



Land Use Compatibility Statement

What is a Land Use Compatibility Statement?

A LUCS is a form developed by DEQ to determine whether a DEQ permit or approval will be consistent with local government comprehensive plans and land use regulations.

Why is a LUCS required?

DEQ and other state agencies with permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and have a process for determining consistency. DEQ activities affecting land use and the requirement for a LUCS may be found in Oregon Administrative Rules (OAR) Chapter 340, Division 18.

When is a LUCS required?

A LUCS is required for nearly all DEQ permits and certain approvals of plans or related activities that affect land use prior to issuance of a DEQ permit or approval. These permits and activities are listed in section 1.D on p. 2 of this form. A single LUCS can be used if more than one DEQ permit or approval is being applied for concurrently.

Permit modifications or renewals also require a LUCS when any of the following applies:

1. Physical expansion on the property or proposed use of additional land;
2. Alterations, expansions, improvements or changes in method or type of disposal at a solid waste disposal site as described in OAR 340-093-0070(4)(b);
3. A significant increase in discharges to water;
4. A relocation of an outfall outside of the source property; or
5. Any physical change or change of operation of an air pollutant source that results in a net significant emission rate increase as defined in OAR 340-200-0020.

How to complete a LUCS:

Step	Who does it?	What happens?
1.	Applicant	Applicant completes Section 1 of the LUCS and submits it to the appropriate city or county planning office.
2.	City or County Planning Office	City or county planning office completes Section 2 of the LUCS to indicate whether the activity or use is compatible with the acknowledged comprehensive plan and land use regulations, attaches written findings supporting the decision of compatibility, and returns the signed and dated LUCS to the applicant.
3.	Applicant	Applicant submits the completed LUCS and any supporting information provided by the city or county to DEQ along with the DEQ permit application or approval request.

Where to get help:

For questions about the LUCS process, contact the DEQ staff responsible for processing the permit or approval. DEQ staff may be reached at 1-800-452-4011 (toll-free, inside Oregon) or 503-229-5630. For general questions, please contact DEQ land use staff listed on our [Land Use Compatibility Statement page](#) online.

Cultural resources protection laws:

Applicants involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction, or alteration of an archeological site or object or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking, to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, ext. 232.

Land Use Compatibility Statement

Section 1 – To be completed by the applicant

1A. Applicant Name: COMMUNITY FIRST SOLUTIONS, LLC

Contact Name: BRYCE PETERSEN

Mailing Address: P.O. BOX 62

City, State, Zip: TURNER, OREGON 97392

Telephone: 503-989-8419

Tax Account #: 351906

1B. Project Name: SECURE RESIDENTIAL TREATMENT FACILITY

Physical Address: 325 LANCASTER DRIVE SE

City, State, Zip: SALEM, OR 97317

Tax Lot #: 072W31BB 04501

Township: 7S Range: 2W Section: 31

Latitude: 44.9249319

Longitude: -122.9861545

1C. Describe the project, include the type of development, business, or facility and services or products provided (attach additional information if necessary):

THE CURRENT SITE IS MAJORITY UNDEVELOPED. PERVIOUS AREA CONSISTS OF SHORT GRASSES AND TWO MAPPED WETLANDS THAT ARE NON-JURISDICTIONAL TO THE STATE. THE PROJECT IS PROPOSING THE CONSTRUCTION OF AN 11,500 SQUARE FOOT RESIDENTIAL CARE FACILITY WITH ASSOCIATED PARKING FACILITIES, PEDESTRIAN WALKWAYS, LANDSCAPING, UTILITY CONNECTIONS AND STORMWATER MANAGEMENT FACILITY.

1D. Check the type of DEQ permit(s) or approval(s) being applied for at this time.

☐ Air Quality Notice of Construction

☐ Air Contaminant Discharge Permit

☐ Air Quality Title V Permit

☐ Air Quality Indirect Source Permit

☐ Parking/Traffic Circulation Plan

☐ Solid Waste Land Disposal Site Permit

☐ Solid Waste Treatment Facility Permit

☐ Solid Waste Composting Facility Permit
(includes Anaerobic Digester)

☐ Conversion Technology Facility Permit

☐ Solid Waste Letter Authorization Permit

☐ Solid Waste Material Recovery Facility Permit

☐ Solid Waste Energy Recovery Facility Permit

☐ Solid Waste Transfer Station Permit

☐ Waste Tire Storage Site Permit

☐ Pollution Control Bond Request

☐ Hazardous Waste Treatment, Storage or
Disposal Permit

☐ Clean Water State Revolving Fund Loan
Request

☐ Wastewater/Sewer Construction Plan/
Specifications (includes review of plan
changes that require use of new land)

☐ Water Quality NPDES Individual Permit

☐ Water Quality WPCF Individual Permit (for
onsite construction-installation permits use
the DEQ [Onsite LUCS form](#))

☒ Water Quality NPDES Stormwater General
Permit (1200-A, 1200-C, 1200-CA,
1200-COLS, and 1200-Z)

☐ Water Quality General Permit (all general
permits, except 600, 700-PM, 1700-A, and
1700-B when they are mobile)

☐ Water Quality 401 Certification for federal
permit or license

This application is for: ☐ Permit Renewal ☒ New Permit ☐ Permit Modification ☐ Other:

Section 2 – To be completed by city or county planning officialApplicant name: **COMMUNITY FIRST SOLUTIONS, LLC**Project name: **SECURE RESIDENTIAL TREATMENT FACILITY**

Instructions: Written findings of fact for all local decisions are required; written findings from previous actions are acceptable. For uses allowed outright by the acknowledged comprehensive plan, DEQ will accept written findings in the form of a reference to the specific plan policies, criteria, or standards that were relied upon in rendering the decision with an indication of why the decision is justified based on the plan policies, criteria, or standards.

2A. The project proposal is located: ☒ Inside city limits ☐ Inside UGB ☐ Outside UGB

2B. Name of the city or county that has land use jurisdiction (the legal entity responsible for land use decisions for the subject property or land use):

2C. ☐ This project is not within the jurisdiction of any other land use, zoning, or planning entity☒ This project is also within the jurisdiction of the following land use, zoning, or planning entity _____2D. Is the activity allowed under Measure 49 (2007)? ☒ No, Measure 49 is not applicable ☐ Yes, if yes, then check one:☐ Express; approved by DLCD order #:☐ Conditional; approved by DLCD order #:☐ Vested; approved by local government decision or court judgment docket or order #:

2E. Is the activity a composting facility?

☒ No ☐ Yes; Senate Bill 462 (2013) notification requirements have been met.

2F. Is the activity or use compatible with your acknowledged comprehensive plan as required by OAR 660-031?

Please complete this form to address the activity or use for which the applicant is seeking approval (see 1.C on the previous page). If the activity or use is to occur in multiple phases, please ensure that your approval addresses the phases described in 1C. For example, if the applicant's project is described in 1C. as a subdivision and the LUCS indicates that only clearing and grading are allowed outright but does not indicate whether the subdivision is approved, DEQ will delay permit issuance until approval for the subdivision is obtained from the local planning official.

☐ The activity or use is specifically exempt by the acknowledged comprehensive plan; explain:☐ Yes, the activity or use is pre-existing nonconforming use allowed outright by (provide reference for local ordinance):☐ Yes, the activity or use is allowed outright by (provide reference for local ordinance):☒ Yes, the activity or use received preliminary approval that includes requirements to fully comply with local requirements; findings are attached.☐ Yes, the activity or use is allowed; findings are attached.☐ No, see 2D. above, activity or use allowed under Measure 49; findings are attached.☐ No, (complete below or attach findings for noncompliance and identify requirements the applicant must comply with before compatibility can be determined):

Relevant specific plan policies, criteria, or standards:

Provide the reasons for the decision:

Additional comments (attach additional information as needed):

City of Salem Civil Site Work including grading and erosion control permits are required and have not been applied for to date.

Planning Official Signature:



Title:

Current Planning Manager

Print Name:

Olivia Dias

Telephone #:

503-540-2343

Date:

05/16/2024

If necessary, depending upon city/county agreement on jurisdiction outside city limits but within UGB:

Planning Official Signature:

Title:

Print Name:

Telephone #:

Date:

Alternative formats

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.state.or.us.

NOTICE OF DECISION

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



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

DECISION OF THE HEARINGS OFFICER

**CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT
CASE NO.: CU-SPR-ADJ24-02**

APPLICATION NO.: 24-103944-PLN

NOTICE OF DECISION DATE: May 16, 2024

SUMMARY: A Conditional Use Permit, Class 3 Site Plan Review and Class 2 Adjustment for a Residential Care Facility.

REQUEST: A consolidated application for a Conditional Use Permit and Class 3 Site Plan Review to construct a Residential Care Facility and associated site improvements with a Class 2 Adjustment to reduce the perimeter setback landscaping and plant units for the undeveloped portion of the development site. The subject properties are 5.57 acres in size, zoned CG (General Commercial) and located at 325 Lancaster Drive SE (Marion County Assessors Map and Tax Lot Numbers 072W31BB / 4501).

APPLICANT: Bryce Peterson

LOCATION: 325 Lancaster Dr SE, Salem OR 97317

CRITERIA: Salem Revised Code (SRC) Chapters 240.005(d) – Conditional Use; 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment.

FINDINGS: The findings are in the attached Decision dated May 15, 2024.

DECISION: The **Hearings Officer APPROVED** Conditional Use / Class 3 Site Plan Review / Class 2 Adjustment Case No. CU-SPR-ADJ24-02 subject to the following conditions of approval:

- Condition 1:** The residential care operation shall be limited to the proposed 16 beds.
- Condition 2:** At the time of building permit, the Applicant shall install a six-foot high sight-obscuring fence along the northern property line between the development and single-family zoned properties. If, in any location along the northern property line, there is an existing six foot-high sight-obscuring fence in good condition, the applicant shall not be required to construct a new fence in that location.
- Condition 3:** Prior to issuance of any building permits, the Applicant shall install a jersey barrier between the unauthorized parking area on the northeastern portion of the property and 375 Lancaster Drive SE.
- Condition 4:** At the time of building permit, the Applicant shall provide detail meeting standards of SRC 800.055.

- Condition 5:** At the time of building permit, the Applicant shall either revise the site plan to relocate the trash enclosure outside of the City Easements or shall obtain a Revocable License to Encroach into the City Easement.
- Condition 6:** At the time of building permit, the Applicant shall provide lighting along the entire pedestrian pathway including between the eastern driveway and Lancaster Drive.
- Condition 7:** At the time of building permit, the Applicant shall dedicate easements for existing public infrastructure on the site (the "City Easements") to the current standards in Public Works Design Standards (PWDS) Section 1.8 (Easements), except where a Design Exception to the PWDS is approved by the City Engineer pursuant to PWDS Section 1.18 (Design Standard Exceptions).
- Condition 8:** At the time of building permit, the Applicant shall submit a final landscaping plan that relocates the trees within the City Easements to another location on the site.
- Condition 9:** The Applicant shall obtain a revocable license to encroach into the City Easements for any parking that extends into the City Easements.
- Condition 10:** The Applicant shall permanently close the northerly driveway onto Lancaster Drive S.E. as shown on the applicant's preliminary site plan and replace with curbs and sidewalks in accordance with Marion County construction standards.
- Condition 11:** At the driveway approach entrance onto Lancaster Drive S.E., the Applicant must upgrade the existing curb ramps to meet current Marion County construction standards and the A.D.A. Public Right of Way Accessibility Guidelines.
- Condition 12:** At the time of building permit, the Applicant shall include one tree within the planter area labeled 'E' on the landscaping plan.
- Condition 13:** At the time of building permit, the Applicant shall provide evidence that the standards of SRC 806.060 have been met, including access and location.
- Condition 14:** At time of building permit, the Applicant shall convey through dedication a half-width of 48 foot right of way on the south side of the development property extending to Lancaster Drive S.E.
- Condition 15:** The Applicant shall design and construct a storm drainage system meeting the requirements of SRC Chapter 71 and Public Works Design Standards.
- Condition 16:** Prior to issuance a Certificate of Occupancy, the Applicant shall record a Private Stormwater Facilities Access Agreement for the common stormwater system, pursuant to SRC 802.040 and Public Works Design Standards.
- Condition 17:** Prior to issuance of a building permit, the Applicant shall either (a) demonstrate that the Applicant has all easements necessary to connect to the private stormwater system on a neighboring property or (b) redesign the stormwater system with an alternative approved point of discharge in accordance with SRC Chapter 71 and Public Works Design Standards.

- Condition 18:** At the time of any future development of the site, if such development occurs, the Applicant must install perimeter landscaping meeting the requirements of SRC 807 for the entire site.
- Condition 19:** The Applicant shall provide Type A landscaping for the ten foot landscaped setback along Lancaster Drive S.E. and the private street to the south, including the requirement that 40 percent of plant units are trees, excluding Street Trees to be provided for the private street.
- Condition 20:** The adjusted landscape standards, as approved in this zoning adjustment, shall apply only to the specific development shown in the site plan included with the application. Any further future development greater in extent than what was included with the application shall conform to all applicable development requirements in force at that time, unless adjusted through a future land action.

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

Conditional Use:	<u>June 1, 2026</u>
Class 3 Site Plan Review:	<u>June 1, 2028</u>
Class 2 Adjustment:	<u>June 1, 2028</u>
Application Deemed Complete:	<u>March 25, 2024</u>
Public Hearing Date:	<u>April 24, 2024</u>
Notice of Decision Mailing Date:	<u>May 16, 2024</u>
Decision Effective Date:	<u>June 1, 2024</u>
State Mandate Date:	<u>July 23, 2024</u>

Case Manager: Olivia Dias, odias@cityofsalem.net, 503-540-2343

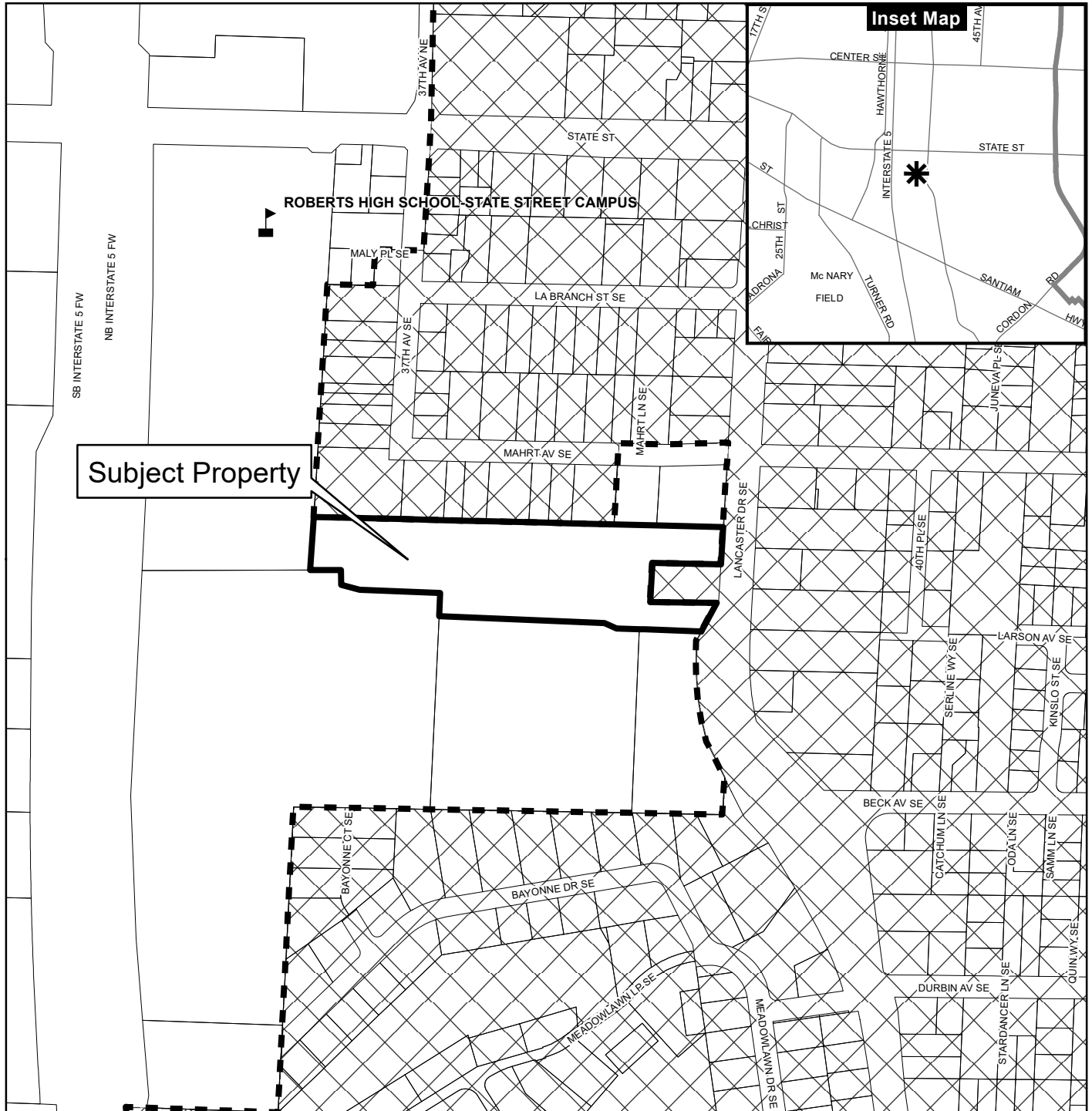
This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Friday, May 31, 2024. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 240, 220, 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commissions may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

Vicinity Map

325 Lancaster Drive



Legend

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

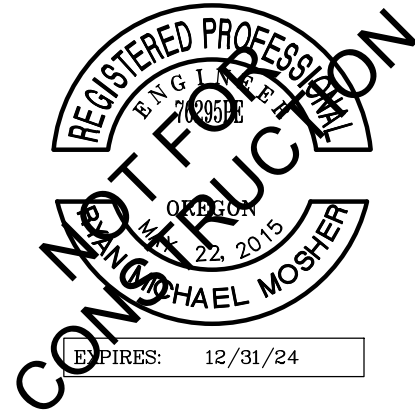
Parks

CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

0 100 200 400 Feet



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



EROSION CONTROL NOTES:

- 9 SEED ALL DISTURBED SOIL AREAS NOT SHOWN ON LANDSCAPE PLAN WITH SUNMARK NATIVE EC SEED MIX (43.63 LBS PER ACRE).

GENERAL ESC NOTES

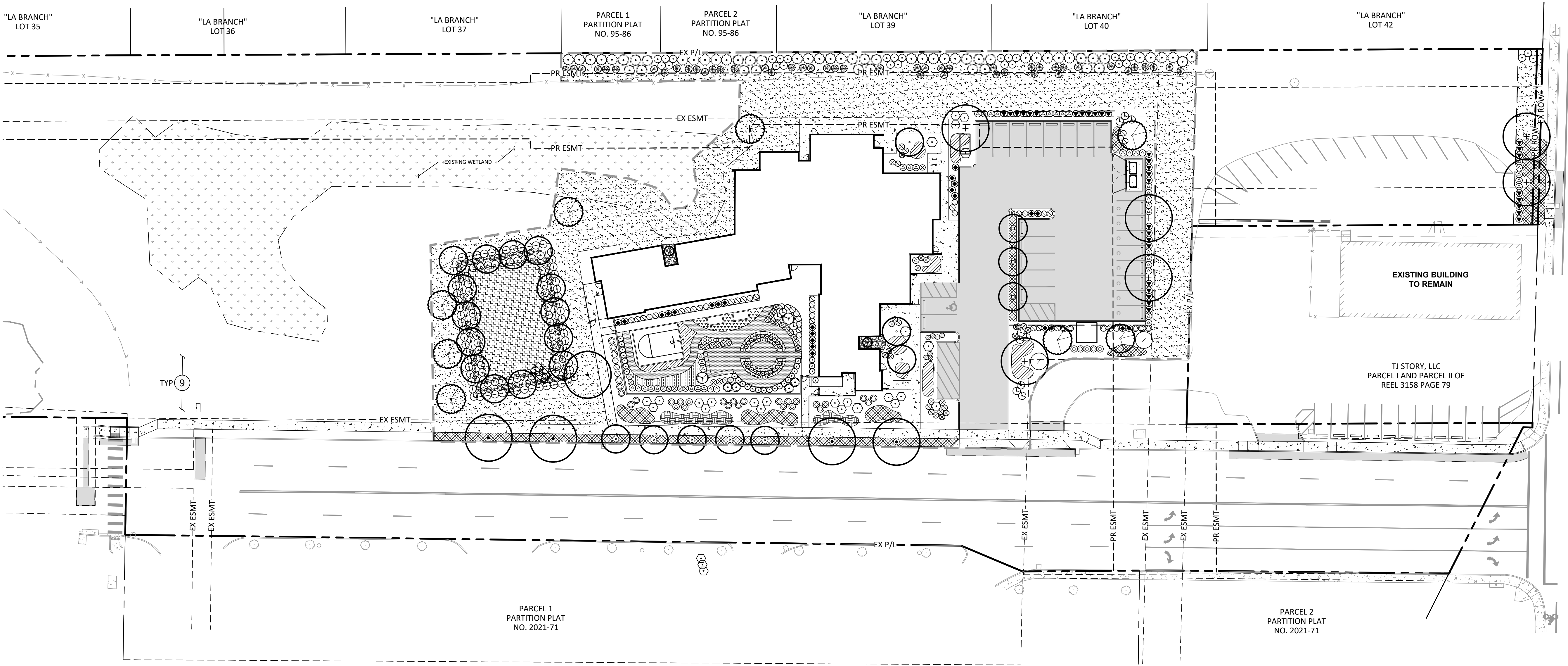
1. BMP'S SHOWN ARE THE MINIMUM REQUIRED. ADDITIONAL MEASURES MAY BE NECESSARY DURING CONSTRUCTION AS FIELD CONDITIONS DICTATE IN ACCORDANCE WITH CITY AND DEQ PERMIT REQUIREMENTS.
2. ALL PROPOSED SLOPE GRADING SHALL CONFORM TO I.B.C. REQUIREMENTS FOR BENCHING AND DRAINAGE.

**CFS SRTF -
SALEM**

Job Number: 22224

325 Lancaster Drive SE
Salem, Oregon 97317

FILE PATH:



LANCASTER DRIVE SE

LAND USE 03.15.24

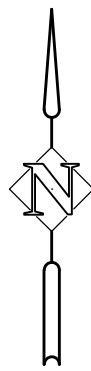
ISSUE DATE

Drawing:

ESC - FINAL LANDSCAPING
AND SITE STABILIZATION

Sheet No:

C155



0 15 30 60
SCALE: 1" = 30'

THESE DRAWINGS ARE THE ORIGINAL UNPUBLISHED WORK
OF THE ARCHITECT AND MAY NOT BE DUPLICATED OR USED
WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.



CONSTRUCTION NOTES:

1. CONSTRUCT STANDARD CURB PER DETAIL ON SHEET C900.
2. CONSTRUCT 45 DEGREE CURB TAPER.
3. CONSTRUCT FLUSH CURB PER DETAIL ON SHEET C900.
5. INSTALL PRECAST CONCRETE WHEEL STOP PER DETAIL ON SHEET C900.
6. PROPOSED TRASH COLLECTION AREA. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
7. PROPOSED STORMWATER FACILITY. REFER TO SHEET C501 FOR ADDITIONAL INFORMATION.
8. PROPOSED COURTYARD AND LANDSCAPE AREA. REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION.
9. PROPOSED 10' HEIGHT METAL FENCE. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
10. PROPOSED 10' HEIGHT CMU WALL. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.

GENERAL NOTES:

1. ELECTRONIC FILES WILL BE PROVIDED TO CONTRACTOR FOR SITE LAYOUT.
2. THE OWNER SHALL RETAIN A LICENSED SURVEYOR TO PROVIDE CONSTRUCTION STAKING FOR ALL SITE WORK, INCLUDING BUT NOT LIMITED TO GRADING, PAVING, CURBS, UTILITIES, SITE ELECTRICAL, ETC.
3. SEE ARCHITECTURAL AND LANDSCAPE DRAWINGS FOR SCORING PATTERNS, SPECIALTY SURFACING, AND OTHER INFORMATION.
4. FOR STANDARD ASPHALT PAVEMENT AREAS AND STRIPING, SEE SIGNING, STRIPING AND SURFACING PLANS ON SHEET C210.

TOTAL PROJECT AREA = 242,695 SF (5.57 AC)
EXISTING IMPERVIOUS AREA = 3,753 SF (0.09 AC)
PROPOSED IMPERVIOUS AREA = 34,446 SF (0.79 AC)

PARKING STALL QUANTITIES:

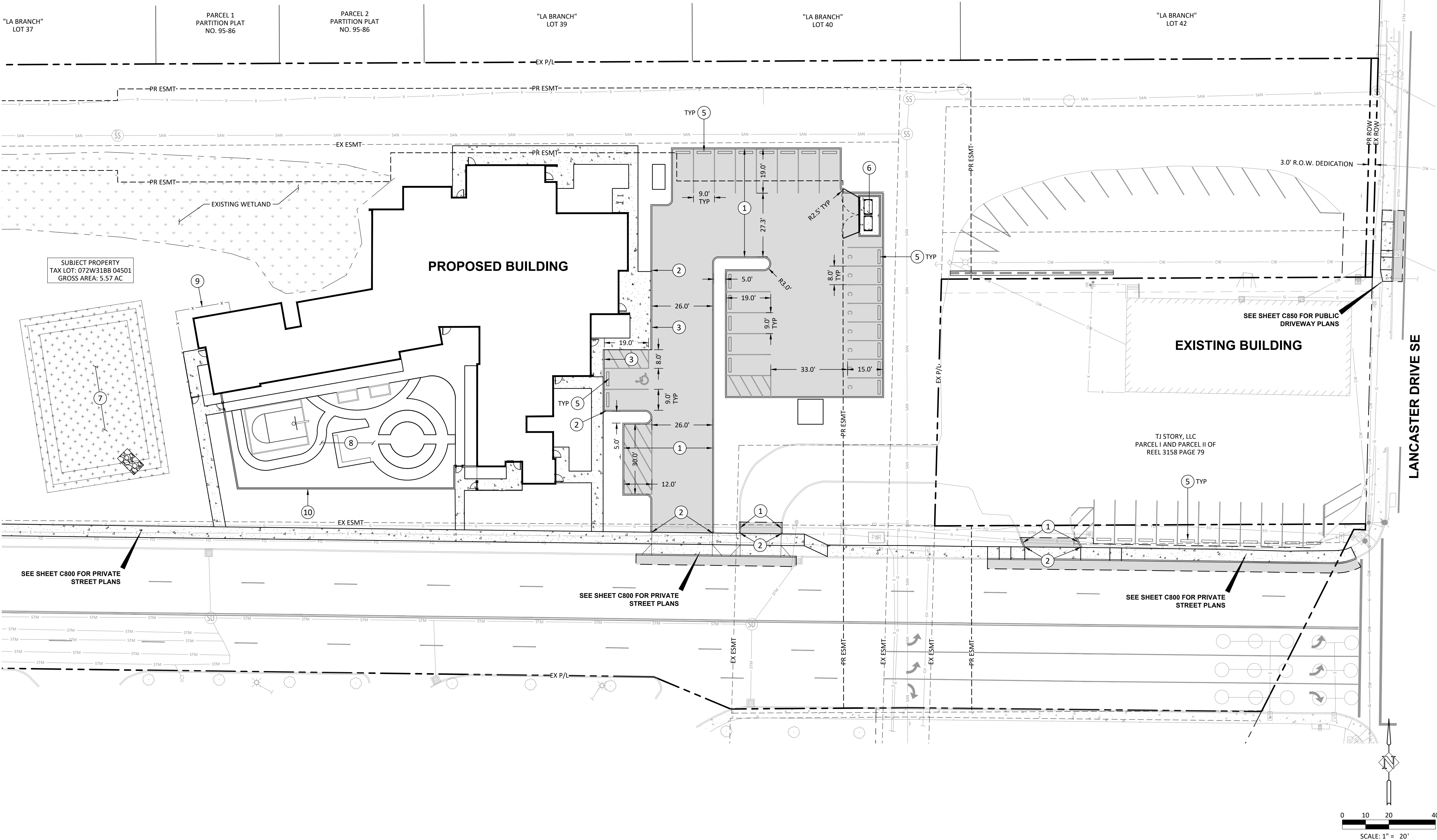
STANDARD: 14
COMPACT: 8
ADA ACCESSIBLE: 1

CFS SRTF -
SALEM

Job Number: 22224

325 Lancaster Drive SE
Salem, Oregon 97317

FILE PATH:



LAND USE 03.15.24

ISSUE DATE

Drawing:

ENLARGED SITE PLAN

Sheet No:

C201

0 10 20 40
SCALE: 1" = 20'

THESE DRAWINGS ARE THE ORIGINAL UNPUBLISHED WORK
OF THE ARCHITECT AND MAY NOT BE DUPLICATED OR USED
WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

**DECISION OF THE HEARINGS OFFICIAL
FOR THE CITY OF SALEM**

CONDITIONAL USE APPLICATION FOR)	CASE NUMBER
CONSTRUCTION OF A RESIDENTIAL CARE)	CU-SPR-ADJ24-02
FACILITY AND ASSOCIATED SITE)	
IMPROVEMENTS WITH A CLASS 2)	FINDINGS OF FACT, CONCLUSIONS,
ADJUSTMENT TO REDUCE THE PERI-)	AND DECISION
METER SETBACK LANDSCAPING AND)	
PLANT UNITS ON LAND ZONED CG)	
(RESIDENTIAL COMMERCIAL), LOCATED)	
AT 325 LANCASTER DR. S.E. (MARION)	
COUNTY ASSESSOR'S MAP AND TAX LOT)	
NO. 072W31BB / 4501))	
)	

DATE AND PLACE OF HEARING

On April 24, 2024, at 5:30 p.m., a properly noticed hearing was held before the City of Salem Hearings Officer at the Salem Municipal Court, CD Conference Room 130, Salem Civic Center, 555 Liberty St. S.E., Salem, Oregon.

APPEARANCES

<u>Staff:</u>	Olivia Dias Smith
<u>Neighborhood Association:</u>	Shannon Priem, by written letter
<u>Applicant:</u>	Bryce Peterson Hillary Harris Brad Kilby Jill Arnold
<u>Proponents:</u>	Tracy Story
<u>Opponents:</u>	None present

APPLICATION SUMMARY

This is a request for a Conditional Use Permit to construct a Residential Care Facility and site improvements to be located on a portion of a 5.57 acre property zoned CG (General Commercial) at 325 Lancaster Drive, within the Urban Growth Boundary, adjacent to a tavern, cinema, other commercial businesses, single-family residences, and a high school.

HEARING SUMMARY

The City of Salem held a properly noticed public hearing on April 24, 2024 regarding the Applicant's request. During the hearing, Staff presented for the City and the staff report was entered into the record.

The Applicant requested at the hearing, on behalf of Tracy Story, owner of the neighboring property to the east, that the City consider modification of Condition 3 to more easily accommodate delivery truck access to her business located on the neighboring property. City Staff and Applicant discussed potential methods of accommodating such access while still terminating use of the existing unauthorized parking lot, but no specific alternative was put forward.

The Applicant also testified at the hearing that, along the north property line of the site, some of the neighboring residences have existing six foot-high fences running along the property line. The Applicant requested that proposed Condition 2 be modified so that the Applicant is not required to construct new fences in locations where six foot high fences are already in place along the property line. City Staff did not object to this request.

The following findings and conclusions are based upon the testimony and evidence presented at the hearing, including the City of Salem Staff Report, as modified by the Supplemental Staff Report dated April 24, 2024.

FINDINGS AND CONCLUSIONS

Proposed Findings from the Staff Report:

1. Salem Area Comprehensive Plan (SACP) designation

The SACP map designation for the property is Commercial.

2. Zoning and Surrounding Land Uses

The SACP map designation for the property is General Commercial. The zoning and uses of the surrounding properties include:

North: CR (Retail Commercial Zone; Marion County RS (Single-Family Residential) Zone.

South: CG (General Commercial) Zone

East: Across Lancaster Dr. S.E.: Marion County CR G (Retail Commercial) Zone

West: PS (Public Service) Zone

3. Site Analysis

The proposal is part of a development site consisting of a single unit of land totaling 5.6 acres in size with 100 feet of frontage along Lancaster Dr. S.E., which is designated as a Major Arterial Street in the Salem Transportation System Plan (TSP) and approximately 750 feet of frontage along a Private Street. The subject property is within the Urban Growth Boundary and outside of the Urban Service Area.

4. Neighborhood and Citizen Comments

The subject property is located within the Southeast Salem Neighborhood Association (SESNA). Pursuant to Salem Revised Code (SRC) Chapter 300, the applicant is required to contact the neighborhood association(s) whose boundaries include, or are adjacent to, property that is subject to

specific land use application requests, prior to submittal of a consolidated application. On February 6, 2024, the applicant contacted SESNA, meeting the requirement of SRC 300.310(c). Notice was provided to both SESNA and to surrounding addresses, property owners, and tenants within 250 feet of the subject property.

The Southeast Salem Neighborhood Association submitted a letter dated April 23, 2024 to the City of Salem Planning Department, expressing support for the Community First Solutions 16-bed residential treatment facility, and further expressing the opinion of SESNA that “this development has been appropriately designed and located, and that the neighbors have been well informed.”

5. City Department and Public Agency Comments

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

City of Salem Development Services Division: Reviewed the proposal and provided a memo dated April 16, 2024 recommending nine conditions for approval, including the granting of easements for existing underground public infrastructure, and modifications to the site plan and landscaping plan, and a license, to accommodate the City’s use of the easements; closure of one driveway approach on Lancaster Drive, dedication of additional right of way, and further development of the storm sewer system.

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.

Marion County: Submitted comments indicating that there is a driveway access onto Lancaster Drive NE [*sic*] that requires closure and that the curb ramps at the primary driveway approach to the private street need to be upgraded to meet current ADA standards.

6. Analysis of Conditional Use Criteria

The City of Salem Uniform Development Code (UDC), SRC 240.005(a)(1) provides that “[n]o 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.” SRC 240.005(d) further provides that “[a]n application for conditional use permit shall be granted if all of the following criteria are met: (1) [t]he proposed use is allowed as a conditional use in the zone; (2) [t]he reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and (3) [t]he proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property. Each of these criteria are addressed as follows:

(1) The proposed use is allowed as a conditional use in the zone;

City Staff Proposed Finding: The proposal includes development of an 11,500 square foot Residential Care Facility with sixteen beds and associated site improvements. In the CG zone, *Residential Care Facility* uses require a Conditional Use Permit; therefore a Conditional Use Permit is required to establish the proposed use on the subject property.

- (2) The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and**

City Staff Proposed Finding: The proposed *Residential Care Facility* use would be surrounded by a mix of uses, with commercial uses (movie theater, bar, car lot) to the south and east, residential uses (single family houses) to the north, and institutional uses (Roberts High School) to the west. The construction of a residential care facility will be compatible with the general mixed development of the area. The proposed area for development is providing landscaping abutting the residentially zoned property to the north, which can mitigate any impacts to the existing residential development. The applicant is proposing 16 beds for the facility.

with sixteen beds and associated site improvements. In the CG zone, *Residential Care Facility* uses require a Conditional Use Permit; therefore a Conditional Use Permit is required to establish the proposed use on the subject property.

Condition 1: The operation shall be limited to the proposed 16 beds.

Condition 2: At the time of building permit, the applicant shall install a six-foot sight-obscuring fence along the northern property line between the development and single-family zoned properties.

The Hearings Officer agrees with Applicant that, if there are locations where fence of sufficient height and condition already exists along the northern property line, Applicant should not be compelled to tear down one fence only to construct another in its place. Therefore, the Hearings Officer adopts the proposed finding with the amendment that the following sentence be added to Condition 2: "If, in any location along the northern property line, there is an existing six foot-high sight-obscuring fence in good condition, the applicant shall not be required to construct a new fence in that location."

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

City Staff Proposed Finding: The construction of the Residential Care Facility will have minimal impact to the existing uses and surrounding properties. The general development pattern of the area includes a mix of uses and zones that can cohesively incorporate a residential care facility. Additionally, the site has been designed to provide larger than required setbacks and landscaping around the perimeter of the development to provide a buffer between the existing uses, specifically the residential zone to the north and the institutional zone to the west. This includes additional tree planting along the north property line between the proposed building and houses, as conditioned above the criteria is met.

The Hearings Officer adopts the proposed findings as set forth above.

7. Issues Brought Forward by City Departments and Public Agencies

City of Salem Development Services.

1. Dedicate easements for existing public infrastructure on the site to current standards in Public Works Design Standards Section 1.8 (Easements) except where a Design Exception to the Public Works Design Standards is approved by the City Engineer pursuant to Public Works Design Standards (PWDS) Section 1.18 (Design Standard Exceptions).

2. At the time of building permit, the applicant shall submit a final landscaping plan that relocates the trees within the required easement for existing public utilities to another location on the site.
3. At the time of building permit, the applicant shall revise the site plan to relocate the trash enclosure outside of the required easement for existing public utilities.
4. The applicant shall obtain a revocable license to encroach into the required easement for existing public utilities for any parking that extends into the required easement.
5. Permanently close the northerly driveway onto Lancaster Drive NE [sic] as shown on the applicant's preliminary site plan and replace with curbs and sidewalks in accordance with Marion County construction standards.
6. At the primary driveway approach entrance onto Lancaster Drive NE [sic], upgrade existing curb ramps to meet current Marion County Construction Standards for Public Right-of-Way Accessibility Guidelines.
7. Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Lancaster Drive SE.
8. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.
9. Prior to issuance of a building permit, the applicant shall demonstrate they have appropriate easements to connect to the private stormwater system on neighboring property.

Marion County:

1. Driveway access onto Lancaster Drive SE requires closure.
2. Curb ramps at the primary driveway approach to the private street need to be upgraded to meet current ADA standards.

The Hearings Officer finds that Staff-proposed Conditions 4, 5, 7, 8, 9, 10, 11, 14, 15, 16, and 17 directly address each of the issues raised by the City of Salem Development Services Department and Marion County.

Conclusion

After review of the application and the Staff report, and after due consideration of the testimony and evidence in the record, the Hearings Officer finds that the proposed use is allowed as a conditional use in the zone, that the reasonably likely impacts on the immediate neighborhood will be minimized by the plan presented and the conditions imposed, and that the proposed use will be reasonably compatible with and have minimal impact upon the livability or appropriate development of surrounding property.

DECISION

Based upon the facts and findings herein, the Hearings Office APPROVES the requested Conditional Use to allow a Residential Care Facility on the property located at 325 Lancaster Drive S.E., Marion County Assessor's Map and Tax Lot Number 072W31BB / 4501, subject to the following conditions of approval:

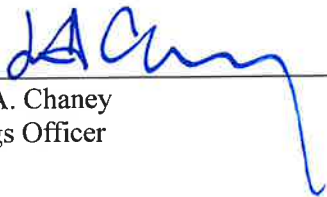
Condition 1 The residential care operation shall be limited to the proposed 16 beds.

Condition 2 At the time of building permit, the Applicant shall install a six foot high sight-obscuring fence along the northern property line between the development and single-family zoned properties. If, in any location along the northern property line, there is an existing six foot-high sight-obscuring fence in good condition, the applicant shall not be required to construct a new fence in that location.

- Condition 3 Prior to issuance of any building permits, the Applicant shall install a jersey barrier between the unauthorized parking area on the northeastern portion of the property adjacent to 375 Lancaster Drive S.E.
- Condition 4 At the time of building permit, the Applicant shall provide detail meeting the standards of SRC 800.055.
- Condition 5 At the time of building permit, the Applicant shall either revise the site plan to relocate the trash enclosure outside of the City Easements or shall obtain a Revocable License to Encroach into the City Easements.
- Condition 6 At the time of building permit, the Applicant shall provide lighting along the entire pedestrian pathway including between the eastern driveway and Lancaster Drive.
- Condition 7 At the time of building permit, the Applicant shall dedicate easements for existing public infrastructure on the site (the "City Easements") to the current standards in Public Works Design Standards (PWDS) Section 1.8 (Easements), except where a Design Exception to the PWDS is approved by the City Engineer pursuant to PWDS Section 1.18 (Design Standard Exceptions).
- Condition 8 At the time of building permit, the Appellant shall submit a final landscaping plan that relocates the trees within the City Easements to another location on the site.
- Condition 9 The Applicant shall obtain a revocable license to encroach into the City Easements for any parking that extends into the City Easements.
- Condition 10 The Applicant shall permanently close the northerly driveway onto Lancaster Drive S.E. as shown on the Applicant's preliminary site plan and replace the driveway with curbs and sidewalks constructed in accordance with Marion County construction standards.
- Condition 11 At the driveway approach entrance onto Lancaster Drive S.E., the Applicant must upgrade the existing curb ramps to meet current Marion County construction standards and the A.D.A. Public Right of Way Accessibility Guidelines.
- Condition 12 At the time of building permit, the Applicant shall include one tree within the planter area labeled 'E' on the landscaping plan.
- Condition 13 At the time of building permit, the Applicant shall provide evidence that the standards of SRC 806.060 have been met, including access and location.
- Condition 14 At time of building permit, the Applicant shall convey through dedication a half-width of a 48 foot right of way on the south side of the development property extending to Lancaster Drive S.E.
- Condition 15 The Applicant shall design and construct a storm drainage system meeting the requirements of SRC Chapter 71 and the Public Works Design Standards.
- Condition 16 Prior to issuance of a Certificate of Occupancy, the Applicant shall record a Private Stormwater Facilities Access Agreement for the common stormwater system, pursuant to SRC 802.040 and the Public Works Design Standards.

- Condition 17 Prior to issuance of a building permit, the Applicant shall either (a) demonstrate that the Applicant has all easements necessary to connect to the private stormwater system on a neighboring property, or (b) redesign the stormwater system with an alternative approved point of discharge in accordance with the requirements of SRC Chapter 71 and Public Works Design Standards.
- Condition 18 At the time of any further future development of the site, if such development occurs, the Applicant must install perimeter landscaping meeting the requirements of SRC 807 for the entire site.
- Condition 19 The Applicant shall provide Type A landscaping for the ten foot landscaped setback along Lancaster Drive S.E. and the private street to the south, including the requirement that 40 percent of the plant units are trees, excluding the Street Trees to be provided for the private street.
- Condition 20 The adjusted landscape standards, as approved in this zoning adjustment, shall apply only to the specific development shown in the site plan included with the application. Any further future development greater in extent than what was included in this application shall conform to all applicable development requirements in force at that time, unless adjusted through a future land use action.

Dated this 15th day of May, 2024



James A. Chaney
Hearings Officer