d)(1)(A): There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance.

Finding: Trees and native vegetation in Riparian Corridors are protected under SRC 808.020, wherein the Riparian Corridor is defined as the area adjacent to a waterway measured 50 feet horizontally from the top of bank of each side of a waterway. Per SRC 808.005, a tree is defined by having a dbh of at least ten inches, and within the riparian corridor, it also includes any dead or dying trees that do not qualify as a hazardous tree.

The applicant's plans delineate the boundary of the riparian corridor and indicates that there four black cottonwood trees with a dbh of 10 inches or more in size with two native bitter cherry trees with a dbh of 6.5 and 4 inches. The applicant's grading plans indicate that grading will occur outside of the protection areas required for the bitter cherry trees. The applicant's plans indicate for the grading and development to provide the stormwater detention area that the area of two black cottonwoods with a dbh of 30 and 21 inches will be impacted. The applicant is seeking a Tree Regulation Variance for the removal of the two black cottonwoods within a riparian corridor. There is one black cottonwood with a dbh of three inches also proposed to be removed within the riparian corridor; however, the tree is not native and has a dbh of less than 10 inches dbh so no permit is required for the removal.

The site plans identify the location of each tree and vegetation, the conceptual footprint of the proposed development and stormwater retention basin, and the 50-foot Riparian Corridor buffer. The applicant indicates allows for the construction of the economically feasible battery storage infrastructures with no reasonable design that would enable the preservation of the trees without impacting the capacity required for the stormwater facility or impacting battery storage infrastructure. The applicant has redesigned the proposed grading and development to enable preservation of native vegetation within the corridor with removal only including non-native black cotton woods. Staff agrees that this buffer creates a practical difficulty to reasonably develop the property, as retaining all affected trees within the buffer creates an unreasonable hardship that can most effectively be relieved by approval of a variance.

SRC 808.045(d)(1)(B): The proposed variance is the minimum necessary to allow the otherwise lawful proposed development of activity.

Finding: As described in the findings above, the applicant's proposal to remove two trees and additional non-native vegetation within the Riparian Corridor is the minimum needed to allow for the lawful development of the subject property. Furthermore, the applicant has made efforts to limit the impact to the Riparian Corridor by offsetting the grading to be closer unvegetated areas of the corridor, effectively minimizing the impact to the Riparian Corridor.

SRC 808.045(e)(2): In addition to any condition imposed under subsection (e)(1) of this

section, where a variance is proposed to the requirements for the preservation of trees and native vegetation in riparian corridors, the approval shall include the following conditions:

Finding: As discussed in the above site plan review findings in Section 7 of this report, the applicant has indicated that affected areas of the Riparian Corridor will be mitigated, and removed trees will be replaced with native trees and vegetation in conformance of SRC 808.055.

Condition 6: At the time of building permit, the applicant shall submit a landscaping and irrigation plan conforming with SRC 808.055 and SRC 807 with all vegetation and trees planted within the Riparian Corridor required to be native.

RECOMMENDATION

Staff recommends that the Hearing Officer adopt the facts and findings of the staff report and take the following actions for the subject property located at 3750 Fairview Industrial Drive SE (Marion County Assessor Map and Tax Lot Number: 083W0200/1804):

A. **APPROVE** the Quasi-Judicial Zone Change subject to the following condition of approval:

Condition 1: In addition to the permitted uses identified in Condition 2 of CPC/ZC07-01, Basic Utilities and Power Generation Facilities as classified under SRC 400.110 are a permitted use.

B. **APPROVE** the Class 3 Site Plan Review subject to the following condition of approval:

Condition 2: Prior to Building Permit issuance, the applicant shall record the property line adjustment.

Condition 3: Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards (PWDS)*.

Condition 4: Prior to issuance of a Certificate of Final Approval, dedicate an easement for the existing public storm main on the site to current standards in Public Works Design Standards Section 1.8 (Easements).

Condition 5: Prior to issuance of a Certificate of Final Approval, install street trees to the maximum extent feasible along Fairview Industrial Drive SE.

C. **APPROVE** the Tree Regulation Variance.

Condition 6: At the time of building permit, the applicant shall submit a landscaping and

irrigation plan conforming with SRC 808.055 and SRC 807 with all vegetation and trees planted within the Riparian Corridor required to be native.

D. **APPROVE** the Property Line Adjustment

Attachments:

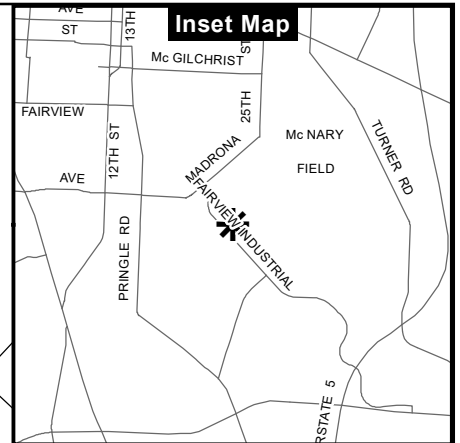
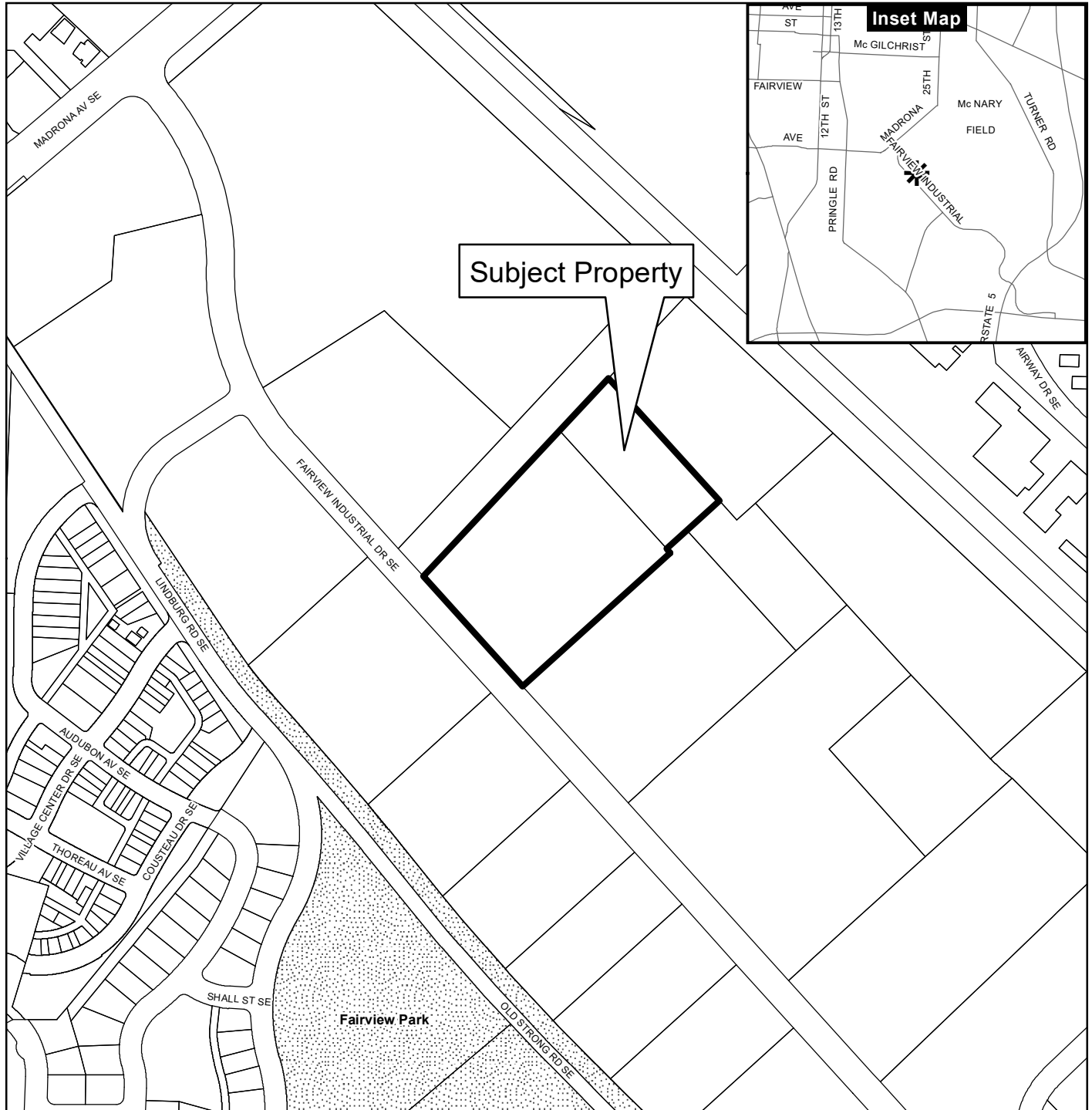
- A. Vicinity Map
- B. Site Plan and Property Line Adjustment Plan
- C. Exhibit 1 of CPC-ZC07-01

Prepared by Jacob Brown, Planner II








\\allcity\CDGroup\CD\PLANNING\CASE APPLICATION Files 2011-On\ZONE CHANGE\2023\Planner Docs\ZC23-01.jrb.docx

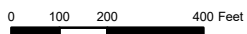
Vicinity Map

3750 Fairview Industrial Drive SE

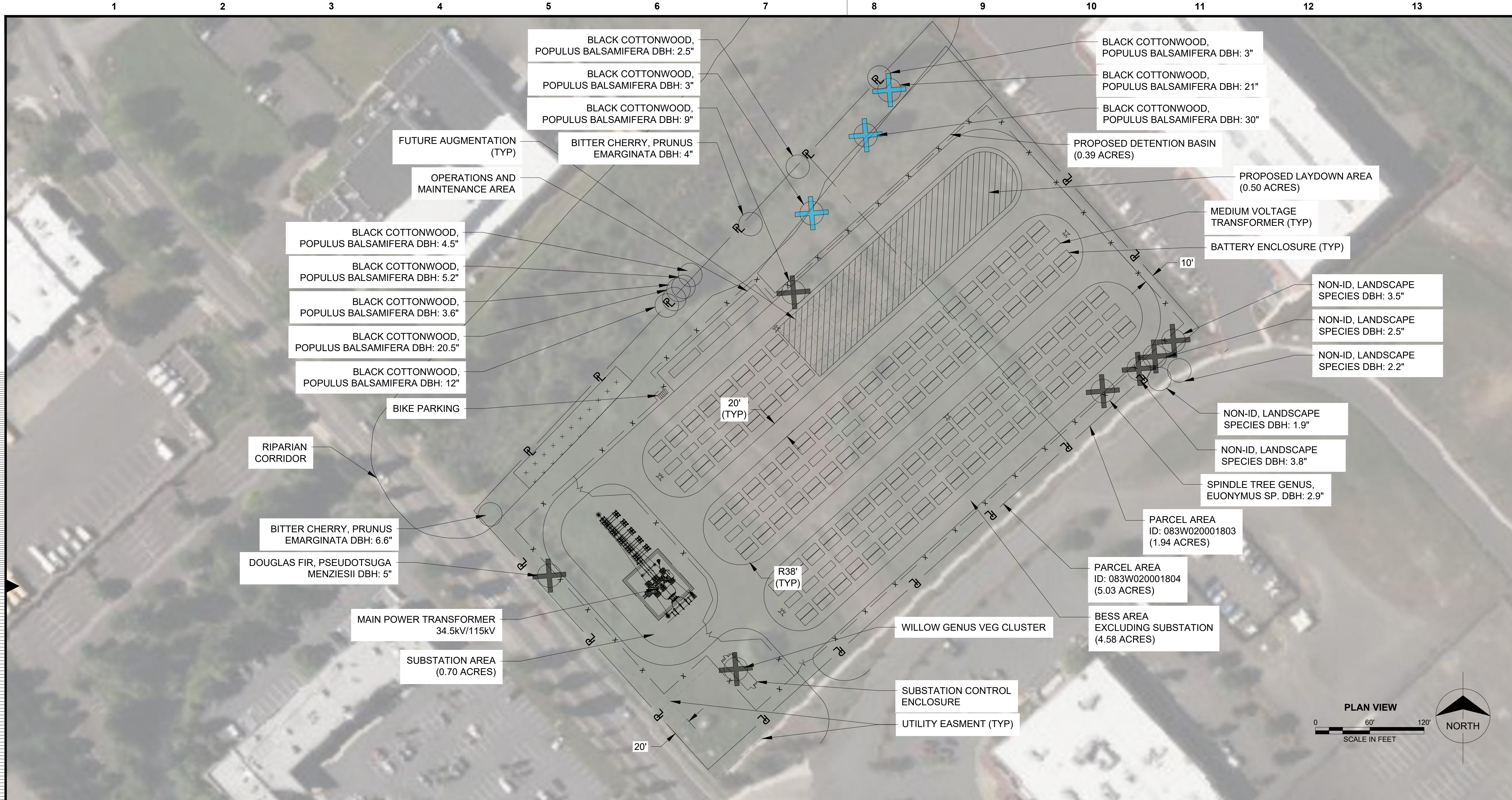


Legend

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



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no.	date	by	ckd	description
A	12/13/24	EDV	AR	ISSUED FOR REVIEW
B	12/19/24	EDV	AR	ISSUED FOR REVIEW
C	01/24/25	EDV	AR	ISSUED FOR REVIEW
D	05/22/25	EDV	AR	ISSUED FOR REVIEW
E	08/22/25	EDV	AR	ISSUED FOR REVIEW
F	09/15/25	EDV	AR	ISSUED FOR REVIEW

Millimeters
Scale For Microfining
Inches



PRELIMINARY - NOT FOR CONSTRUCTION

BURNS MCDONNELL
9400 WARD PARKWAY
KANSAS CITY, MO 64114
816-333-9400
Burns & McDonnell Engineering Co, Inc.

ENERGY STORAGE SYSTEM DESCRIPTION	
NAMEPLATE	185 MW / 740 MWh

MATERIAL LIST	
NUMBER OF BATTERY ENCLOSURES (BOL)	192
NUMBER OF BATTERY ENCLOSURES (EOL)	220
NUMBER OF MEDIUM VOLTAGE TRANSFORMERS (BOL)	48
NUMBER OF MEDIUM VOLTAGE TRANSFORMERS (EOL)	55

- LEGEND:**
- — — — — PROPERTY LINE
 - - - - - FENCE
 - - - - - SETBACK
 - - - - - PARCEL LINE
 - ⊕ GATE
 - ⊕ FIRE HYDRANT
 - TREE
 - ⊗ TREE (TO BE REMOVED)
 - ⊗ TREE (TO BE REMOVED FROM RIPARIAN CORRIDOR)
 - ⊕ DESIGNATED REPLANTING AREA

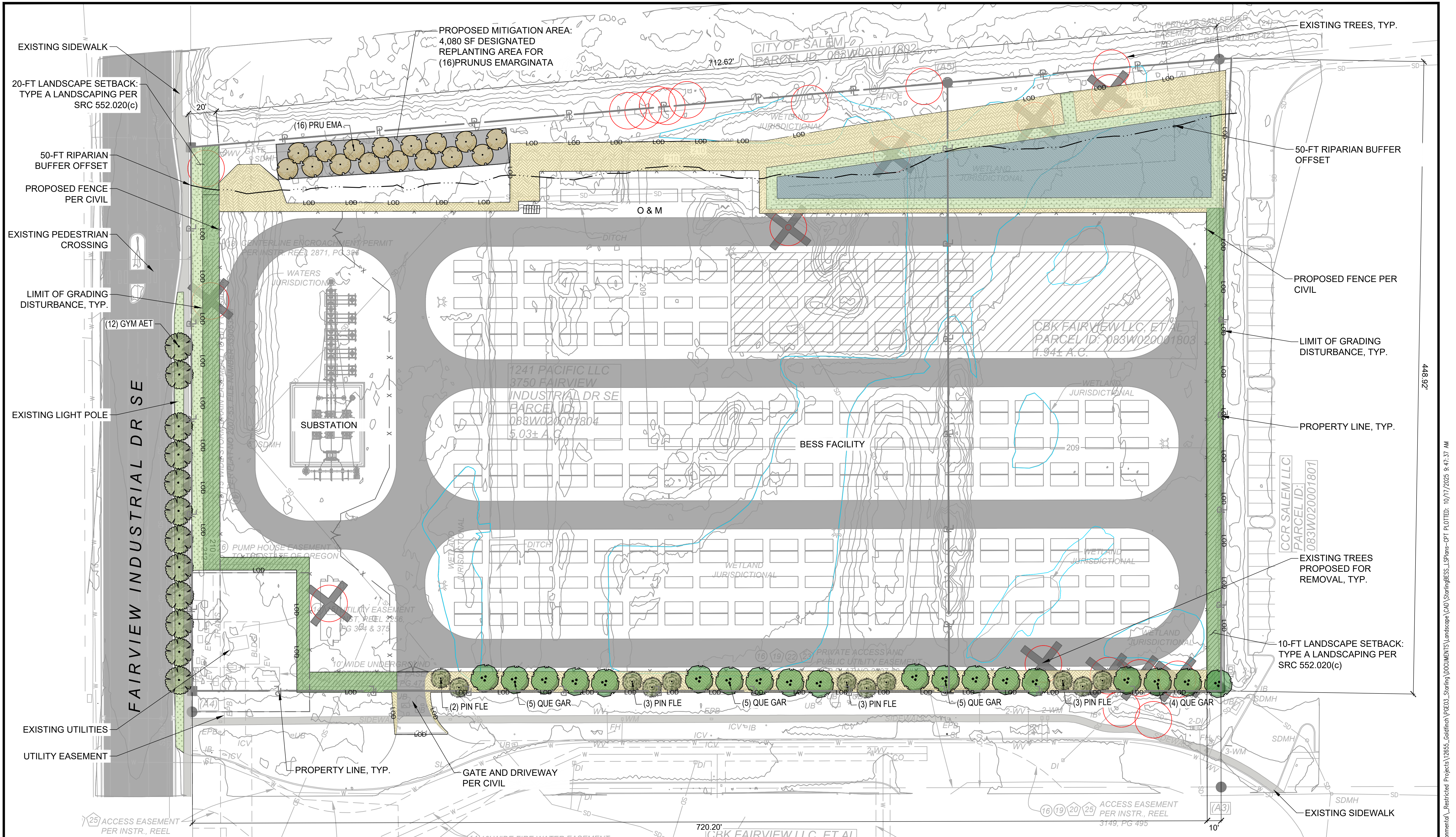
- ABBREVIATION LIST:**
- BESS - BATTERY ENERGY STORAGE SYSTEM
 - BOL - BEGINNING OF LIFE
 - EOL - END OF LIFE
 - POI - POINT OF INTERCONNECTION
 - TYP - TYPICAL

NOTES:

1. FINAL LAYOUT SUBJECT TO CHANGE BASED ON FINAL ENVIRONMENTAL, CIVIL, GEOTECHNICAL, AND AUTHORITY HAVING JURISDICTION REQUIREMENTS.
2. EQUIPMENT QUANTITIES, CONFIGURATION, AND FOOTPRINT SUBJECT TO CHANGE BASED ON FINAL BESS TECHNOLOGY SELECTION AND ADDITIONAL PROJECT DUE DILIGENCE.

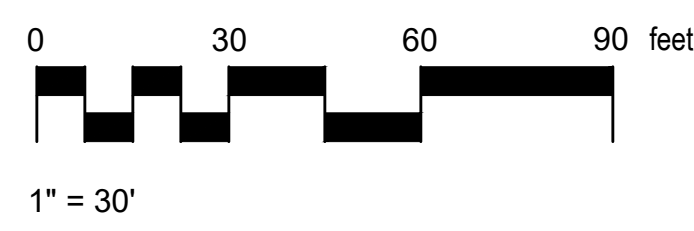
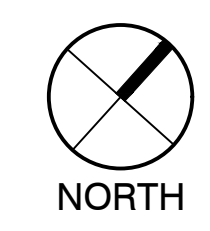
date	09/15/25	detailed	E. VILA
designed	E. VILA	checked	A. ROOT

MARION COUNTY, OREGON			
STARLING ENERGY STORAGE			
185 MW / 740 MWH			
SITE PLAN			
project	179265	contract	
drawing	LAYOUT	rev.	F
sheet	1	of	1
file	StarlingLayout.dwg		



**PLANNING ENTITLEMENTS FOR:
STARLING ENERGY STORAGE SYSTEM**
 CLIENT: STARLING ENERGY STORAGE, LLC
 PROJECT LOCATION: CITY OF SALEM, OREGON
 SUBMITTAL DATE: 10/17/2025
NOT FOR CONSTRUCTION

FINAL PRELIMINARY LANDSCAPE PLAN



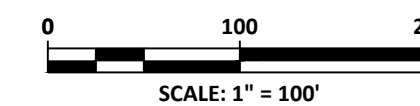
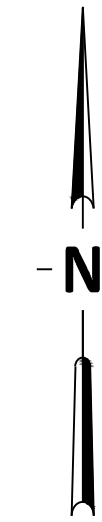
SEE L2 FOR PLANTING SCHEDULE, IMAGES, AND NOTES

**L1
DUDEK**
 605 NE 21ST STREET, SUITE 200
 PORTLAND, OR 97232

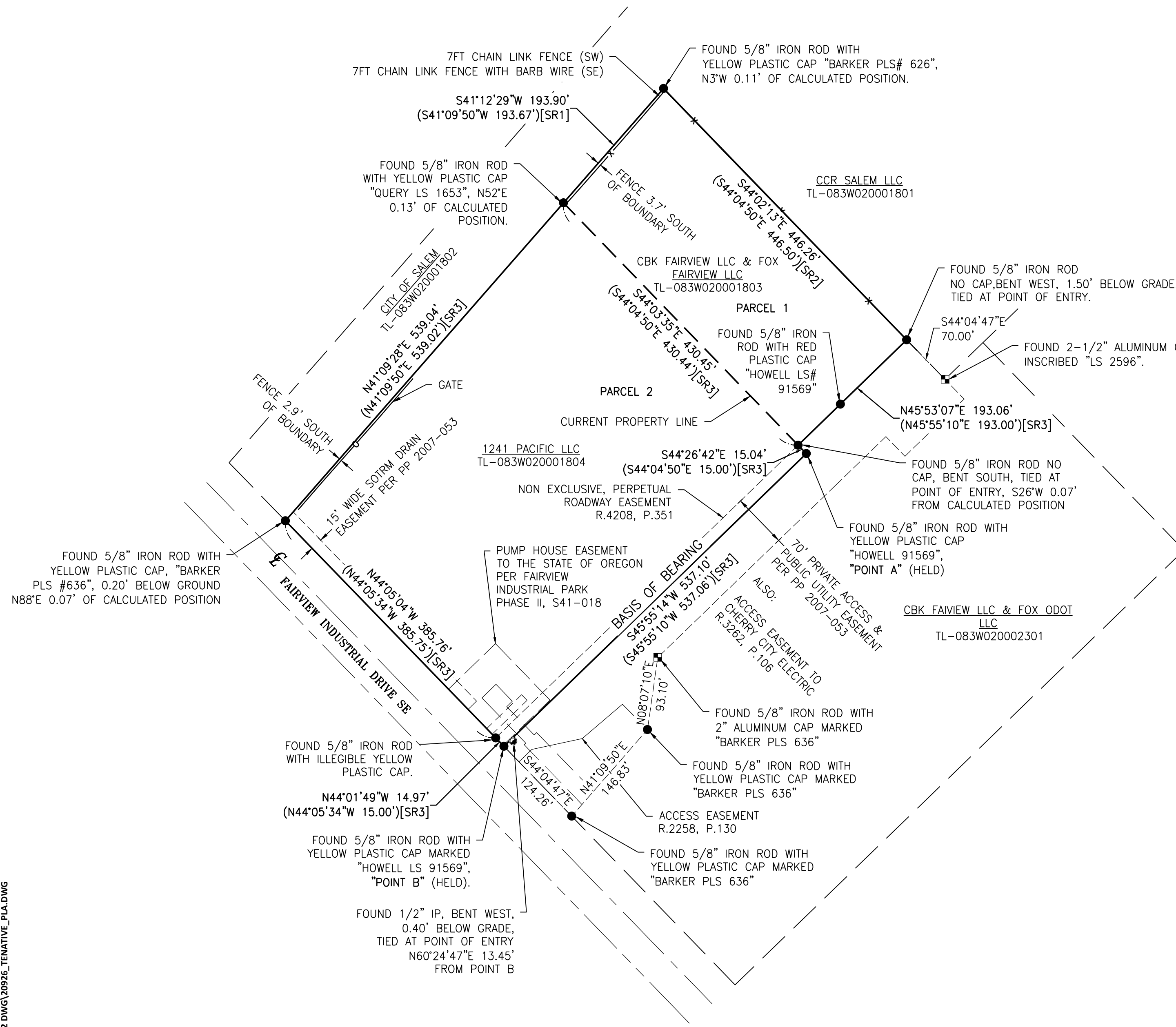
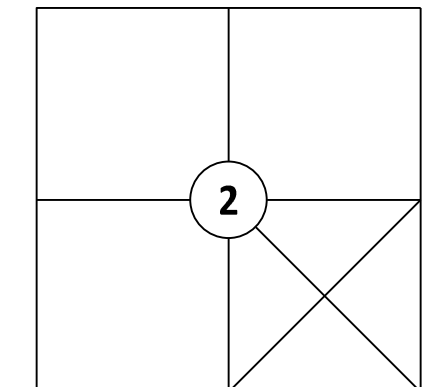
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TENTATIVE PLA

LOCATED IN THE SOUTHEAST QUARTER OF
SECTION 2, TOWNSHIP 8 SOUTH, RANGE 3 WEST
WILLAMETTE MERIDIAN
CITY OF SALEM, MARION COUNTY, OREGON
APRIL 2025



S2, T8S, R3W, W.M.



NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO COMBINE TL-083W020001903 AND TL-083W020001804 AS SHOWN HEREON.

BASIS OF BEARING

BASIS OF BEARING IS S45°55'14"W BETWEEN A FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP "HOWELL 91569" "POINT A" AND FOUND 5/8" IRON ROD WITH YELLOW PLASTIC CAP "HOWELL 91569" "POINT B".

REFERENCE SURVEYS

- SR1 PP 2007-053
- SR2 MCSR 38469
- SR3 MCSR 39631

PROCEDURE

RTK GPS MEASUREMENTS UTILIZING AN R10 GPS RECEIVER WERE USED DURING THIS SURVEY. A TRIMBLE S5, 3 SECOND ROBOTIC STATION WAS USED WHERE GPS OBSERVATIONS WERE NOT SUITABLE.

AREA CALCULATIONS

PARCEL 1 - CONTAINING 84,669 SQFT OR 1.94 ACRES MORE OR LESS.
PARCEL 2 - CONTAINING 227,245 SQFT OR 5.22 ACRES MORE OR LESS.
COMBINED LOTS - CONTAINING 311,914 SQFT OR 7.16 ACRES MORE OR LESS

LEGEND

- FOUND MONUMENT, AS NOTED (DECEMBER 2024)
- FOUND ALUMINUM CAP, AS NOTED (DECEMBER 2024)
- FOUND MONUMENT, AS NOTED (DECEMBER 2024)

REGISTERED PROFESSIONAL LAND SURVEYOR

PRELIMINARY

OREGON
JUNE 30, 1997
PATRICK JAMES SCOTT
2823

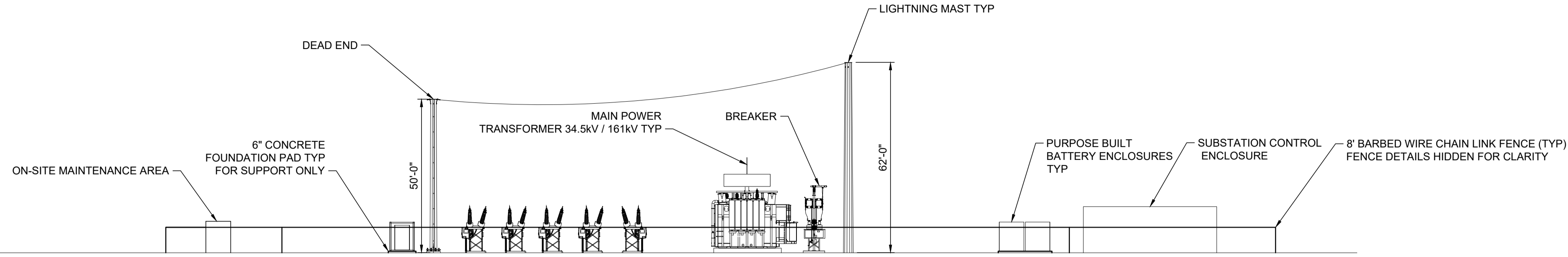
RENEWS: JUNE 30, 2026

Mackay Spósito
ENERGY PUBLIC WORKS LAND DEVELOPMENT
www.mackaysposito.com

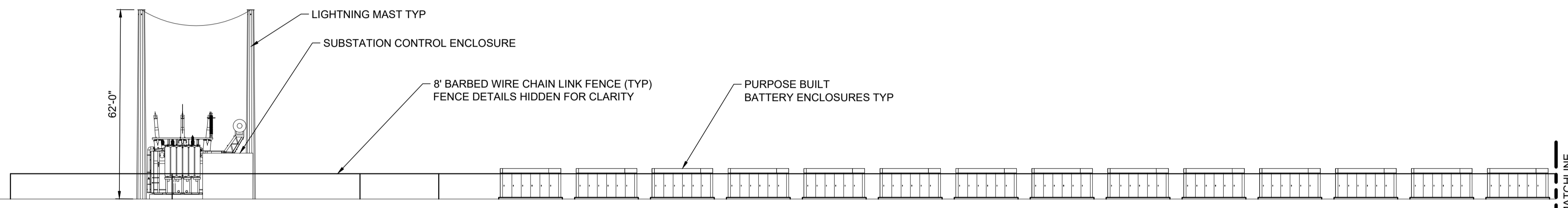
18405 SE MILL PLAIN BLVD., SUITE 100
VANCOUVER, WA 98683
PHONE: (360) 695-3411

CALC BY: _____ ESC	DRAWN BY: _____ ESC	JOB NO.: _____ 20926
CHECKED BY: _____ PJS	FILE: 20926_TENATIVE_PLA.DWG	SHEET 1 OF 1

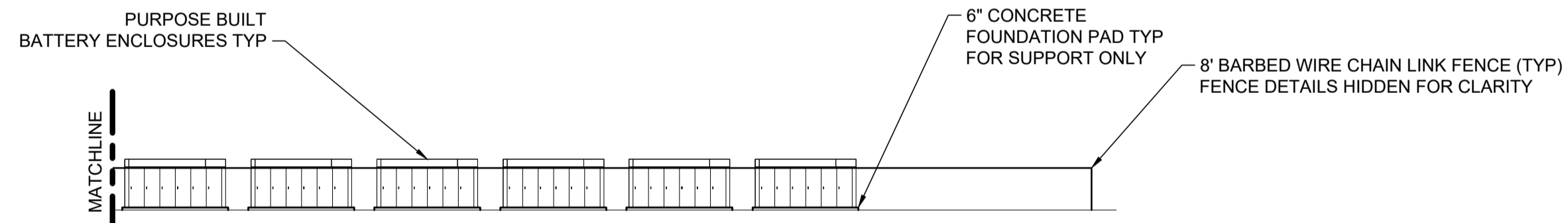
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ELEVATION
 A
 LOOKING NORTH EAST
 0 10' 20' 40'
 SCALE IN FEET



ELEVATION
 B
 LOOKING NORTH WEST
 0 10' 20' 40'
 SCALE IN FEET



ELEVATION
 B
 LOOKING NORTH WEST

Scale For Microfilming
 Millimeters
 Inches

no.	date	by	ckd	description
A	12/13/24	KEJ	AR	ISSUED FOR REVIEW
B	12/19/24	KEJ	AR	ISSUED FOR REVIEW
C	01/24/25	KEJ	AR	ISSUED FOR REVIEW
D	09/15/25	KEJ	AR	ISSUED FOR REVIEW

PRELIMINARY - NOT FOR CONSTRUCTION

BURNS MEDONNELL
 9400 WARD PARKWAY
 KANSAS CITY, MO 64114
 816-333-9400
 Burns & McDonnell Engineering Co., Inc.
 LICENSEE NO. 000165

date	-	detailed	C. BRYAN
designed	C. BRYAN	checked	-

MARION COUNTY, OREGON
STARLING ENERGY STORAGE
 SITE ELEVATION VIEWS LOOKING NORTH EAST AND NORTH WEST

project	179265	contract	-
drawing	EXS-101	rev.	D
sheet	of	sheets	
file EXS-101.DWG			

Exhibit 1: IC (Industrial Commercial) Zoning District Use Matrix
Agriculture and forestry
Agricultural production - crops (01)
Landscape and horticultural services (078)
Timber tracts (081)
Forest nurseries and gathering of forest products
Forestry services (085)
Construction
Building construction - general contractors and operative builders (15)
Construction - special trade contractors (17)
Manufacturing
Dairy products (202)
Canned, frozen and preserved fruits, vegetables and food specialities (203)
Canned, frozen and preserved fruits, vegetables and food specialities (203)
Bakery products (205)
Candy and other confectionery products (2064 & 2068)
Chocolate and cocoa products (2066)
Chewing gum (2067)
Beverages (208)
Miscellaneous food preparations and kindred products (209)
Tobacco manufacturers (21)
Textile mill products (22)
Apparel and other finished products made from fabrics and similar materials (23)
Wood kitchen cabinets (2434)
Paperboard containers and boxes (265)
Printing, publishing, and allied industries (27)
Leather and leather products (31) BUT EXCLUDING leather tanning and finishing (311)
Metal cans and shipping containers (341)
Cutlery, hand tools and general hardware (342)
Heating equipment, except electric and warm air; and plumbing fixtures (343)
Metal forgings and stampings (346)
Computer and office equipment (357)

Exhibit 1: IC (Industrial Commercial) Zoning District Use Matrix

Electronic and other electrical equipment and components, except computer equipment (36) BUT EXCLUDING storage batteries (3691) and primary batteries, dry and wet (3692)

Motor vehicles and motor vehicle equipment (371)

Aircraft and parts (372)

Measuring, analyzing, and controlling instruments; medical and optical goods; watches and clocks (38) BUT EXCLUDING photographic equipment and supplies (386)

Signs and advertising specialties (3993)

Transportation communication, electric, gas, and sanitary services

Railroad transportation (40)

Motor freight transportation and warehousing (42)

US Postal Service (43)

Transportation services (47)

Communication (48)

Wholesale trade

Wholesale trade-durable goods (50) BUT EXCLUDING automobiles and other motor vehicles (5012), lumber and other construction materials (503), coal and other minerals and ores (5052), construction and mining machinery and equipment (5082), and scrap and waste materials (5093)

Wholesale trade-nondurable goods (51) BUT EXCLUDING livestock (5154) and chemicals and allied products (516)

Retail trade

Eating and drinking places (58)

Direct Selling Establishments (5963)

Catalog and Mail Order Houses (5961)

Finance, insurance and real estate

Depository Institutions (60)

Nondepository Credit Institutions (61)

Security and commodity brokers, dealers, exchanges and services (62)

Insurance carriers (63)

Insurance agents, brokers, and services (64)

Real estate (65)

Holding and other investment offices (67)

Services

Hotels and motels (701) BUT EXCLUDING casino hotels

Exhibit 1: IC (Industrial Commercial) Zoning District Use Matrix

Mailing, reproduction, commercial art and photography, and stenographic services (733)
Disinfecting and pest control services (73420)
Building Cleaning and maintenance services not elsewhere classified (7349)
Photofinishing laboratories (7384)
Miscellaneous repair services (76)
Welding repair (7692)
Repair shops and related services, not elsewhere classified (7699)
Motion pictures (78)
Amusement and recreation services (79) BUT EXCLUDING casinos, racing, including track operation (7948) and entertainment establishments, except as permitted as a special use in SRC 155.030(a)(2)
Health services (80) BUT EXCLUDING hospitals (806)
Legal services (81)
Educational services (82)
Vocational school; except vocation high schools, not elsewhere classified (8249)
Social services (83) BUT EXCLUDING residential care (836)
Child day care services (835)
Membership organizations (86)
Civic, social, and fraternal organizations (864)
Engineering, Accounting, Research, Management, and Related Services (87)
Research development and testing laboratories (873)
Testing laboratories (8734)
Management, consulting, and public relations services (874)
Management and public relations services (8749)
Services not elsewhere classified (899)
Public Administration
General government, not elsewhere classified (919)
Fire protection (9224)
Executive Offices (911)
Finance, taxation, and monetary policy (93)
Administration of human resources programs (94)
Administration of environmental quality & housing programs (95)

Exhibit 1: IC (Industrial Commercial) Zoning District Use Matrix

Administration of economic programs (96)
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Other uses

Utilities-truck and equipment storage and parking, and material storage yard.

Accessory building and uses normal and incidental to the uses permitted in this district
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Transit stop shelters
