

**TO:** HEARINGS OFFICER

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

**SUBJECT:** **CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW CASE NO. CU-SPR23-02**  
**3997 CARSON DRIVE SE – 97317**  
**AMANDA NO. 23-102368-PLN**

**REQUEST**

Summary: New oil-change facility and residential units in the CR (Retail Commercial) zone.

Request: A Conditional Use Permit to add a drive-through oil change facility to the existing development at 3997 Carson Drive SE (Marion County Assessor Map and Tax Lot 082W06AB / 10100); in conjunction with a Class 3 Site Plan Review to construct three residential units above a retail building on the abutting property at 4005 Hagers Grove Road SE (Marion County Assessor Map and Tax Lot 082W06AB / 10000). The subject properties are approximately 1.5 acres in size and zoned CR (Retail Commercial).

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

**APPLICANT:** Inderjit Dhawaliwal

**OWNER:** Avi LLC, Inderjit Singh Dhaliwal and Harender Dhaliwal

**AGENT:** Leonard Lodder

**APPLICATION PROCESSING**

On January 20, 2023, Conditional Use Permit and Class 3 Site Plan Review applications were accepted for processing. After receiving additional information, the collective applications were deemed complete for processing on February 17, 2023. The 120-day state mandated decision deadline for this collective application is June 17, 2023.

The public hearing before the City of Salem Hearings Officer is scheduled for March 22, 2023, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) requirements on March 2, 2023. SRC 300.620(b)(3) requires the applicant to post notice on the subject property no earlier than 14 and no later than ten days prior to the public hearing. Public hearing notice was posted on the property on March 13, 2023, nine days prior to the public hearing, which does not comply with the public notice requirements for this application. Staff recommends that the Hearings Officer leave the record open for additional testimony to be provided following the March 22, 2023 public hearing.

**PROPOSAL**

The applicant has submitted Conditional Use Permit and Class 3 Site Plan Review applications

for development of a new *motor vehicle services* use in the CR zone, with the addition of three residential units to an approved retail building, for properties located at 3997 Carson Drive SE and 4005 Hagers Grove Road SE.

The consolidated application was submitted on January 20, 2023. The subject properties are currently zoned CR (Retail Commercial) as of August 25, 2022, with no changes with the implementation of the City's Our Salem project. The development site consists of two separate units of land, where the south parcel is developed with an existing retail building and associated parking which was previously approved under Case Number SPR-ADJ-DAP17-14. In addition, construction of a gas station and retail building on the abutting parcel to the north, with associated site improvements to parking, pedestrian connections, and landscaping on both properties, was recently approved under Case Number SRP-DAP22-46. On review of the application materials submitted for SPR-DAP22-46, the proposal included development of a drive-through facility indicated to be used as an oil-change facility, which is classified as a *motor vehicle services* use. In the CR zone, all other motor vehicle service uses except gasoline service stations, require a Conditional Use Permit. As such, the applicant chose to remove the oil-change facility from that proposal, until such time that a Conditional Use Permit could be applied for and reviewed as part of the development site. With recent changes to the Salem Revised Code to allow for more housing opportunities, the applicant has included the addition of three residential units above the approved retail building with this proposal.

### **SUMMARY OF RECORD**

The following items are submitted to the record and are available upon request: 1) All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; 2) any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public; and 3) all documents referenced in this report. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 23 102368.

### **APPLICANT'S MATERIALS**

The applicant's proposed development plans are included as **Attachment B**, and the applicant's statement addressing the applicable approval criteria for the consolidated applications can be found in the record and is accessible online.

### **FACTS AND FINDINGS**

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

The applications were submitted on January 20, 2023. At the time this application was submitted, the Salem Area Comprehensive Plan (SACP) map designation for the subject property is Commercial.

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

The applications were submitted on January 20, 2023. The subject properties are currently

zoned CR (Retail Commercial) as of August 25, 2022, with no changes with the implementation of the City's Our Salem project.

The zoning designation of surrounding properties is as follows:

North: Across Hagers Grove Road SE, CR (Retail Commercial) Zone

South: Across Carson Drive SE, MU-II (Mixed Use – II) Zone

East: Across Lancaster Drive SE, RM-II (Multiple Family Residential) Zone

West: Across Carson Drive SE, IG (General Industrial) Zone

### **3. Site Analysis**

The proposal is part of a development site consisting of two units of land abutting four streets on all sides. The development site has a combined frontage of approximately 340 feet of frontage along Lancaster Drive SE, 360 feet of frontage along Carson Drive SE, and 160 feet of frontage along Hagers Grove Road SE. Lancaster Drive SE is designated as a Major Arterial street in the Transportation System Plan and Carson Street SE is designated as a Collector street. The subject property is located within the Urban Growth Boundary and within the Urban Service Area.

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

The subject property is located within the Southeast Mill Creek Association (SEMCA). Pursuant to SRC Chapter 300, the applicant is required to contact the Neighborhood Association prior to submittal of this consolidated application. On January 19, 2023, the applicant contacted the SEMCA Neighborhood Association meeting the requirements of SRC 300.310(c). Notice was provided to the SEMCA Neighborhood Association and to surrounding addresses, property owners, and tenants within 250 feet of the subject property. At the time of this staff report, no public comments have been received.

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

Notice of the proposal was provided to City Departments, public agencies, and to public & private service providers. The following comments were received:

City of Salem Public Works Department: reviewed the proposal and provided a memo which is included as **Attachment C**.

City of Salem Building and Safety Division: reviewed the proposal and indicated no concerns.

City of Salem Fire Department: reviewed the proposal and indicated no concerns.

Salem-Keizer Public Schools: reviewed the proposal and submitted comments included as **Attachment D**.

## **DECISION CRITERIA FINDINGS**

### **6. Analysis of Conditional Use Criteria**

Salem Revised Code (SRC) Chapter 240.005(a)(1) provides that no building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

Salem Revised Code (SRC) 240.005(d) provides that an application for a Conditional Use Permit shall be granted if the following criteria are met.

***SRC 240.005(d)(1): The proposed use is allowed as a conditional use in the zone.***

**Finding:** The proposal includes development of a drive-through facility indicated to be used as an oil-change facility which is classified as a *motor vehicle services* use. In the CR zone, all other motor vehicle service uses except gasoline service stations, require a Conditional Use Permit; therefore, a Conditional Use Permit is required to establish the proposed uses on the subject property.

***SRC 240.005(d)(2): The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.***

**Finding:** The proposed motor vehicle services use is consistent with the character of this area of Lancaster Drive SE, and is a reasonably compatible use for the area, as outlined below.

Just north of the subject development, Lancaster Drive SE offers many retail services, as well as a gas station on the opposite side of Santiam Highway-22, providing adequate options for gas in the vicinity and for travelers using the highway. The oil change facility proposed is to be constructed as a drive-through facility, offering quick motor vehicle services that are compatible with the gas station uses along Lancaster Drive SE and approved as part of the development site. In addition, the drive-through operation means there will be no storage of vehicles or auto parts that might otherwise be associated with typical motor vehicle services uses. To ensure the operation of the oil-change facility maintains minimal impact to the surrounding neighborhood, the following condition applies:

**Condition 1:** There shall be no outdoor storage of vehicles or vehicle parts on site. No parking spaces shall be used for the storage of vehicles. Any outdoor storage shall require site plan review to obtain approval for a sight-obscuring enclosure to be screened from all adjacent properties.

The site is currently developed with a retail building and associated parking. The applicant's recent approval to improve the development site under SPR-DAP22-46 will include approximately 22 percent of new landscaping, including along the perimeter of the properties, exceeding the minimum of 15 percent requirement required in the CR zone. To further ensure the mitigation of any potential impacts of the oil-change facility to neighboring properties, the following condition applies:

**Condition 2:** At the time of building permit review, the applicant shall provide either six large shrubs or six ornamental trees (equivalent of 12 plant units) within the landscape strip along the 44-foot-long length of the oil-change facility abutting Lancaster Drive SE.

As conditioned, staff finds that the proposed development will have a minimal impact on the immediate neighborhood.

***SRC 240.005(d)(3): The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.***

**Finding:** The subject property is comprised of two units of land, where one parcel is currently operating with tenant spaces including two eating & drinking establishments and a retail market. The previously approved case number SPR-DAP22-46 allowed development of a new retail building and gas station pump on the adjacent parcel to the north, and associated site improvements to parking, pedestrian walkways, and landscaping for both parcels. Adjacent neighboring properties include the following uses:

North: Across Hagers Grove Road SE; Office complex

South: Across Carson Drive SE; Residential

East: Across Lancaster Drive SE; Residential

West: Across Carson Drive SE; Vacant land for Oregon Department of Geology and Mineral Industries

The two properties are located directly adjacent to each other and surrounded by streets on all four sides, and share similar retail and motor vehicle uses with similar impacts. In addition, the inclusion of new residential units creates a new mixed-use building with retail sales below, and three residential dwelling units above. To minimize potential impacts of the motor vehicle services use to residential units neighboring the property and located on site, staff recommends that the Hearings Officer adopt a condition of approval limiting the normal hours of operation where the business is open to the public to between the hours of 8 AM and 8 PM.

**Condition 3:** Normal hours of operation where the business is open to the public may only be between the hours of 8 AM and 8 PM.

Given the location of the proposed buildings, addition of landscaping along the perimeter of the building, and limits on the hours of operation, staff finds that the proposed development will have a minimal impact on the livability of the surrounding property.

## **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:** The applicant is requesting development of a new drive-through oil-change facility for property located at 3997 Carson Dr SE, along with the addition of three residential units above an approved retail building for property located at 4005 Hagers Grove Road SE. The proposed site plan complies with all applicable development standards of the Unified Development Code (UDC), as approved under SPR-DAP22-46 (**Attachment E**). All conditions of approval under SPR-DAP22-46 shall still apply to the development site. The following are the applicable development standards specific to the new oil-change facility building, and the addition of three new residential units above an approved retail building.

**Use and Development Standards – CR (Retail Commercial) Zone:**

*SRC 522.005(a) – Uses:*

Table 522-1 lists permitted uses in the CR Zone.

**Finding:** The proposal includes development of a drive-through building indicated to be used as an oil-change facility, and the addition of three residential units above a retail building. Per Table 522-1, a *three-family* use is outright permitted in the CR zone when located in a mixed-use building. The drive-through oil-change facility is classified as a *motor vehicle services* use. In the CR zone, all other motor vehicle service uses except gasoline service stations, require a Conditional Use Permit; therefore, a Conditional Use Permit is required to establish the proposed use on the subject property.

*SRC 522.010(a) – Lot Standards:*

There are no minimum lot area or dimension requirements in the CR zone. All uses, other than single family, are required to have a minimum of 16 feet of street frontage.

**Finding:** The proposal is part of a development site consisting of two units of land abutting four streets on all sides. The development site has a combined frontage of approximately 340 feet of frontage along Lancaster Drive SE, 360 feet of frontage along Carson Drive SE, and 160 feet of frontage along Hagers Grove Road SE, exceeding the minimum standard of 16 feet.

*SRC 522.010(b) – Setbacks:*

Setbacks within the CR zone shall be provided as set forth in Table 535-3 and Table 535-4.

*Abutting Street/Alley*

**North:** Adjacent to the north is right-of-way for Hagers Grove Road SE. Buildings and accessory structures must be set back a minimum of five feet abutting a street. Vehicle use areas require a minimum 6-10-foot setback per Chapter 806 adjacent to a street.

**South/West:** Adjacent to the south and west is right-of-way for Carson Drive SE. Buildings and accessory structures must be set back a minimum of five feet abutting a street. Vehicle use areas require a minimum 6-10-foot setback per Chapter 806 adjacent to a street.

**East:** Adjacent to the east is right-of-way for Lancaster Drive SE. Buildings and accessory structures must be set back a minimum of five feet abutting a street. Vehicle use areas require a minimum 6-10-foot setback per Chapter 806 adjacent to a street.

**Finding:** The proposed development does not change the location of any building or vehicle use area as approved under SPR-DAP22-46. The proposed oil-change building on the south parcel is setback at least five feet from the east property line and well over five feet from the south property line. The residential units proposed above the retail building do not extend beyond the approved footprint of the retail building except for proposed balconies on the west side of the building, which are still setback at least six feet from the closest point abutting the west property line. The proposal is in compliance with all applicable setback requirements of the CR zone and SRC Chapter 806.

#### *Interior Property Lines*

**North/South:** The proposal is part of a development site consisting of two units of land zoned CR (Retail Commercial) sharing a common property line; the south parcel abuts the CR zone to the north, and the north parcel abuts the CR zone to the south. There is no minimum building or accessory structure setback required to an interior property line. Vehicle use areas require a minimum five-foot setback.

**Finding:** The proposed development does not change the location of any building or vehicle use area as approved under SPR-DAP22-46. The residential units proposed above the retail building do not extend beyond the approved footprint of the retail building along the south side of the building and are setback at least five feet from the shared north/south property line. The proposal is in compliance with all applicable setback requirements of the CR zone.

#### *SRC 522.010(b) – Lot Coverage, Height:*

There is no maximum lot coverage requirement. The maximum height in the CR zone is 50 feet.

**Finding:** The tallest building proposed is approximately 28 feet in height and in compliance with the maximum height standard in the CR zone.

#### *SRC 522.010(d) – Landscaping:*

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

**Finding:** The proposal does not include changes to required setbacks or vehicle use areas as approved under SPR-DAP22-46. The development site was evaluated as a whole under the previous land use decision, and the applicant is providing adequate landscaping to meet the minimum requirements for the development site.

Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC Chapter 807 at the time of building permit application review.

### **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 1 cubic yard or larger is proposed.

**Finding:** The proposal does not include changes to the new trash enclosure as approved under SPR-DAP22-46. These standards do not apply with this proposal.

#### *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. For purposes of this section development means the construction of, or addition to, a building or accessory structure or the construction of, or alteration or addition to, an off-street parking or vehicle use area. Development does not include construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area.

When a development site is comprised of lots under separate ownership, the pedestrian access standards set forth in this section shall apply only to the lot, or lots, proposed for development, together with any additional contiguous lots within the development site that are under the same ownership as those proposed for development.

**Finding:** The development proposed under SPR-DAP22-46 considered the future approval of the oil-change facility, and all required pedestrian connections were proposed for the development site. However, the new oil-change building means the standards of this section apply for this proposal.

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

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

**Finding:** The applicant's plans indicate direct pedestrian access to be provided from the proposed building on the north parcel, housing the residential units, to Hagers Grove Road SE to the north and Carson Drive SE to the west. The applicant has also provided a pedestrian connection between the existing and proposed buildings on each parcel, which provides a shared access for both buildings to Lancaster Drive SE to the east. The applicant's plans indicate a pedestrian connection proposed through the parking lot on the south parcel to



connect to the primary entrance of the new oil-change building to the existing building, which provides an existing pedestrian connection to Carson Street to the south. This standard is met.

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

**Finding:** There are no existing or planned transit stops along the development site's street frontage. This standard does not apply to the proposed development.

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

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

**Finding:** Multiple buildings are proposed for the development site. Pedestrian connections are provided connecting the primary building entrances of all proposed buildings on the north parcel to the existing building and proposed oil-change building on the south parcel; therefore, this standard is met.

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

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

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

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

**Finding:** The development site does not include any existing or proposed parking structures or garages greater than 25,000 square feet; 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 is not a planned path or trail that passes 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 is comprised of two properties under same ownership. The applicant's plans provide pedestrian connections between the existing building on the south parcel and the proposed buildings on the north parcel; therefore, this standard is met.

*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:** The pedestrian connections proposed measure at least five feet in width in all locations. The type of material proposed for the pedestrian connections is not listed in the application materials. At the time of building permit, the applicant shall demonstrate that all applicable standards of this section are met. To ensure that the proposed pedestrian walkway meets the design and material standards, including where walkway passes driveways and drive-aisles, the following condition applies:

**Condition 4:** At the time of building permit review, the applicant shall demonstrate that all required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b) and 800.065(c).

*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:** The application materials do not provide sufficient detail to determine compliance with this development standard. Per Condition 4 above, at the time of building permit review,

the plans will be reviewed for conformance with applicable exterior lighting development standards.

**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.

*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.

**Finding:** The proposal includes development of a new off-street parking area located on the same development site as the proposed building.

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

- a) *Minimum Required Off-Street Parking.* Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1.
- b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Maximum Off-Street Parking.* Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

**Finding:** The proposal includes construction of a new drive-through oil-change building approximately 1,888 square feet in size, which is classified as a *motor vehicle services* use and requires a minimum of one off-street parking spaces per 900 square feet of gross floor area. The following is a summary of the parking requirements for the development site as evaluated under SPR-DAP22-46, with the inclusion of the new oil-change building and residential units:

<b>Use</b>	<b>Floor Area</b>	<b>Parking Ratio</b>	<b>Minimum Parking</b>
Retail Sales & Service	10,628 SF	1/250 SF	42.5
Motor Vehicle Services - Gas Station	3,072 SF	1/900 SF	3.4
Motor Vehicle Services - Oil-change facility	1,888 SF	1/900 SF	2.1
Three-family residential	N/A	None required	0
<b>Total</b>			<b>48 Spaces</b>

A minimum of 48 off-street parking spaces are required for the development site, with a maximum allowance of 84 spaces ( $48 \times 1.75 = 84$ ). A minimum of 21 of the off-street parking spaces must be standard sized spaces, the remaining spaces may be compact spaces. Carpool/vanpool spaces are not required for new uses with less than 60 required parking spaces.

The proposed site plan indicates that 48 parking spaces will be provided on site, 20 of which are compact spaces; therefore, the proposal meets the standards.

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

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.
- b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

**Finding:** The proposal does not include changes to required setbacks or vehicle use areas as approved under SPR-DAP22-46. The development site was evaluated as a whole under the previous land use decision, and the applicant is providing adequate perimeter landscaping to meet the minimum requirements for the development site. All vehicle use areas are setback at least five feet from the shared property line between the two units of land that make up the development site. The off-street parking and vehicle use areas comply with all applicable location and perimeter setback requirements.

- d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area.

**Finding:** The proposal does not include changes to required setbacks or vehicle use areas as approved under SPR-DAP22-46. The development site was evaluated as a whole under the previous land use decision, and the applicant is providing adequate interior parking lot landscaping to meet the minimum requirements for the development site.

Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC Chapter 807 at the time of building permit application review.

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

**Finding:** The proposed off-street parking spaces comply with the minimum aisle width and dimensional requirements for compact and standard vehicle parking spaces established in Table 806-6.

- f) *Off-street parking area access and maneuvering.* In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:

- (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
- (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-7.

**Finding:** The proposed off-street parking spaces are designed to allow safe and convenient access through the new vehicle use area and the adjacent existing vehicle use area, and do not require any turnaround areas; therefore, they do not require conformance with this standard.

*g) Additional Off-Street Parking Development Standards 806.035(g)-(n).*

**Finding:** The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. Bumper guards shall be provided as required by SRC Chapter 806. The parking area striping, marking, signage, and lighting shall comply with the standards of SRC Chapter 806. Off-street parking area screening per SRC 806.035(n) is not required for the proposed parking area.

**Bicycle Parking**

*SRC 806.045 – General Applicability.*

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

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

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

*SRC 806.055 – Amount of Bicycle Parking.*

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

**Finding:** As indicated above, the development site proposes multiple uses on site. The proposal includes construction of a new drive-through oil-change building approximately 1,888 square feet in size, which is classified as a *motor vehicle services* use and requires a minimum of one bicycle parking space per 9,000 square feet of gross floor area. The following is a summary of the parking requirements for the development site as evaluated under SPR-DAP22-46, with the inclusion of the new oil-change building and residential units:

<b>Use</b>	<b>Floor Area</b>	<b>Parking Ratio</b>	<b>Minimum Parking</b>
Retail Sales & Service	10,628 SF	Greater of 4 spaces or 1/10,000 SF (50,000 SF)	4
Motor Vehicle Services - combined	4,960 SF	1/9,000 SF	0.55
Three-family residential	N/A	None required	0
<b>Total</b>			<b>5 Spaces</b>

A minimum of five bicycle parking spaces are required for the proposed development. The applicant's summary table indicates that four bicycle parking spaces are proposed for the new buildings on the north parcel, and four bicycle parking spaces are existing with the development on the south parcel, exceeding the minimum requirements.

*SRC 806.060 – Bicycle Parking Development Standards.*

Bicycle parking areas shall be developed and maintained as set forth in this section.

- (a) *Location.* Short-term bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
- (b) *Access.* Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area
- (c) *Dimensions.* Except as provided for bicycle lockers, bicycle parking spaces shall be a minimum of 6 feet in length and 2 feet in width, with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side. Bicycle parking spaces shall be served by a minimum 4-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.
- (d) *Surfacing.* Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.
- (e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards:
  - (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
  - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
  - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
  - (4) Racks shall be securely anchored.
  - (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

**Finding:** The applicant's site plan indicates four proposed bike parking spaces on the east side of the north building and four existing bike parking spaces on the east side of the south building, both of which are within a convenient distance of their respective building entrances. The applicant has provided details that indicate the bicycle racks meet the required dimensions and design standards. Further conformance will be verified at the time of building permit review.

**Off-Street Loading Areas**

*SRC 806.065 – General Applicability.*

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

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

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

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

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

**Finding:** The addition of the new oil-change facility use building increases the gross floor area of *motor vehicle services* uses to 4,960 square feet total, and there is no requirement to provide a loading space for less than 5,000 square feet of gross floor area. There is no change to the loading space requirement as reviewed under SPR-DAP22-46, and the applicant's plans indicate one loading space provided for the *retail sales and services* uses of 5,000 to 60,000 square feet of gross floor area. This standard is met

## Landscaping

*SRC 807 – Landscape and Screening:* 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.

**Finding:** The site plan indicates 14,889 square feet (21.96 percent) of landscaped area is proposed for the development site, meeting the minimum landscaping requirements in the CR zone. At the time of building permit review, the applicant will provide a full landscape plan demonstrating how the development site meets Type A landscaping, including all new and existing landscaped areas.

Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

## Natural Resources

*SRC 601 – Floodplain:* 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:** Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

*SRC 808 – Preservation of Trees and Vegetation:* The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 20 inches in diameter at breast height) (SRC 808.015) or a tree or

native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

**Finding:** There are no protected trees identified on the subject property.

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

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

*SRC 810 – Landslide Hazards:* A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

**Finding:** According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas within the proposed building areas of the subject development.

*SRC 802 – Public Improvements, SRC 803 – Streets and Right-of-Way Improvements, SRC 804 – Driveway Approaches, and SRC 805 – Vision Clearance:* With completion of the conditions of approval, the subject property meets all applicable standards of the following chapters of the UDC.

***SRC 220.005(f)(3)(B): The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.***

**Finding:** Carson Drive SE and Hagers Grove Road SE meet the right-of-way width and pavement width standards pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

Lancaster Drive SE is a major arterial street that has been fully improved to an interim minor arterial standard. The existing configuration of Lancaster Drive SE is adequate to support the proposed development based on findings included in the applicant's Traffic Impact Analysis (TIA). The Assistant City Traffic Engineer has reviewed the applicant's TIA and agrees with the findings. As a result, additional pavement improvements to the street frontage of Lancaster Drive SE are not warranted. As specified in the conditions of approval, right-of-way dedication to meet the half-width major arterial standard is required pursuant to SRC Chapter 803.

The proposed development is on two tax lots (082W06AB10100 and 082W06AB10000). Streetscape improvements including sidewalks, curb ramps, and street trees shall be provided along the street frontages of the development of both tax lots where inadequate.



**Condition 5:** Construct the following streetscape improvements:

- a. Along Carson Drive SE and Hagers Grove Road SE, provide curblin sidewalks, curb ramps at street intersections, and street trees, including existing areas where street trees are inadequate.
- b. Along Lancaster Drive SE, provide curb ramps at street intersections and street trees.

**Condition 6:** Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Lancaster Drive SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)); however, there are existing light poles and power poles that would need to be relocated to accommodate property-line sidewalks. At time of construction of Hagers Grove Road SE, curblin sidewalk was anticipated and the streetlights were installed in a location that would not conflict with curblin sidewalks. Along Lancaster Drive SE and portions of Hagers Grove Road SE, the existing sidewalks are located curblin. Therefore, the sidewalk may be located along the curblin as needed to reduce conflicts between existing light and power poles pursuant to SRC 803.035(l)(2)(B).

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

**Finding:** The applicant proposed one new left-in/left-out driveway along the northern property boundary with access to the one-way section of Hagers Grove Road SE. The applicant also proposes to widen the existing driveway onto Hagers Grove Road SE along the western property boundary. The driveway accesses onto Hagers Grove Road SE provide for safe turning movements into and out of the property. The changes to the proposed driveway were approved under SPR-DAP22-46.

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

**Finding:** The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

There is an existing slope easement on the subject property that was acquired by the City of Salem for the realignment of Hagers Grove Road SE. The applicant's site plan shows one of the new buildings located within the easement area. New structures are not permitted within City of Salem easements. Prior to issuance of a building permit for the new structure, all, or a portion of, the easement shall be quitclaimed.

**Condition 7:** All or a portion of the slope easement on the subject property that conflicts with the proposed building shall be quitclaimed prior to building permit issuance.

The proposed development spans two legal lots (tax lot # 082W06AB10100 and 082W06AB10000). The preliminary utility plan shows utilities crossing the interior property lines. At time of building permit application, the applicant shall be required to demonstrate any necessary easements for utilities are provided or provide an updated utility plan demonstrating easements are not needed.

The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least 10 percent of the total new impervious surface area for installation of green stormwater infrastructure. It is unclear, however, if this area accommodates new impervious surface spanning both parcels subject to the application. Additional information will be required at time of building permit application to ensure both properties meet the flow control and treatment requirements established in SRC Chapter 71 and PWDS. The applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

**Condition 8:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

## **RECOMMENDATION**

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer **APPROVE** the request for a Conditional Use and Site Plan Review consolidated application for the proposed development of a motor vehicle services use, with the addition of three residential units to an approved retail building and located at 3997 Carson Drive SE and 4005 Hagers Grove Road SE, subject to the following conditions of approval:

### **CONDITIONAL USE:**

- Condition 1:** There shall be no outdoor storage of vehicles or vehicle parts on site. No parking spaces shall be used for the storage of vehicles. Any outdoor storage shall require site plan review to obtain approval for a sight-obscuring enclosure to be screened from all adjacent properties.
- Condition 2:** At the time of building permit review, the applicant shall provide either six large shrubs or six ornamental trees (equivalent of 12 plant units) within the landscape strip along the 44-foot-long length of the oil-change facility abutting Lancaster Drive SE.

**Condition 3:** Normal hours of operation where the business is open to the public may only be between the hours of 8 AM and 8 PM.

**SITE PLAN REVIEW:**

**Condition 4:** At the time of building permit review, the applicant shall demonstrate that all required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b) and 800.065(c).

**Condition 5:** Construct the following streetscape improvements:

- a. Along Carson Drive SE and Hagers Grove Road SE, provide curblin sidewalks, curb ramps at street intersections, and street trees, including existing areas where street trees are inadequate.
- b. Along Lancaster Drive SE, provide curb ramps at street intersections and street trees.

**Condition 6:** Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Lancaster Drive SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

**Condition 7:** All or a portion of the slope easement on the subject property that conflicts with the proposed building shall be quitclaimed prior to building permit issuance.

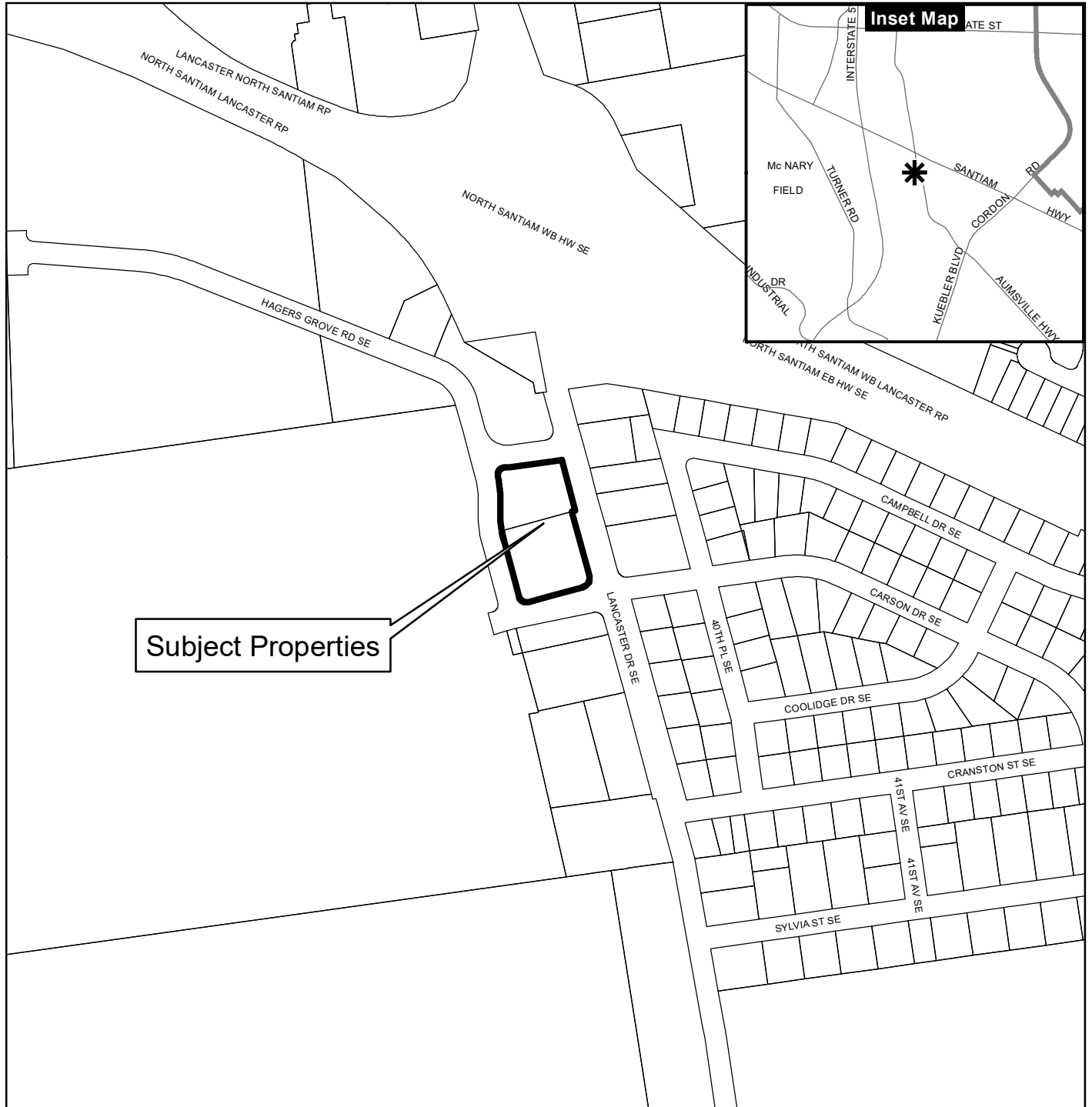
**Condition 8:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

Prepared by Jamie Donaldson, Planner II

- Attachments:
- A. Vicinity Map
  - B. Proposed Development Plans & Elevations
  - C. City of Salem Public Works Department Memo
  - D. Salem-Keizer School District Comments
  - E. Land Use Decision SPR-DAP22-46








# Vicinity Map

## 3997 Carson Dr SE & 4005 Hagers Grove Rd SE



Subject Properties

**Legend**

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



0 100 200 400 Feet



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PROJECT # 2020-109  
DATE: 01/19/2023  
REVISIONS

**Stop-N-Save Gas  
New Gas Station**  
3997 Carson Dr SE Salem OR 97317

SHEET:  
**A1.02**

**SITE PLAN GENERAL NOTES:**

- THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY AND ACCESSIBILITY ROUTES SHALL NOT EXCEED 5% (1 IN 20) OR CROSS SLOPES SHALL NOT EXCEED 2% (1 IN 50). ALL AT GRADE SIDEWALKS ARE ACCESSIBLE ROUTES.
- REFER TO CIVIL DRAWINGS FOR GRADING. SITE IS REQUIRED TO MEET THE LAWS OF FHA AND ADA. ACCESSIBLE ROUTES SHALL NOT EXCEED 5% (1 IN 20) OR CROSS SLOPES SHALL NOT EXCEED 2% (1 IN 50). ALL AT GRADE SIDEWALKS ARE ACCESSIBLE ROUTES.
- JOINTS IN CONCRETE WALKS NOTED AS E.J. ARE TO BE CONSTRUCTED AS EXPANSION JOINTS. ALL OTHER JOINTS SHOWN, TO BE TOOLED CONTROL JOINTS, SEE CIVIL.
- PROVIDE CONSTRUCTION FENCING AS REQUIRED TO SECURE SITE AND BUILDING DURING CONSTRUCTION.
- SEE LANDSCAPE DRAWINGS FOR LANDSCAPE AND IRRIGATION ELEMENTS.
- EXTREME CARE SHOULD BE TAKEN TO PRESERVE EXISTING ROOTS OF TREES TO REMAIN.
- SEE ELECTRICAL DRAWINGS FOR SITE LIGHTING.

**SITE DEVELOPMENT CODE REVIEW:**

- SITE AREA: 67,798.91 sf = 1.5564ac  
ZONING: CR Commercial Retail  
COMPREHENSIVE PLAN: COM
- BIKE PARKING:**
- 1 SPACES PER 3,500 SF, OR MINIMUM 4 SPACES
  - THEREFORE PROVIDE 4 BIKE PARKING SPACES.
- LOADING SPACES:**
- FOR BUILDINGS BETWEEN 5,000 SF TO 60,000 SF PROVIDE 1 SPACE.
  - LOADING SPACE SIZE: 12'-0" x 40'-0" WITH ACCESS TO STREET OR ALLEY.
  - LOADING SPACE IS COINCIDENT WITH AREA SET ASIDE FOR SOLID WASTE VEHICULAR ACCESS AND MANAGED TO ENSURE TWICE WEEKLY WASTE REMOVAL ACCESS.
- BUILDING AREAS:**
- BLDG 1 RETAIL: 5,918 sf
  - BLDG 2 RETAIL: 4,390 sf
  - BLDG 3 FUEL CASHIER: 252 sf
  - BLDG 4 OIL CHANGE: 1,888 sf
  - TRASH ENCLOSURE: 448 sf
- PARKING:**
- COMMERCIAL USES: 1/250th REQ'D
  - MOTOR VEHICLE SERVICES: 1/900th REQ'D
  - BLDG 1 RETAIL: @ 5,918sf/250sf = 23.672spaces
  - Stor Container: @ 320sf/250sf = 1.28spaces
  - BLDG 2 RETAIL: @ 4,390sf/250sf = 17.56spaces
  - BLDG 3 CASHIER: @ 252sf/900sf = 0.280spaces
  - BLDG 4 OIL: @ 1,888sf/900sf = 2.098spaces
  - FUEL CANOPY: @ 2,820sf/900sf = 3.133spaces
- Total Parking Req'd = 48.0spaces.  
Total Parking Provided: = 48spaces.  
20 spaces are Compact, and indicated as such.  
28 spaces are Full Size.
- MAXIMUM BUILDING HEIGHT:**
- PER S.R.C. TABLE 522.5, MAX BUILDING HT IS 50ft.
  - NO STRUCTURE ON THE SITE EXCEEDS 50FT IN HEIGHT.
  - EXISTING RETAIL BUILDING REACHES 28ft. NEW STRUCTURES ARE NOT YET FULLY DETERMINED BUT WILL BE LESS THAN 28ft IN HEIGHT.

**SITE AREA CALCULATIONS**

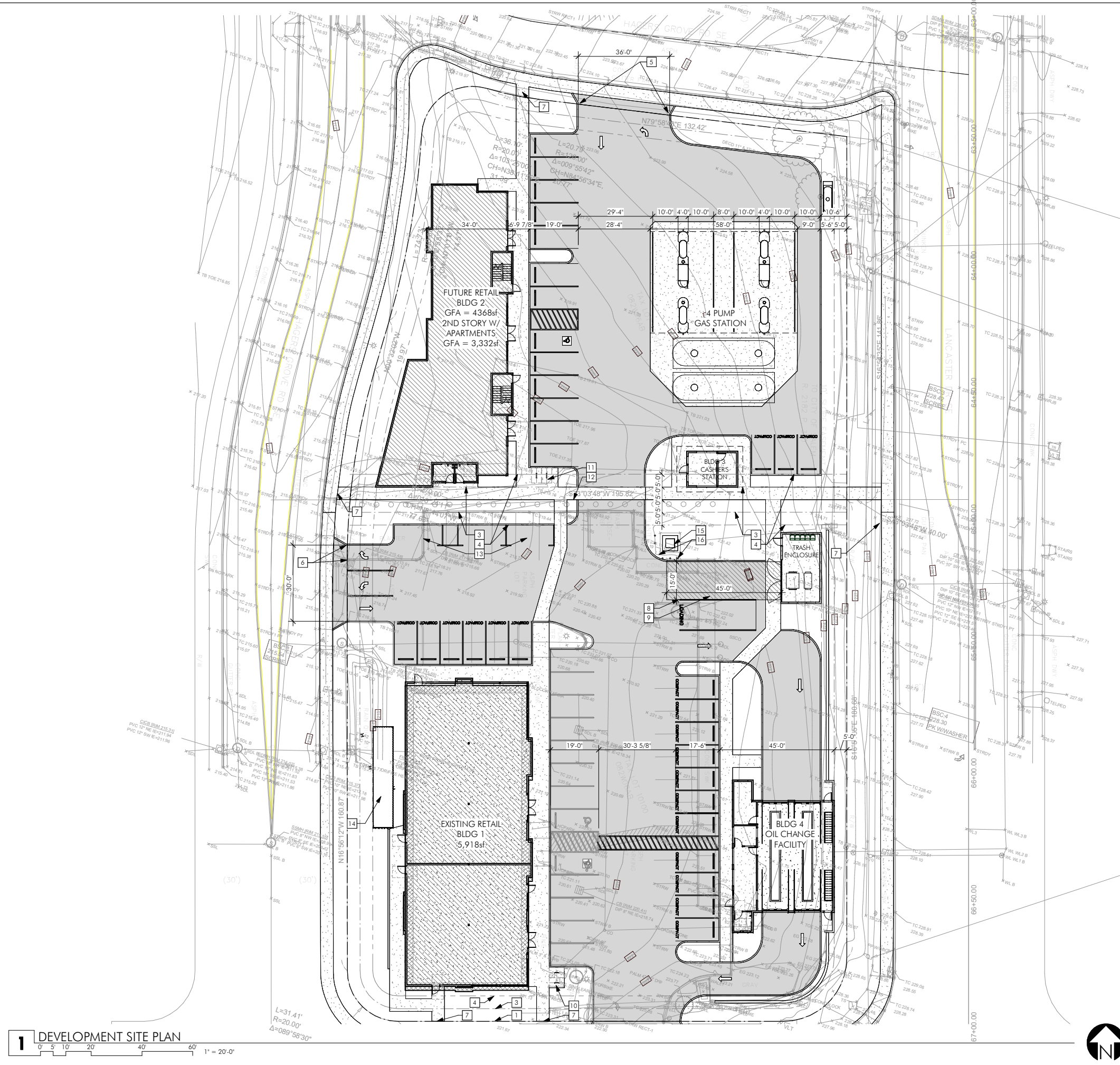
DESCRIPTION	AREA sf	PERCENT	REMARKS
<b>BUILDINGS</b>	12,690.00	18.72%	
<b>LANDSCAPING</b>	14,889.00	21.96%	
<b>ASPHALT PAVING</b>	28,907.72	42.64%	
<b>ACCESSORY STRUCTURES</b>	448.00	0.66%	TRASH ENCLOSURE
<b>CONCRETE SIDEWALKS</b>	6,446.01	9.51%	
<b>CONCRETE CURBS</b>	713.38	1.05%	
<b>CONCRETE RE-FUELING PAD</b>	4,024.80	5.94%	
<b>MISCELLANEOUS</b>	-320.00	-0.47%	Landscape under Raised Storage Container
<b>8</b>	67,798.91	100.00%	

**CANOPY AREA CALCULATIONS**

COVER DESCRIPTION	COVER AREA sf	PERCENT	COVER REMARKS
<b>RE-FUELING CANOPY</b>	2,820.00	91.21%	
<b>BUILDING OVERHANGS</b>	271.88	8.79%	
<b>2</b>	3,091.88	100.00%	

**SITE PLAN NOTES:**

- PROPERTY LINE
- RIGHT OF WAY DEDICATION
- BUILDINGS SETBACK LINE
- VEHICLE USE AREA SETBACK LINE
- NEW DRIVEWAY PERMIT, LEFT OUT, LEFT IN, ONLY.
- DRIVEWAY PERMIT, WIDEN DRIVEWAY TO 36'-0" WIDTH TO PROVIDE LEFT AND RIGHT OUT LINES.
- PEDESTRIAN CONNECTION POINT TO NEW OR EXISTING CITY SIDEWALK.
- 45' x 15' x 14'H SOLID WASTE VEHICLE OPERATION AREA.
- 30' x 12' x 14'H LOADING SPACE SHOULD BE COINCIDENT WITH SOLID WASTE VEHICLE OPERATION AREA, BUT CITY PLANNERS CANT SEEM TO SEE HOW THAT IS PERMITTED BY THE DEVELOPMENT CODE.
- 4 EXISTING BICYCLE PARKING SPACES.
- 4 NEW BICYCLE PARKING SPACES.
- EXISTING PROPERTY LINE BETWEEN TAX LOT 10,000 AND TAX LOT 10,100 TO REMAIN
- PARALLEL PARKING SPACES NECESSITATED BY CITY OF SALEM ADDITIONAL SETBACK FOR VEHICLE USE AREAS.
- STORAGE SHIPPING CONTAINER FOR EXISTING C-STORE, MOUNTED ON STEEL FRAME ABOVE EXISTING LANDSCAPING AT WEST RAISED ACCESS WALK. AREA UNDER WILL HAVE 5 TO 7 FEET CLEAR HT.
- EXISTING TRANSFORMER LOCATION
- INSTALL BOLLARDS, PER DETAIL, TO PROTECT TRANSFORMER.



**1 DEVELOPMENT SITE PLAN**  
0' 5' 10' 20' 40' 60'  
1" = 20'-0"



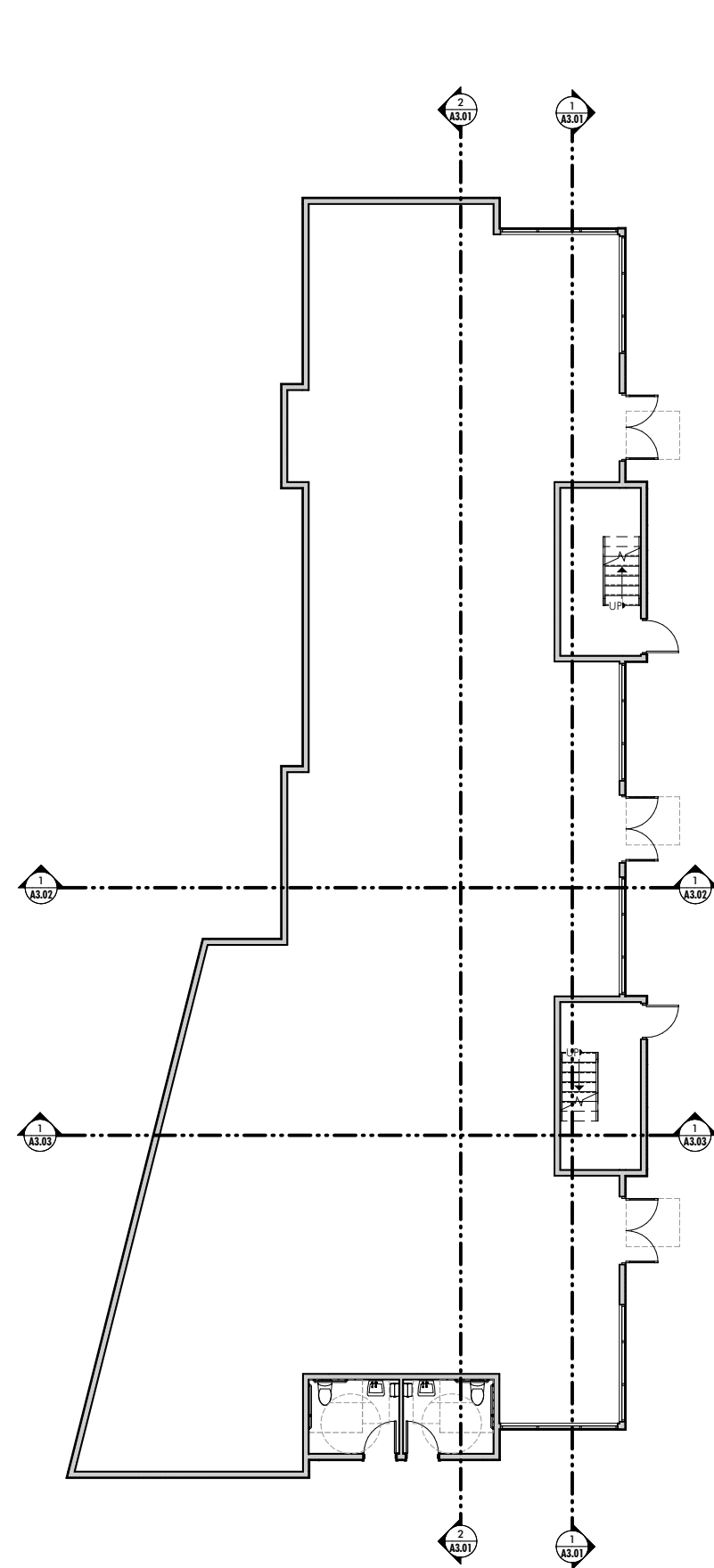
GENERAL PLAN NOTES:

1. GENERAL NOTES APPLY TO ALL DRAWINGS.
2. DRAWINGS ARE DIAGRAMMATIC ONLY AND SHOULD NOT BE SCALED. NOTIFY ARCHITECT OF ANY DISCREPANCIES IMMEDIATELY UPON DISCOVERY. OBTAIN CLARIFICATION OF DIMENSIONS OR DISCREPANCIES PRIOR TO PROCEEDING WITH AREA OF REQUIRED WORK.
3. DIMENSIONS ARE TO FACE OF FRAMING. DIMENSIONS STATED AS CLEAR ARE TO FACE OF FINISH.
4. SEE WALL SECTIONS FOR DESCRIPTION OF EXTERIOR WALL MATERIALS.
5. ALL INTERIOR PARTITIONS TO RECEIVE GLASS FIBER INSULATION, FULL HEIGHT.
6. COORDINATE LOCATION OF RECESSED OR SEMI-RECESSED ITEMS TO AVOID BACK TO BACK INSTALLATION AND TO REDUCE NOISE TRANSFER THROUGH PARTITIONS.
7. INSTALL WALL BACKING FOR ALL WALL MOUNTED ITEMS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: DOOR STOPS, FIXTURES, WALL CABINETS, SHELVING, COUNTERS, TOILET ACCESSORIES, SECURITY EQUIPMENT, TACK BOARDS AND MARKER BOARDS, HAND RAILS AND WINDOW COVERING TRACKS.
8. SEPARATE AREAS IN WHICH WORK IS BEING CONDUCTED FROM OTHER AREAS THAT ARE STILL OCCUPIED.
  - A. PROVIDE, ERECT, AND MAINTAIN TEMPORARY DUSTPROOF PARTITIONS OF SUITABLE CONSTRUCTION IN LOCATIONS INDICATED ON DRAWINGS OR AS DIRECTED.
9. PROTECT EXISTING WORK TO REMAIN.
  - A. PREVENT MOVEMENT OF STRUCTURE; PROVIDE SHORING AND BRACING IF NECESSARY.
  - B. PERFORM CUTTING TO ACCOMPLISH REMOVALS NEATLY AND AS SPECIFIED FOR CUTTING NEW WORK.
  - C. REPAIR ADJACENT CONSTRUCTION AND FINISHES DAMAGED DURING REMOVAL WORK.
  - D. PATCH AS SPECIFIED FOR PATCHING NEW WORK.
10. REMOVE DEBRIS, JUNK, AND TRASH FROM SITE.
11. REMOVE FROM SITE ALL MATERIALS NOT TO BE REUSED ON SITE; DO NOT BURN OR BURY.
12. LEAVE SITE IN CLEAN CONDITION, READY FOR SUBSEQUENT WORK.
13. CLEAN UP SPILLAGE AND WIND-BLOWN DEBRIS FROM PUBLIC AND PRIVATE LANDS.
14. WORK SHOWN ON THESE DRAWINGS IS TO BE SUPPLIED, FURNISHED, CONSTRUCTED, INSTALLED ALL AS PER THE GENERAL CONDITIONS AND THE SPECIFICATIONS. EXCEPTIONS AS DESCRIBED BY THE FOLLOWING ABBREVIATIONS:
  - A. CFCI - CONTRACTOR FURNISHED - CONTRACTOR INSTALLED.
  - B. OFCI - OWNER FURNISHED - CONTRACTOR INSTALLED.
  - C. OFOI - OWNER FURNISHED - OWNER INSTALLED.
  - D. NIC OR N.I.C. - NOT IN CONTRACT OR NOT A PART OF THIS CONTRACT.

PLAN LEGEND:

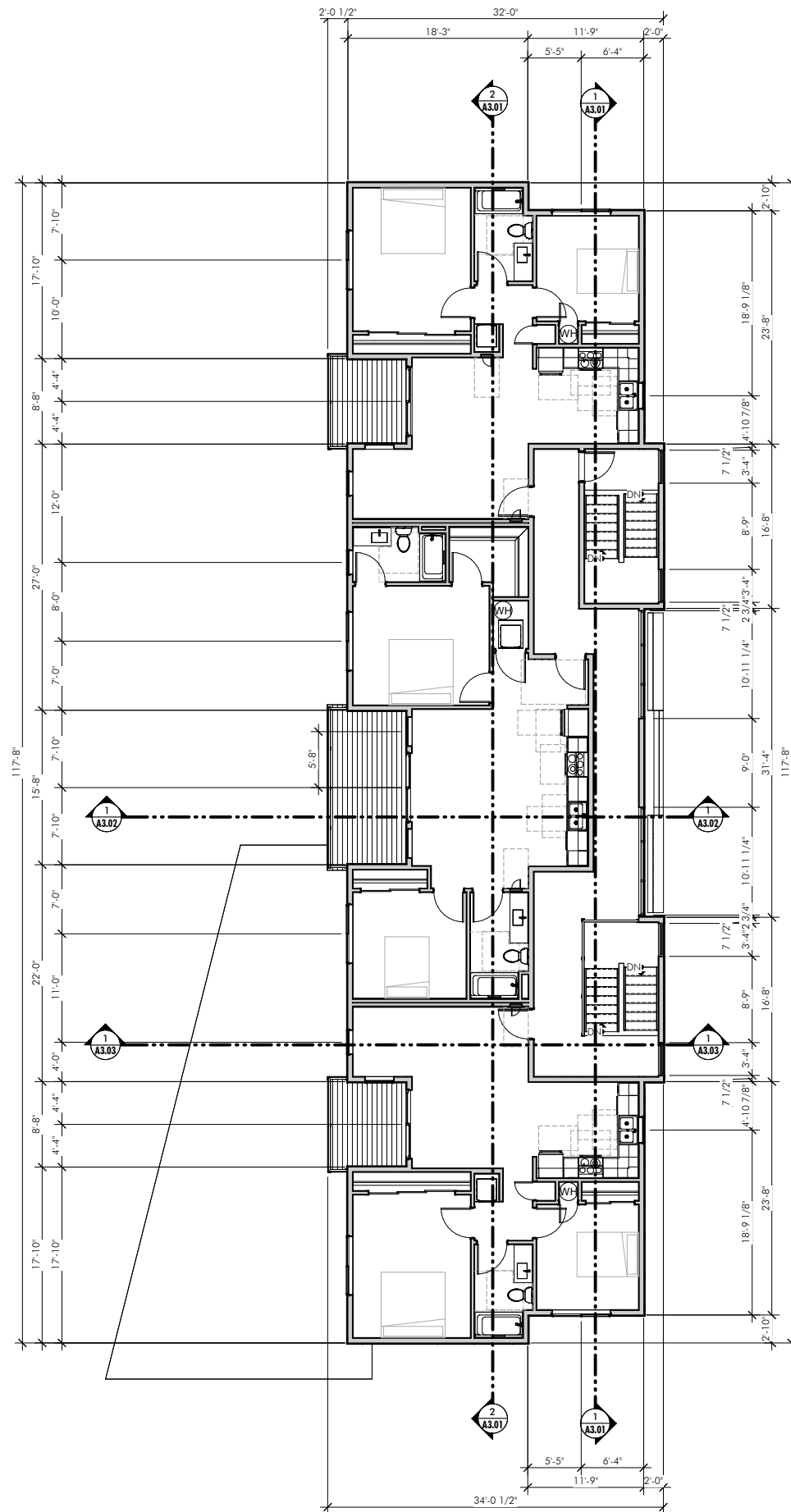
FLOOR PLAN NOTES:

- 1 SAMPLE PLAN NOTE



1 LEVEL 01 - GROUND FLOOR PLAN

0' 2' 4' 8' 16' 24' 1/8" = 1'-0"



2 LEVEL 02 - SECOND FLOOR PLAN

0' 2' 4' 8' 16' 24' 1/8" = 1'-0"

ELEVATION NOTES:

1 SAMPLE ELEVATION NOTE

STUDIO

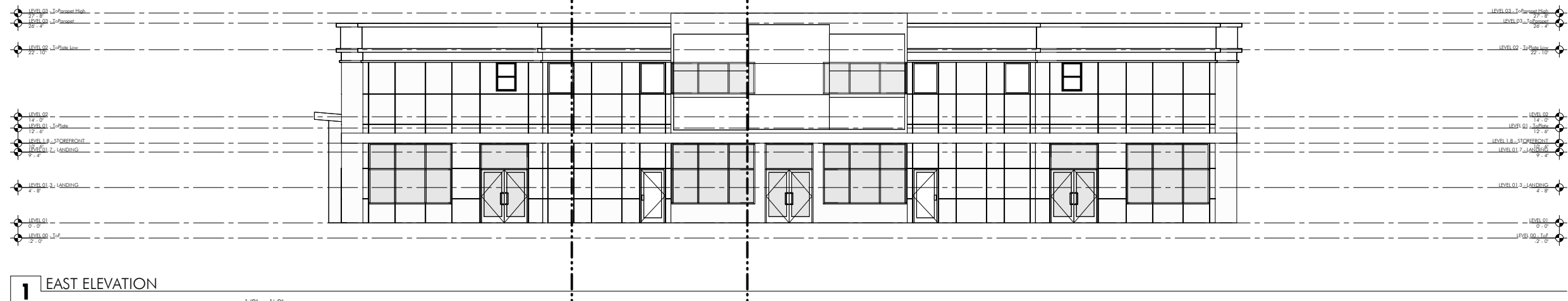


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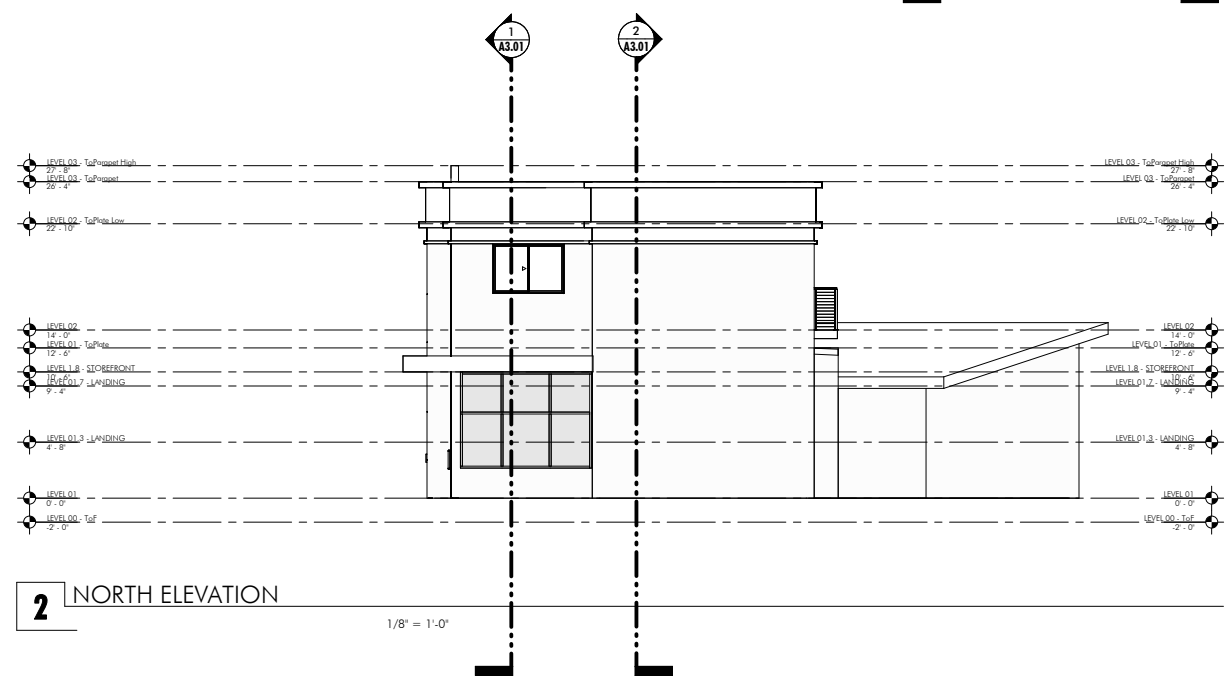
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DOCUMENTS PREPARED BY THE ARCHITECTS  
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PROJECT # 2020-109  
DATE: 01/14/2023  
REVISIONS



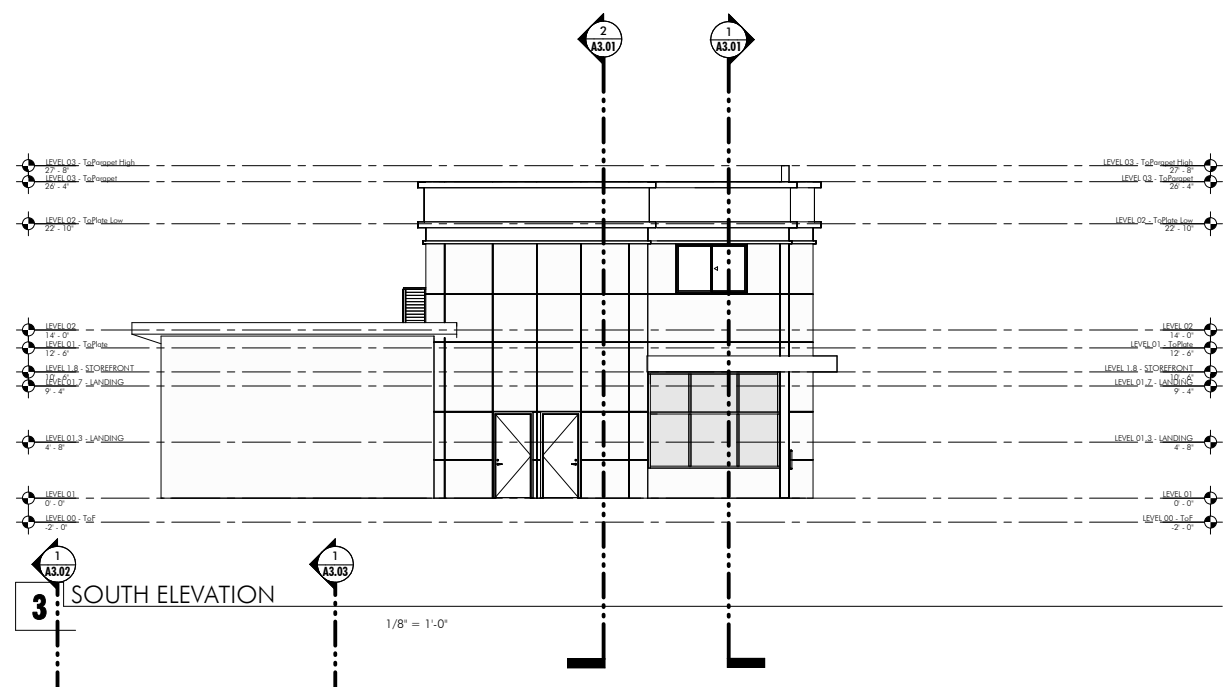
1 EAST ELEVATION

1/8" = 1'-0"



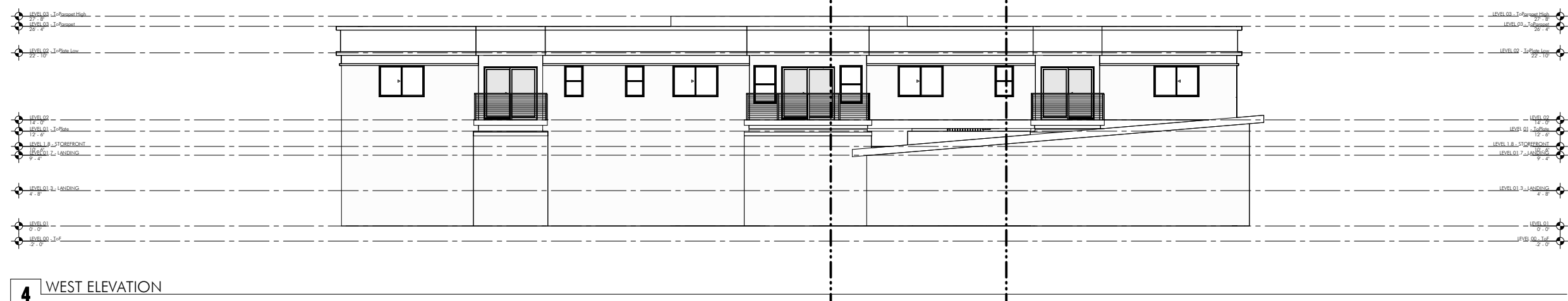
2 NORTH ELEVATION

1/8" = 1'-0"



3 SOUTH ELEVATION

1/8" = 1'-0"



4 WEST ELEVATION

1/8" = 1'-0"

Stop-N-Save Gas  
Mixed-Use Building

3997 Carson Dr SE Salem OR 97317

SHEET:  
**A2.01**

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CONSTRUCTION

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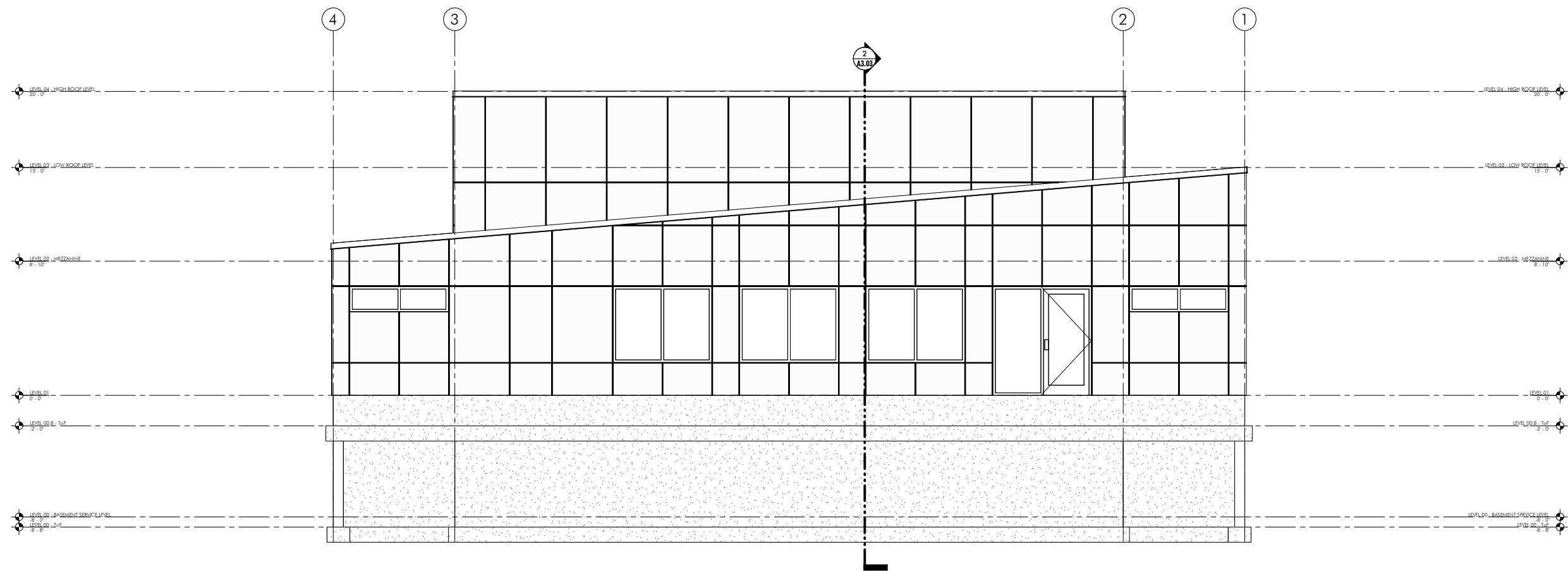
PROJECT # 2021-109  
DATE: 03/13/2023  
REVISIONS

Stop-N-Save Gas  
OIL CHANGE BUILDING  
3997 Carson Dr SE Salem OR 97317

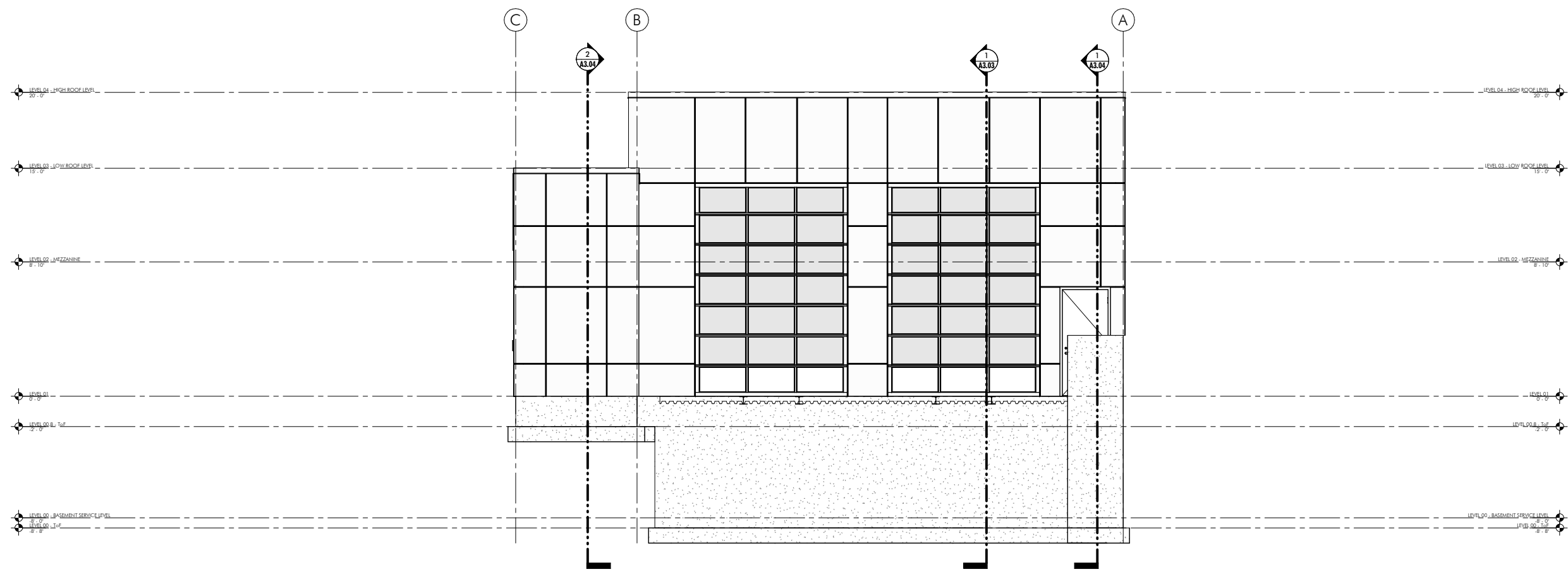
SHEET:  
A2.05

ELEVATION NOTES:

1 SAMPLE ELEVATION NOTE



1 WEST ELEVATION  
0' 1' 2' 4' 8' 12' 1/4" = 1'-0"



2 SOUTH ELEVATION  
0' 1' 2' 4' 8' 12' 1/4" = 1'-0"



PRELIMINARY,  
NOT FOR  
CONSTRUCTION

IN THE EVENT CONFLICTS ARE DISCOVERED  
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ELECTRONICALLY OR OTHERWISE, THE ORIGINAL  
SIGNED AND SEALED DOCUMENTS SHALL GOVERN.

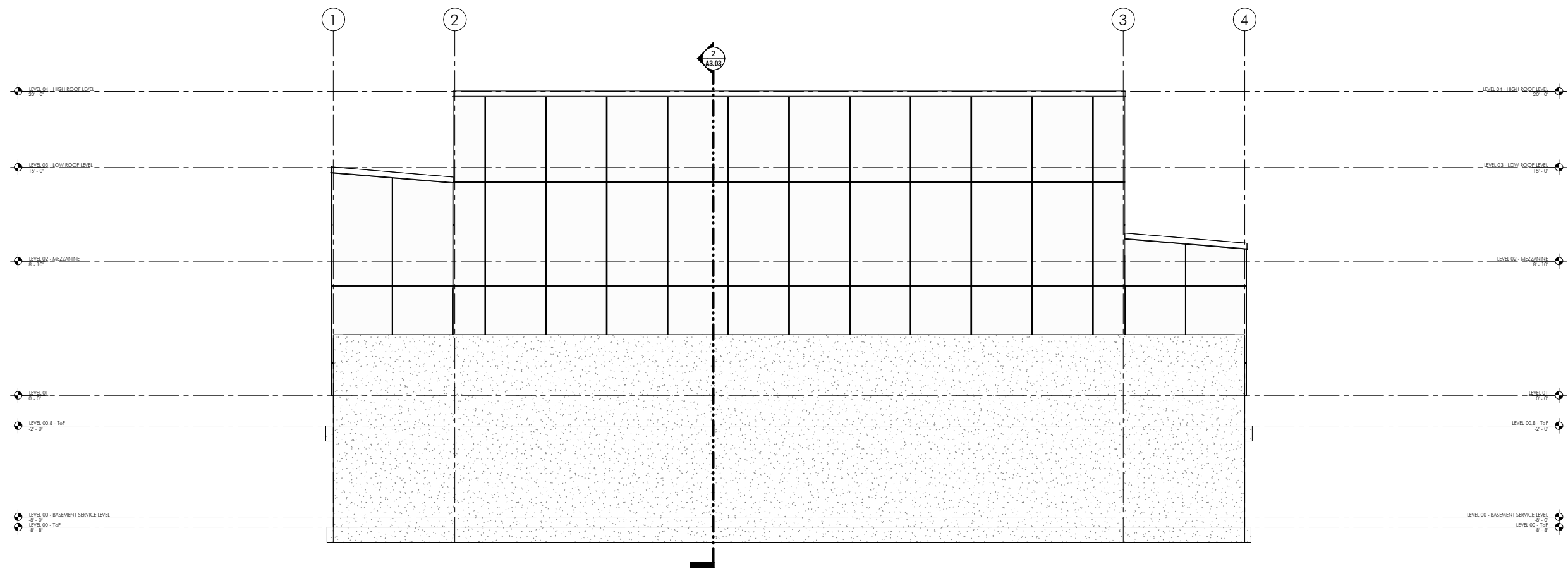
PROJECT # 2021-109  
DATE: 03/13/2023  
REVISIONS

Stop-N-Save Gas  
OIL CHANGE BUILDING  
3997 Carson Dr SE Salem OR 97317

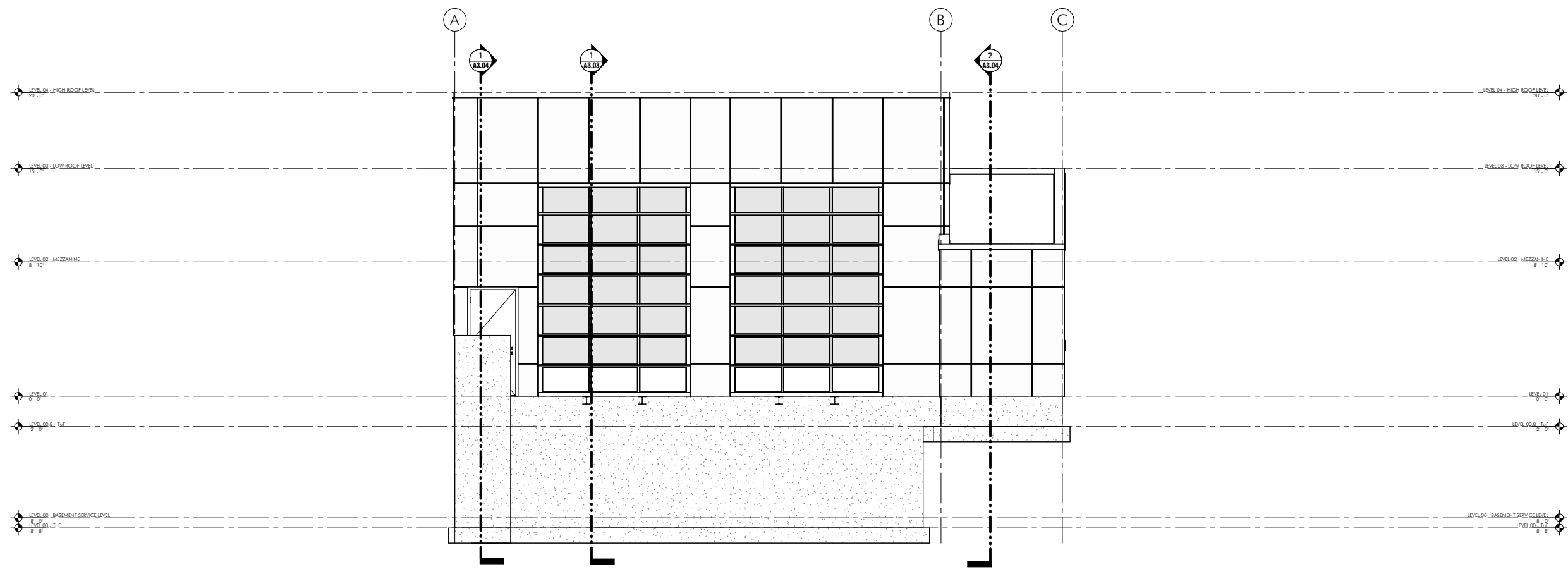
SHEET:  
**A2.06**

ELEVATION NOTES:

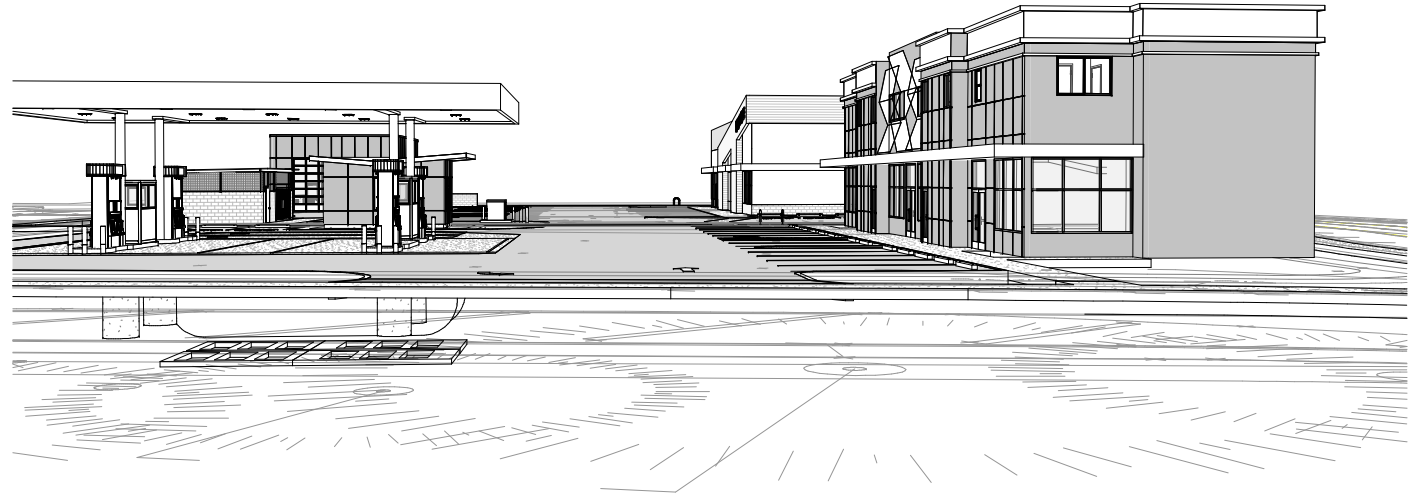
1 SAMPLE ELEVATION NOTE



1 EAST ELEVATION  
0 1' 2' 4' 8' 12' 1/4" = 1'-0"

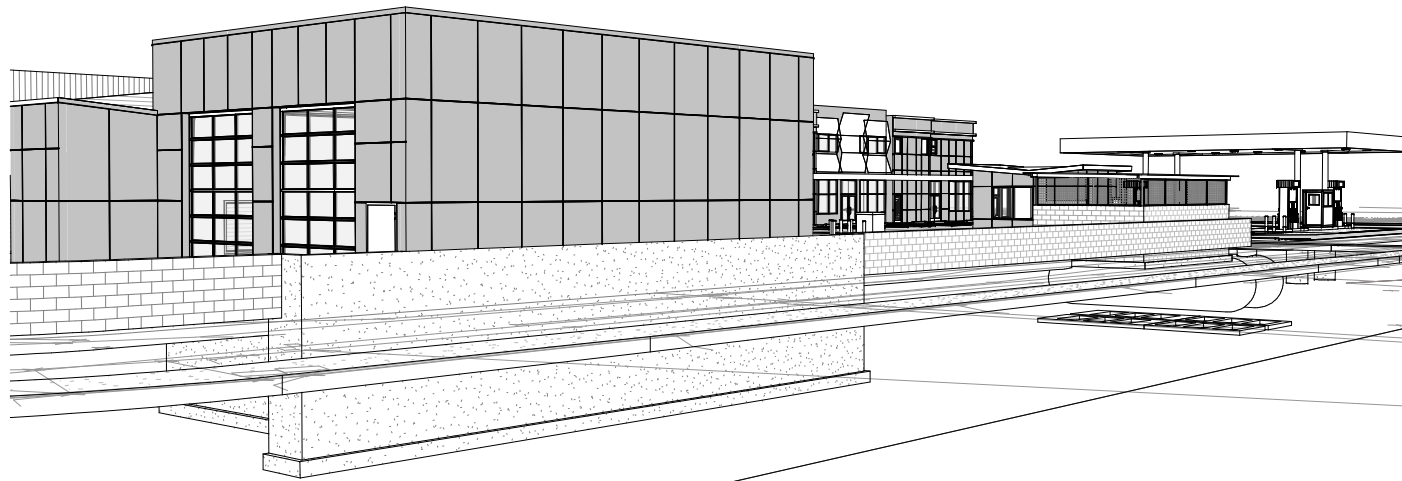


2 NORTH ELEVATION  
0 1' 2' 4' 8' 12' 1/4" = 1'-0"



1 3D View 3

2 3D View 4



4 3D View 1

3 3D View 2

PRELIMINARY,  
NOT FOR  
CONSTRUCTION

IN THE EVENT CONFLICTS ARE DISCOVERED  
BETWEEN THE ORIGINAL SIGNED AND SEALED  
DOCUMENTS PREPARED BY THE ARCHITECTS  
AND/OR THEIR CONSULTANTS, AND ANY COPY OF  
THE DOCUMENTS TRANSMITTED BY MAIL, FAX,  
ELECTRONICALLY OR OTHERWISE, THE ORIGINAL  
SIGNED AND SEALED DOCUMENTS SHALL GOVERN.


PROJECT # 2020-109  
DATE: 01/19/2023  
REVISIONS

Stop-N-Save Gas  
New Gas Station  
3997 Carson Dr SE Salem OR 97317



# MEMO

**TO:** Jamie Donaldson, Planner II  
Community Development Department

**FROM:** Laurel Christian, Development Services Planner II   
Public Works Department

**DATE:** March 13, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
CU-SPR23-02 (23-102368)  
3997 CARSON DRIVE SE  
OIL CHANGE FACILITY AND RESIDENTIAL DEVELOPMENT**

## PROPOSAL

A Conditional Use Permit to add a drive-through oil change facility to the existing development at 3997 Carson Drive SE (Marion County Assessor Map and Tax Lot 082W06AB / 10100); in conjunction with a Class 3 Site Plan Review to construct three residential units above a retail building on the abutting property at 4005 Hagers Grove Road SE (Marion County Assessor Map and Tax Lot 082W06AB / 10000). The subject properties are approximately 1.5 acres in size and zoned CR (Retail Commercial).

## RECOMMENDED CONDITIONS OF APPROVAL

1. Construct the following streetscape improvements:
  - a. Along Carson Drive SE and Hagers Grove Road SE, provide curblin sidewalks, curb ramps at street intersections, and street trees, including existing areas where street trees are inadequate.
  - b. Along Lancaster Drive SE provide curb ramps at street intersections, and street trees.
2. Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Lancaster Drive SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
3. All or a portion of the slope easement on the subject property that conflicts with the proposed building shall be quitclaimed prior to building permit issuance.

4. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

## **FACTS**

### **Streets**

1. Carson Drive SE
  - a. Standard—This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
  - b. Existing Conditions—This street has an approximate 40-foot-wide improvement within a varied 67-foot-wide right-of-way abutting the subject property.
2. Lancaster Drive SE
  - a. Standard—This street is designated as a major arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
  - b. Existing Conditions—This street has an approximate 52-foot-wide improvement within a varied 68-to-78-foot-wide right-of-way abutting the subject property.
3. Hagers Grove Road SE
  - a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
  - b. Existing Conditions—This street has an approximate 36-foot-wide improvement within a 60-foot-wide right-of-way abutting the property.

### **Storm Drainage**

1. Existing Conditions
  - a. A 15-inch storm main is located in Carson Drive SE.
  - b. An 18-inch storm main is located in Hagers Grove Road SE.
  - c. A 12-inch storm main is located in Lancaster Drive NE.

## Water

### 1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. An 8-inch water main is located in Lancaster Drive SE. Mains of this size generally convey flows of 900 to 2,200 gallons per minute.
- c. A 12-inch water main is located in Hagers Grove Road SE. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.

## Sanitary Sewer

### 1. Existing Conditions

- a. An 8-inch sewer main is located in Hagers Grove Road SE.

## **CRITERIA AND FINDINGS - SITE PLAN REVIEW**

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

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

**Finding**—With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain Overlay Zone; 802 – Public Improvements; 803 – Streets and Right-of-Way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; and 810 – Landslide Hazards.

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

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

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas within the proposed building areas of the subject development.

**Criteria: SRC 220.005(f)(3)(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately**

**Finding**—Carson Drive SE and Hagers Grove Road SE meet the right-of-way width and pavement width standards pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

Lancaster Drive SE is a major arterial street that has been fully improved to an interim minor arterial standard. The existing configuration of Lancaster Drive SE is adequate to support the proposed development based on findings included in the applicant's Traffic Impact Analysis (TIA). The Assistant City Traffic Engineer has reviewed the applicant's TIA and agrees with the findings. As a result, additional pavement improvements to the street frontage of Lancaster Drive SE are not warranted. As specified in the conditions of approval, right-of-way dedication to meet the half-width major arterial standard is required pursuant to SRC Chapter 803.

The proposed development is on two tax lots (082W06AB10100 and 082W06AB10000). Streetscape improvements including sidewalks, curb ramps, and street trees shall be provided along the street frontages of the development of both tax lots where inadequate.

**Condition:** Construct the following streetscape improvements:

- a. Along Carson Drive SE and Hagers Grove Road SE, provide curblined sidewalks, curb ramps at street intersections, and street trees, including existing areas where street trees are inadequate.
- b. Along Lancaster Drive SE, provide curb ramps at street intersections and street trees.

**Condition:** Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Lancaster Drive SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)); however, there are existing light poles and power poles that would need to be relocated to accommodate property-line sidewalks. At time of construction of Hagers Grove Road SE, curblined sidewalk was anticipated and the streetlights were installed in a location that would not conflict with curblined sidewalks. Along Lancaster Drive SE and portions of Hagers Grove Road SE, the existing sidewalks are located curblined. Therefore, the sidewalk may be located along the curblined as needed to reduce conflicts between existing light and power poles pursuant to SRC 803.035(l)(2)(B).

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

**Finding**—The applicant proposed one new left-in/left-out driveway along the northern property boundary with access to the one-way section of Hagers Grove Road SE. The applicant also proposes to widen the existing driveway onto Hagers Grove Road SE along the western property boundary. The driveway accesses onto Hagers Grove Road SE provide for safe turning movements into and out of the property. The changes to the proposed driveway were approved under SPR-DAP22-46.

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

**Finding**—The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

There is an existing slope easement on the subject property that was acquired by the City of Salem for the realignment of Hagers Grove Road SE. The applicant's site plan shows one of the new buildings located within the easement area. New structures are not permitted within City of Salem easements. Prior to issuance of a building permit for the new structure, all, or a portion of, the easement shall be quitclaimed.

**Condition:** All or a portion of the slope easement on the subject property that conflicts with the proposed building shall be quitclaimed prior to building permit issuance.

The proposed development spans two legal lots (tax lot # 082W06AB10100 and 082W06AB10000). The preliminary utility plan shows utilities crossing the interior property lines. At time of building permit application, the applicant shall be required to demonstrate any necessary easements for utilities are provided or provide an updated utility plan demonstrating easements are not needed.

The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least 10 percent of the total new impervious surface area for installation of green stormwater infrastructure. It is unclear, however, if this area accommodates new impervious surface spanning both parcels subject to the application. Additional information will be required at time of building permit application to ensure both properties meet the flow control and treatment requirements established in SRC Chapter 71 and PWDS. The applicant's engineer shall design and construct a

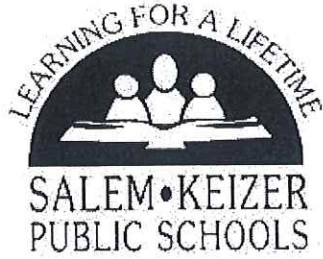
storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

**Condition:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with PWDS.

Prepared by: Laurel Christian, Development Services Planner II  
cc: File





DAVID FRIDENMAKER, Manager  
 Facility Rental, Planning, Property Services  
 3630 State Street, Bldg. C • Salem, Oregon 97301-5316  
 503-399-3335 • FAX: 503-375-7847

Christy Perry, Superintendent

March 14, 2023

Jamie Donaldson, Planner  
 Planning Division, City of Salem  
 555 Liberty Street SE, Room 305  
 Salem OR 97301

RE: Land Use Activity Case No. CU-SPR23-02, 3997 Carson Dr SE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

#### **IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY**

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Miller	Elementary	K thru 5
Houck	Middle	6 thru 8
North Salem	High	9 thru 12

*Table 1*

#### **SCHOOL CAPACITY & CURRENT ENROLLMENT**

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Miller	Elementary	361	517	70%
Houck	Middle	905	1,224	74%
North Salem	High	2,161	2,248	96%

Table 2

**POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE**

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2021 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	3	MF	0.164	0
Middle			0.085	0
High			0.096	0

Table 3

**POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT**

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Miller	Elem.	361	4	0	4	517	71%
Houck	Mid.	905	12	0	12	1,224	75%
North Salem	High	2,161	18	0	18	2,248	97%

Table 4

**ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE**

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Miller	Elementary	Eligible for School Transportation
Houck	Middle	Eligible for School Transportation
North Salem	High	Eligible for School Transportation

Table 5

**ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT**

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	0	\$68,445	\$0
Middle	0	\$83,363	\$0
High	0	\$98,280	\$0
TOTAL			\$0

Table 6

\*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2022 Third Quarter.

Sincerely,



David Fridenmaker, Manager  
 Planning and Property Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation

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

**DECISION OF THE PLANNING ADMINISTRATOR**

**CLASS 3 SITE PLAN REVIEW / CLASS 2 DRIVEWAY APPROACH PERMIT  
CASE NO.: SPR-DAP22-46**

**APPLICATION NO.: 22-117591-PLN**

**NOTICE OF DECISION DATE:** January 27, 2023

**SUMMARY:** Development of gas station and retail building with associated modifications on two properties.

**REQUEST:** A Class 3 Site Plan Review and Class 2 Driveway Approach Permit for development of a gas station and retail building on a 0.67-acre property at 4005 Hagers Grove Road SE (Marion County Assessor Map and Tax Lot 082W06AB / 10000); in conjunction with ~~construction of a new oil change facility and~~ associated modifications to the existing development on the abutting 0.92-acre property at 3997 Carson Drive SE (Marion County Assessor Map and Tax Lot 082W06AB / 10100) located in the CR (Retail Commercial) zone.

**APPLICANT:** Leonard Lodder, Studio 3 Architecture Inc. on behalf of AVI LLC(Inderjit Dhaliwal, Talwainder Dhaliwal)

**LOCATION:** 4005 Hagers Grove Road SE & 3997 Carson Dr SE, Salem OR 97317

**CRITERIA:** Salem Revised Code (SRC) Chapters 220.005(f)(3) – Class 3 Site Plan Review; 804.025(d) – Class 2 Driveway Approach Permit

**FINDINGS:** The findings are in the attached Decision dated January 27, 2023.

**DECISION:** The **Planning Administrator APPROVED** Class 3 Site Plan Review / Class 2 Driveway Approach Permit Case No. SPR-DAP22-46 subject to the following conditions of approval:

- Condition 1:** At the time of building permit review, the applicant shall submit updated plans which do not include the oil-change facility building as part of development.
- Condition 2:** At the time of building permit review, the applicant shall provide construction details for the trash enclosure indicating conformance with SRC Chapter 800.
- Condition 3:** At the time of building permit review, the applicant shall demonstrate that all required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b)(1) and 800.065(c).

**NOTICE OF DECISION**

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



- Condition 4:** At the time of building permit review, the applicant shall provide a full landscape plan demonstrating how the development site meets Type A landscaping, including all new and existing landscaped areas, by providing a minimum of one plant unit per 20 square feet, with 40 percent of the plant units being trees.
- Condition 5:** Construct the following streetscape improvements:
- a. Along Carson Drive SE and Hagers Grove Road SE, provide curblin sidewalks, curb ramps at street intersections, and street trees, including existing areas where street trees are inadequate.
  - b. Along Lancaster Drive SE, provide curb ramps at street intersections and street trees.
- Condition 6:** Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Lancaster Drive SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 7:** All or a portion of the slope easement on the subject property that conflicts with the proposed building shall be quitclaimed prior to building permit issuance.
- Condition 8:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

The rights granted by the attached decision must be exercised, or an extension granted, by February 14, 2023, or this approval shall be null and void.

Application Deemed Complete:	<u>November 10, 2022</u>
Notice of Decision Mailing Date:	<u>January 27, 2023</u>
Decision Effective Date:	<u>February 14, 2023</u>
State Mandate Date:	<u>March 10, 2023</u>

Case Manager: Jamie Donaldson, [jdonaldson@cityofsalem.net](mailto:jdonaldson@cityofsalem.net), 503-540-2328

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Monday, February 13, 2023. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 220, 804. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM**

**DECISION**

**IN THE MATTER OF APPROVAL OF ) FINDINGS & ORDER**  
**CLASS 3 SITE PLAN REVIEW, AND )**  
**CLASS 2 DRIVEWAY APPROACH PERMIT )**  
**CASE NO. SPR-DAP22-46 )**  
**3997 CARSON DRIVE SE - 97317 ) JANUARY 27, 2023**

In the matter of the applications for Class 3 Site Plan Review and Class 2 Driveway Approach Permit submitted by Leonard Lodder, Studio 3 Architecture Inc., on behalf of the applicant and property owner, Avi LLC represented by Inderjet Dhaliwal, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

**REQUEST**

**Summary:** Development of gas station and retail building with associated modifications on two properties.

**Request:** A Class 3 Site Plan Review and Class 2 Driveway Approach Permit for development of a gas station and retail building on a 0.67-acre property at 4005 Hagers Grove Road SE (Marion County Assessor Map and Tax Lot 082W06AB / 10000); in conjunction with ~~construction of a new oil change facility~~ and associated modifications to the existing development on the abutting 0.92-acre property at 3997 Carson Drive SE (Marion County Assessor Map and Tax Lot 082W06AB / 10100) located in the CR (Retail Commercial) zone.

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

**PROCEDURAL FINDINGS**

**1. Background**

On August 25, 2022, a consolidated application for Class 3 Site Plan Review and Class 2 Driveway Approach Permit was filed for the proposed development. After additional information was provided, the applications were deemed complete for processing on November 10, 2022. The 120-day state mandated decision deadline for this consolidated application is March 10, 2023.

The applicant's proposed site plan is included as **Attachment B** and the and the applicant's written statement addressing the approval criteria can be found in the record, accessible online as indicated below.

**SUBSTANTIVE FINDINGS**

**2. 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 at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 22 117591.

### 3. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Southeast Mill Creek Association (SEMCA).

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. On January 12, 2022, the applicant's representative contacted the neighborhood association to provide details about the proposal in accordance with the requirements of the SRC.

Neighborhood Association Comment: Notice of the application was provided to the neighborhood association 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: The subject property is not located within a Homeowners Association.

Public Comment: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, two comments have been received from the surrounding property owners and tenants; one indicating no objections to the proposal; and one indicating concerns summarized below:

- **Mailbox Location:** Comments expressed concern about residential mailboxes located across the street, and increased traffic from the development affecting their safety.

**Staff Response:** Development of the property is subject to the development standards set forth in SRC Chapter 521, which include requirements for height, setbacks, and lot coverage that are intended to ensure that development of private property or use of public rights-of-way does not adversely impact adjacent properties. The location of mailboxes or postal service of adjacent properties are not regulated or protected under the City of Salem zoning code.

### 4. City Department Comments

Public Works Department: Reviewed the proposal and provided a memo which is included as **Attachment C**.

Building and Safety: Reviewed the proposal and indicated no site concerns.

Fire Department: Reviewed the proposal and indicated no site concerns. Fire Department water supply will be evaluated with the building addition at the time of building permit plan review.

## 5. Public Agency Comments

No Public or Private Agency comments were received.

## DECISION CRITERIA FINDINGS

### 6. 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:** The subject properties are currently zoned CR (Retail Commercial) as of August 25, 2022, with no changes with the implementation with the City's Our Salem project. The development site consists of two separate units of land, where the south parcel is developed with an existing building and associated parking which was previously approved under Case Number SPR-ADJ-DAP17-14. The proposal includes construction of a new retail building approximately 4,300 square feet with a four-pump gas station canopy and cashier's station on the north parcel, and a new trash enclosure and reconfiguration of the vehicle use area on the south parcel. Associated improvements to the off-street parking area, pedestrian access, and landscaping are also proposed.

#### **Use and Development Standards – CR (Retail Commercial) Zone:**

*SRC 522.005(a) – Uses:*

Table 522-1 lists permitted uses in the CR Zone.

**Finding:** The proposal includes development of a new retail building, gas station pump, and oil change facility. *Retail sales* and *gasoline service stations* are a permitted uses in the CR zone per Table 522-1. The proposal includes development of a drive-through facility indicated to be used as an oil-change facility which is classified as a *motor vehicle services* use. In the CR zone, all other motor vehicle service uses except gasoline service stations, require a Conditional Use Permit. As such, the applicant has chosen to remove the oil-change facility from this proposal, until such time that a Conditional Use Permit can be applied for and reviewed as part of the development site.

As such, the following condition applies:

**Condition 1:** At the time of building permit review, the applicant shall submit updated plans which do not include the oil-change facility building as part of development.



*SRC 522.010(a) – Lot Standards:*

There are no minimum lot area or dimension requirements in the CR zone. All uses, other than single family, are required to have a minimum of 16 feet of street frontage.

**Finding:** The proposal is part of a development site consisting of two units of land abutting four streets on all sides. The development site has a combined frontage of approximately 340 feet of frontage along Lancaster Drive SE, 360 feet of frontage along Carson Drive SE, and 160 feet of frontage along Hagers Grove Road SE, exceeding the minimum standard of 16 feet.

*SRC 522.010(b) – Setbacks:*

*Abutting Street/Alley*

**North:** Adjacent to the north is right-of-way for Hagers Grove Road SE. Buildings and accessory structures must be set back a minimum of five feet abutting a street. Vehicle use areas require a minimum 6-10-foot setback per Chapter 806 adjacent to a street.

**South/West:** Adjacent to the south and west is right-of-way for Carson Drive SE. Buildings and accessory structures must be set back a minimum of five feet abutting a street. Vehicle use areas require a minimum 6-10-foot setback per Chapter 806 adjacent to a street.

**East:** Adjacent to the east is right-of-way for Lancaster Drive SE. Buildings and accessory structures must be set back a minimum of five feet abutting a street. Vehicle use areas require a minimum 6-10-foot setback per Chapter 806 adjacent to a street.

**Finding:** The proposed development does not change the setbacks for the existing building abutting the south and west property lines; the new accessory structure for the trash enclosure on the south parcel is setback ten feet from the east property line and does not abut the property line to the south. The proposed building on the north parcel is setback at least five feet from the west property line and well over five feet from the north property line. The new vehicle use area on the north parcel and all changes on the south parcel are setback at least ten feet, meeting or exceeding the vehicle use area setbacks. The proposal is in compliance with all applicable setback requirements of the CR zone and SRC Chapter 806.

*Interior Property Lines*

**North/South:** The proposal is part of a development site consisting of two units of land zoned CR (Retail Commercial) sharing a common property line; the south parcel abuts the CR zone to the north, and the north parcel abuts the CR zone to the south. There is no minimum building or accessory structure setback required to an interior property line. Vehicle use areas require a minimum five-foot setback.

**Finding:** The proposed building and cashier's station on the north parcel are setback five feet from the abutting property to the south, exceeding the setback standard. All adjacent vehicle use areas are setback at least five feet from the shared north/south property line. The proposal is in compliance with all applicable setback requirements of the CR zone.

*SRC 522.010(b) – Lot Coverage, Height:*

There is no maximum lot coverage requirement. The maximum height in the CR zone is 50 feet.

**Finding:** The proposed buildings are approximately 28 feet in height and are in compliance with the maximum height standard in the CR zone.

*SRC 522.010(d) – Landscaping:*

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

**Finding:** The proposal includes alteration of an existing off-street parking and vehicle use area, as well as a new parking and vehicle use area; therefore, the off-street parking and vehicle use area development standards of SRC 806.035(a) are applicable.

The development site is approximately 67,800 square feet in size, requiring a minimum of 10,170 square feet of landscaped area ( $67,799 \times 0.15 = 10,169.85$ ). The site plan indicates 14,889 square feet (21.96 percent) of landscaped area is provided on site.

Additionally, vehicle use areas greater than 5,000 square feet in size require interior landscaping. The applicant's plans indicate that the proposed off-street parking area is approximately 18,000 square feet in size. A minimum of five percent of interior landscaping is required, or 900 square feet ( $18,000 \times 0.05 = 900$ ). The applicant's written statement indicates approximately seven percent (1,042 square feet) of interior landscape is provided, thereby meeting the standard.

Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC Chapter 807 at the time of building permit application review.

## **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 1 cubic yard or larger is proposed.

**Finding:** The site plan indicates one new solid waste enclosure with receptacles greater than one cubic yard in size are proposed.

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

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

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

(c) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

**Finding:** The proposed plans do not indicate the pad area surrounding the trash enclosures, and construction details of the trash enclosure were not submitted to verify conformance with all standards. To ensure compliance with all of the following standards, the following condition applies:

**Condition 2:** At the time of building permit review, the applicant shall provide construction details for the trash enclosure indicating conformance with SRC Chapter 800.

(2) Minimum Separation.

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

**Finding:** Adequate separation distance appears to be available within the enclosure. Receptacles will not be placed within 5 feet of a building or structure. As conditioned above, conformance with this standard will be verified at the time of building permit review.

(3) Vertical Clearance.

- (a) Receptacles 2 cubic yards or less in size shall be provided with a minimum of 8 feet of unobstructed overhead or vertical clearance for servicing.
- (b) Receptacles greater than 2 cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for serving.

**Finding:** The applicant's written statement has indicated the trash enclosure will have a roof, but construction details were not submitted for review. As conditioned above, the applicant shall provide construction details which include this information. Conformance with this standard will be verified at the time of building permit review.

*SRC 800.055(d) – Solid Waste Service Area Screening Standards.*

- (1) Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property.
- (2) Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.

**Finding:** The subject property does not abut residential zoned property or residential uses. An enclosure is provided for the solid waste service area that appears to be constructed with a solid CMU wall which screens the solid waste service area from abutting properties and streets consistent with this requirement. As conditioned above, conformance with this standard will be verified at the time of building permit review.

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

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

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

**Finding:** The width of the proposed front opening for the enclosure measures at least 12 feet, meeting the minimum standard.

(2) *Measures to Prevent Damage to Enclosure.* Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.

**Finding:** The application materials do not provide sufficient detail to determine compliance with this development standard. Per Condition 3 above, at the time of building permit review, the plans will be reviewed for conformance with all applicable trash enclosure development standards.

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

**Finding:** The application materials do not provide sufficient detail to determine compliance with this development standard. Per Condition 3 above, at the time of building permit review, the plans will be reviewed for conformance with all applicable trash enclosure development standards.

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

(1) *Vehicle Operation Area.* A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 15 feet in width. Vehicle operation areas shall be made available in front of every receptacle.

**Finding:** The proposed vehicle operation area meets the minimum dimensional requirements for service vehicle access.

*SRC 800.065 – Pedestrian Access.*

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, two family, three family, four family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section. For purposes of this section development means the construction of, or addition to, a building or accessory structure or the construction of, or alteration or addition to, an off-street parking or vehicle use area. Development does not include construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area.

When a development site is comprised of lots under separate ownership, the pedestrian access standards set forth in this section shall apply only to the lot, or lots, proposed for development, together with any additional contiguous lots within the development site that are under the same ownership as those proposed for development.

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

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

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

**Finding:** The applicant's plans indicate direct pedestrian access to be provided from the proposed building on the north parcel to Hagers Grove Road SE to the north and Carson Drive SE to the west. The existing building on the south parcel has an existing pedestrian connection to Carson Drive SE to the south, and proposes pedestrian improvements to connect to Carson Drive SE to the west. The applicant has also provided a pedestrian connection between the existing and proposed buildings on each parcel, which provides a shared access for both buildings to Lancaster Drive SE to the east. An additional pedestrian connection is proposed through the parking lot on the south parcel to connect to the primary entrance of future development. This standard is met.

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

**Finding:** There are no existing or planned transit stops along the development site's street frontage. This standard does not apply to the proposed development.

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

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

**Finding:** Multiple buildings are proposed for the development site. Pedestrian connections are provided connecting the primary building entrances of the proposed buildings on the north parcel to the existing building on the south parcel; therefore, this standard is met.

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

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

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

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

**Finding:** The development site does not include any existing or proposed parking structures or garages greater than 25,000 square feet; 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 is not a planned path or trail that passes 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 is comprised of two properties under same ownership. The applicant's plans provide pedestrian connections between the existing building on the south parcel and the proposed buildings on the north parcel; therefore, this standard is met.

*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:** The pedestrian connections proposed measure at least five feet in width in all locations. The type of material proposed for the pedestrian connections is not listed in the application materials. At the time of building permit, the applicant shall demonstrate that all applicable standards of this section are met. To ensure that the proposed pedestrian walkway meets the design and material standards, including where walkway passes driveways and drive-aisles, the following condition applies:

**Condition 3:** At the time of building permit review, the applicant shall demonstrate that all required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b) and 800.065(c).

*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:** The application materials do not provide sufficient detail to determine compliance with this development standard. Per Condition 3 above, at the time of building permit review, the plans will be reviewed for conformance with applicable exterior lighting development standards.

**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.

*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.

**Finding:** The proposal includes development of a new off-street parking area located on the same development site as the proposed building.

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

- (a) *Minimum Required Off-Street Parking.* Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1.
- (b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- (c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- (d) *Maximum Off-Street Parking.* Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

**Finding:** The proposal includes construction of a new retail building approximately 4,300 square feet with a four-pump gas station canopy and cashier’s station on a development site with an existing retail building. The existing building and proposed building are classified as *retail sales and services* use and require a minimum of one off-street parking spaces per 250 square feet of gross floor area. The gas station is classified as a *motor vehicle services* use and requires a minimum of one off-street parking spaces per 900 square feet of gross floor area. The following is a summary of the parking requirements for the development site:

Use	Floor Area	Parking Ratio	Minimum Parking
Retail Sales & Service	10,550 SF	1/250 SF	42.2
Motor Vehicle Services (Gas Station only)	3,072 SF	1/900 SF	3.4
<b>Total</b>			<b>45 Spaces</b>

A minimum of 45 off-street parking spaces are required for the development site, with a maximum allowance of 80 spaces ( $45 \times 1.75 = 79.8$ ). A minimum of 11 of the off-street parking spaces must be standard sized spaces, the remaining spaces may be compact spaces. Carpool/vanpool spaces are not required for new uses with less than 60 required parking spaces.

The proposed site plan indicates that 48 parking spaces will be provided on site, 20 of which are compact spaces; therefore, the proposal meets the standards.

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

- (a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.
- (b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- (c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

**Finding:** The proposal includes a new off-street parking and vehicle use area to the north, and reconfiguration of the existing parking and vehicle use area to the south. The new vehicle use area on the north parcel and all changes on the south parcel are setback at least ten feet, meeting or exceeding the vehicle use area setbacks. All vehicle use areas are setback at least five feet from the shared property line between the two units of land that make up the development site. The proposed reconfigured off-street parking area complies with all applicable location and perimeter setback requirements.

- (d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area.

**Finding:** For off-street parking areas greater than 5,000 square feet in size, a minimum of five percent of the interior parking lot area shall be landscaped. The applicant’s plans indicate that



the proposed off-street parking area is approximately 18,000 square feet in size. A minimum of five percent of interior landscaping is required, or 900 square feet ( $18,000 \times 0.05 = 900$ ). The applicant's written statement indicates approximately seven percent (1,042 square feet) of interior landscape is provided, thereby meeting the standard. A minimum of four deciduous trees are required at the time of building permit review for the off-street parking areas ( $48 / 12 = 4$ ).

Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC Chapter 807 at the time of building permit application review.

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

**Finding:** The proposed off-street parking spaces comply with the minimum aisle width and dimensional requirements for compact and standard vehicle parking spaces established in Table 806-6.

*(f) Off-street parking area access and maneuvering.* In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:

- (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
- (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-7.

**Finding:** The proposed off-street parking spaces are designed to allow safe and convenient access through the new vehicle use area and the adjacent existing vehicle use area, and do not require any turnaround areas; therefore, they do not require conformance with this standard.

*(g) Additional Off-Street Parking Development Standards 806.035(g)-(n).*

**Finding:** The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. Bumper guards shall be provided as required by SRC Chapter 806. The parking area striping, marking, signage, and lighting shall comply with the standards of SRC Chapter 806. Off-street parking area screening per SRC 806.035(n) is not required for the proposed parking area.

## **Bicycle Parking**

*SRC 806.045 – General Applicability.*

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

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

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

*SRC 806.055 – Amount of Bicycle Parking.*

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

**Finding:** As indicated above, the development site proposes multiple uses on site. The existing building and proposed building are classified as *retail sales and services* use and require the greater of four bicycle parking spaces or one space per 10,000 square feet for the first 50,000 square feet of gross floor area. The gas station is classified as a *motor vehicle services* use and requires a minimum of one bicycle parking space per 9,000 square feet of gross floor area. The following is a summary of the parking requirements for the development site:

Use	Floor Area	Parking Ratio	Minimum Parking
Retail Sales & Service	10,550 SF	Greater of 4 spaces or 1/10,000 SF (50,000 SF)	4
Motor Vehicle Services (Gas Station only)	3,072 SF	1/9,000 SF	.34
<b>Total</b>			<b>4 Spaces</b>

A minimum of four bicycle parking spaces are required for the proposed development. The applicant’s summary table indicates that four bicycle parking spaces are proposed for the new buildings on the north parcel, meeting the minimum requirements.

*SRC 806.060 – Bicycle Parking Development Standards.*

Bicycle parking areas shall be developed and maintained as set forth in this section.

- (a) *Location.* Short-term bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
- (b) *Access.* Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area
- (c) *Dimensions.* Except as provided for bicycle lockers, bicycle parking spaces shall be a minimum of 6 feet in length and 2 feet in width, with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side. Bicycle parking spaces shall be served by a minimum 4-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.
- (d) *Surfacing.* Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.
- (e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards:
  - (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
  - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
  - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and

- (4) Racks shall be securely anchored.
- (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

**Finding:** The applicant's site plan indicates four proposed bike parking spaces on the east side of the north building and four existing bike parking spaces on the east side of the south building, both of which are within a convenient distance of their respective building entrances. The applicant has provided details that indicate the bicycle racks meet the required dimensions and design standards. Further conformance will be verified at the time of building permit review.

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

*SRC 806.065 – General Applicability.*

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

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

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

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

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

**Finding:** Based on the uses and the size of the buildings on the development site, one loading space is required for *retail sales and services* uses of 5,000 to 60,000 square feet of gross floor area. The *motor vehicle services* use does not require a loading space for less than 5,000 square feet of gross floor area. The applicant's plans indicate one loading space adjacent to the trash enclosure that meets the minimum dimensions required. This standard is met

### **Landscaping**

*SRC 807 – Landscape and Screening:* 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 site plan indicates 14,889 square feet (21.96 percent) of landscaped area is proposed, requiring a minimum of 745 plant units ( $14,889 / 20 = 744.5$ ). Of the required plant units, a minimum of 298 plant units shall be trees ( $745 \times 0.4 = 298$ ). The applicant has provided a preliminary landscaping plan which shows the areas which are to be landscaped. The applicant has not provided a landscape plan indicating conformance with the required number of plant units. As such, the following condition applies:

**Condition 4:** At the time of building permit review, the applicant shall provide a full landscape plan demonstrating how the development site meets Type A landscaping, including all new and existing landscaped areas, by providing a minimum of one plant unit per 20 square feet, with 40 percent of the plant units being trees.

Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

## **Natural Resources**

*SRC 601 – Floodplain:* 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:** Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

*SRC 808 – Preservation of Trees and Vegetation:* The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 20 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

**Finding:** There are no protected trees identified on the subject property.

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

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

*SRC 810 – Landslide Hazards:* A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

**Finding:** According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas within the proposed building areas of the subject development.

*SRC 802 – Public Improvements, SRC 803 – Streets and Right-of-Way Improvements, SRC 804 – Driveway Approaches, and SRC 805 – Vision Clearance:* With completion of the conditions of approval, the subject property meets all applicable standards of the following chapters of the UDC.

***SRC 220.005(f)(3)(B): The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.***

**Finding:** Carson Drive SE and Hagers Grove Road SE meet the right-of-way width and pavement width standards pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

Lancaster Drive SE is a major arterial street that has been fully improved to an interim minor arterial standard. The existing configuration of Lancaster Drive SE is adequate to support the proposed development based on findings included in the applicant's Traffic Impact Analysis (TIA). The Assistant City Traffic Engineer has reviewed the applicant's TIA and agrees with the findings. As a result, additional pavement improvements to the street frontage of Lancaster Drive SE are not warranted. As specified in the conditions of approval, right-of-way dedication to meet the half-width major arterial standard is required pursuant to SRC Chapter 803.

The proposed development is on two tax lots (082W06AB10100 and 082W06AB10000). Streetscape improvements including sidewalks, curb ramps, and street trees shall be provided along the street frontages of the development of both tax lots where inadequate.

**Condition 5:** Construct the following streetscape improvements:

- a. Along Carson Drive SE and Hagers Grove Road SE, provide curblined sidewalks, curb ramps at street intersections, and street trees, including existing areas where street trees are inadequate.
- b. Along Lancaster Drive SE, provide curb ramps at street intersections and street trees.

**Condition 6:** Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Lancaster Drive SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)); however, there are existing light poles and power poles that would need to be relocated to accommodate property-line sidewalks. At time of construction of Hagers Grove Road SE, curblined sidewalk was anticipated and the streetlights were installed in a location that would not conflict with curblined sidewalks. Along Lancaster Drive SE and portions of Hagers Grove Road SE, the existing sidewalks are located curblined. Therefore, the sidewalk may be located along the curblined as needed to reduce conflicts between existing light and power poles pursuant to SRC 803.035(l)(2)(B).

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

**Finding:** The applicant proposed one new left-in/left-out driveway along the northern property boundary with access to the one-way section of Hagers Grove Road SE. The applicant also proposes to widen the existing driveway onto Carson Drive SE along the western property

boundary. The driveway accesses onto Hagers Grove Road SE and Carson Drive SE provide for safe turning movements into and out of the property.

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

**Finding:** The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

There is an existing slope easement on the subject property that was acquired by the City of Salem for the realignment of Hagers Grove Road SE. The applicant's site plan shows one of the new buildings located within the easement area. New structures are not permitted within City of Salem easements. Prior to issuance of a building permit for the new structure, all, or a portion of, the easement shall be quitclaimed.

**Condition 7:** All or a portion of the slope easement on the subject property that conflicts with the proposed building shall be quitclaimed prior to building permit issuance.

The proposed development spans two legal lots (tax lot # 082W06AB10100 and 082W06AB10000). The preliminary utility plan shows utilities crossing the interior property lines. At time of building permit application, the applicant shall be required to demonstrate any necessary easements for utilities are provided or provide an updated utility plan demonstrating easements are not needed.

The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least 10 percent of the total new impervious surface area for installation of green stormwater infrastructure. It is unclear, however, if this area accommodates new impervious surface spanning both parcels subject to the application. Additional information will be required at time of building permit application to ensure both properties meet the flow control and treatment requirements established in SRC Chapter 71 and PWDS. The applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

**Condition 8:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

***SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.***

**Finding:** The applicant proposed one new left-in/left-out driveway onto the one-way section of Hagers Grove Road SE along the northern property boundary. The applicant also proposed to widen the existing driveway onto Carson Drive SE along the western property boundary. As described in the findings below, both proposed driveways meet the approval criteria, and thereby meet the standards for SRC Chapter 804 and PWDS.

***SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.***

**Finding:** There are no site conditions prohibiting the location of the proposed driveways.

***SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.***

**Finding:** The proposed driveways are not accessing onto an arterial street.

***SRC 804.025(d)(4): The proposed driveway approach, where possible:***

***(A) Is shared with an adjacent property; or***

***(B) Takes access from the lowest classification of street abutting the property***

**Finding:** The proposed driveways are currently located with access to the lowest classification of street abutting the subject property.

***SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.***

**Finding:** The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

***SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.***

**Finding:** No evidence has been submitted to indicate that the proposed driveways will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveways indicate that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

***SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity.***

**Finding:** Staff analysis of the proposed driveways and the evidence that has been submitted indicate that the location of the proposed driveways will not have any adverse impacts to the adjacent properties or streets.

***SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.***

**Finding:** The property is located on the corner of a major arterial street (Lancaster Drive SE), a collector street (Carson Drive SE) and a local street (Hagers Grove Road SE). It should be noted that the Carson Drive SE along the western boundary does not hold the same classification of a collector street as the Carson Drive SE along the southern border, as it

curves around the property and eventually becomes Hagers Grove Road SE. The applicant is proposing a driveway to the lower classification of street and it meets the spacing requirements of SRC Chapter 803. By complying with the requirements of this chapter, the applicant has minimized impacts to the functionality of adjacent streets and intersections.

***SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.***

**Finding:** The proposed driveway approaches are not located in the vicinity of a residentially zoned area. The driveways will not have an effect on the functionality of the adjacent streets.

## 7. Conclusion

Based upon review of SRC Chapters 220 and 804, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

### **IT IS HEREBY ORDERED**

Final approval of Class 3 Site Plan Review and Class 2 Driveway Approach Permit Case No. SPR-DAP22-46 is hereby **APPROVED** subject to SRC Chapters 220 and 804, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as Attachment B, and the following conditions of approval:

- Condition 1:** At the time of building permit review, the applicant shall submit updated plans which do not include the oil-change facility building as part of development.
- Condition 2:** At the time of building permit review, the applicant shall provide construction details for the trash enclosure indicating conformance with SRC Chapter 800.
- Condition 3:** At the time of building permit review, the applicant shall demonstrate that all required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b)(1) and 800.065(c).
- Condition 4:** At the time of building permit review, the applicant shall provide a full landscape plan demonstrating how the development site meets Type A landscaping, including all new and existing landscaped areas, by providing a minimum of one plant unit per 20 square feet, with 40 percent of the plant units being trees.
- Condition 5:** Construct the following streetscape improvements:
- a. Along Carson Drive SE and Hagers Grove Road SE, provide curblines, sidewalks, curb ramps at street intersections, and street trees, including existing areas where street trees are inadequate.
  - b. Along Lancaster Drive SE, provide curb ramps at street intersections and street trees.



- Condition 6:** Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Lancaster Drive SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 7:** All or a portion of the slope easement on the subject property that conflicts with the proposed building shall be quitclaimed prior to building permit issuance.
- Condition 8:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.



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Jamie Donaldson, Planner II, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

- Attachments: A. Vicinity Map  
B. Proposed Development Plans  
C. Public Works Memo

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