

# NOTICE OF DECISION

PLANNING DIVISION  
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SALEM, OREGON 97301  
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## DECISION OF THE HEARINGS OFFICER

**CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT  
CASE NO.: CU-SPR-ADJ24-04**

**APPLICATION NO.: 24-103756-PLN**

**NOTICE OF DECISION DATE:** July 3, 2024

**SUMMARY:** A Conditional Use Permit and Class 3 Site Plan Review for addition to an existing parish hall.

**REQUEST:** A consolidated application for a Conditional Use Permit and Class 3 Site Plan Review to expand an existing building used for religious assembly with one Class 2 Adjustment to eliminate the requirement to provide a pedestrian connection to one adjacent street, Ellis Avenue NE (SRC 800.065(a)(1)).

The subject properties are 5.29 acres in size, zoned RS (Single Family Residential) and located at 3295 Ladd Ave NE (Marion County Assessors Map and Tax Lot Numbers 073W24DA00900).

**APPLICANT:** Britany Randall

**LOCATION:** 3295 Ladd Ave NE, Salem OR 97301

**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 July 2, 2024.

**DECISION:** The **Hearings Officer APPROVED** Conditional Use / Class 3 Site Plan Review / Class 2 Adjustment Case No. CU-SPR-ADJ24-04 subject to the following conditions of approval:

- Condition 1: Prior to the issuance of a building permit, the existing property lines within the development site shall be eliminated by recording of property line adjustment(s).
- Condition 2: At the time of building permit review, the applicant shall provide a landscaping plan showing how the development site meets the existing 3,847 Plant Units (PU) and the new proposed 130 PU for Type A Landscaping.
- Condition 3: At the time of building permit review, the applicant shall provide a pedestrian connection linking the Church Building southern entrance to the other buildings of the site.
- Condition 4: At the time of building permit, the applicant shall provide lighting along the proposed pedestrian pathway.

- Condition 5: The proposed bike parking spaces shall be developed in conformance with the requirements of SRC 806.060.
- Condition 6: During construction, the applicant shall adhere to the tree protection recommendations of the submitted arborist report.
- Condition 7: The property is subject to a special setback equal to 25-feet from the centerline of the cul-de-sac stem of Windsor Avenue NE and a 45-foot radius along the cul-de-sac turnaround.
- Condition 8: The property is subject to a special setback equal to 30-feet from centerline along Ellis Avenue NE.

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>July 23, 2026</u>
Class 3 Site Plan Review:	<u>July 23, 2028</u>
Class 2 Adjustment:	<u>July 23, 2028</u>
Application Deemed Complete:	<u>June 4, 2024</u>
Public Hearing Date:	<u>June 26, 2024</u>
Notice of Decision Mailing Date:	<u>July 3, 2024</u>
Decision Effective Date:	<u>July 23, 2024</u>
State Mandate Date:	<u>October 2, 2024</u>

Case Manager: Jacob Brown, [jrbrown@cityofsalem.net](mailto:jrbrown@cityofsalem.net), (503) 540-2347

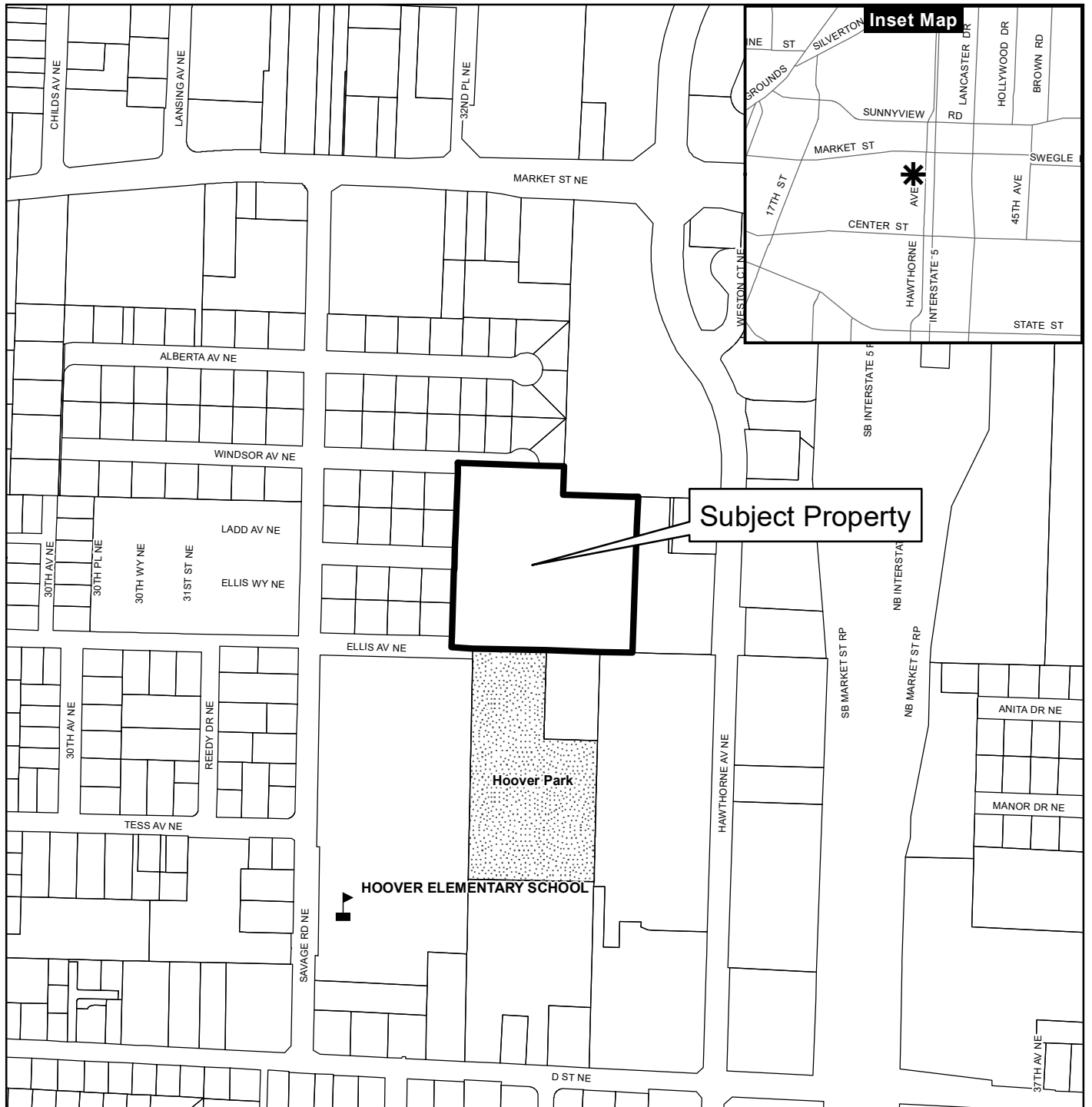
This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Thursday, July 18, 2024. 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 Commission 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

## 3295 Ladd Avenue NE



### Legend

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

0 100 200 400 Feet



**CITY OF Salem**  
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ZONING SUMMARY

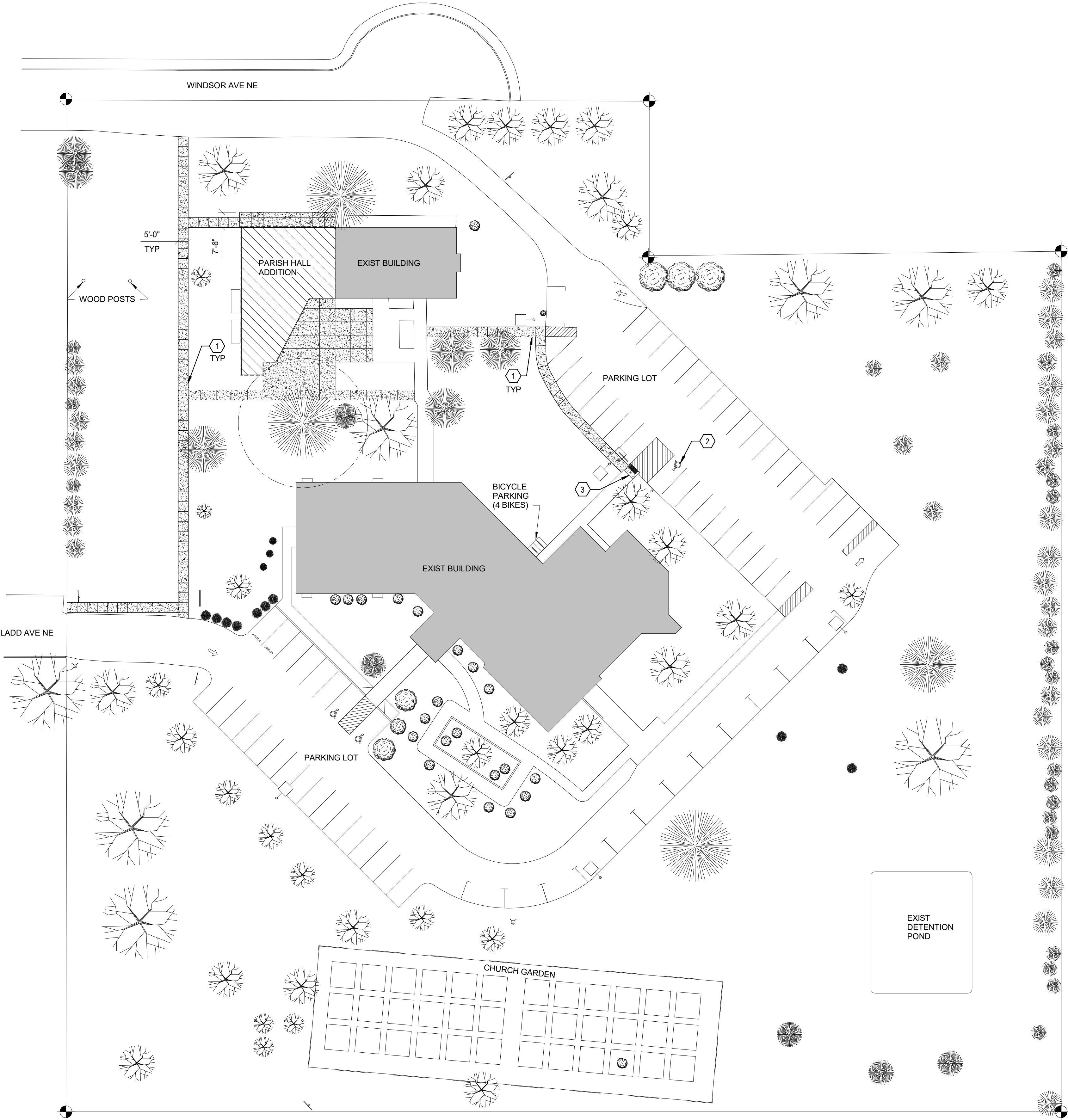
THIS PROJECT COMPRISES AN ADDITION TO AN EXISTING PARISH HALL BUILDING FOR A NEW COMMERCIAL KITCHEN, MEETING ROOM AND SUPPORT SPACES.

ZONING CODE	
PLANNING ZONE	RS-SINGLE FAMILY RESIDENTIAL
RELIGIOUS ASSEMBLY	SPECIAL USE, <375 SEATS, EXISTING SEATING TO REMAIN
MAP # 073W24DA, LOT 00900	
LOT COVERAGE	
OVERALL SITE AREA:	230,301 SF
BUILDING AREA:	16,941 SF = 7.4% < 35%
NEW ADDITION:	2,581 SF
LANDSCAPE AREA:	163,556 SF
BUILDING HEIGHT	
PROPOSED HEIGHT:	16'-4"
LANDSCAPING	
PLANTING REQUIRED: 1 PU PER 20 SF (BUILDING ADDITION = 2,581 SF)	130 PU
PARKING	
MAXIMUM PARKING ALLOWED:	
RELIGIOUS ASSEMBLY: 1 PER 15' BENCH (296')	20 SPACES
TOTAL PROVIDED:	70 SPACES (EXISTING NON-CONFORMING)
ACCESSIBLE REQUIRED:	3
ACCESSIBLE PROVIDED:	3
BIKE PARKING REQUIRED: (1 PER 30 VEHICLE)	3
BIKE PARKING PROVIDED:	4

GENERAL NOTES

CONSTRUCTION NOTES

- 1
- NEW 5' WIDE SIDEWALK, EXPOSED AGGREGATE FINISH
- 2
- NEW ADA SYMBOL
- 3
- NEW ADA CURB RAMP



A CONSOLIDATED APPLICATION FOR  
A CONDITIONAL USE PERMIT, CLASS  
3 SITE PLAN REVIEW AND  
ADJUSTMENT FOR AN ADDITION TO  
AN EXISTING PARISH HALL IN A  
SINGLE FAMILY RESIDENTIAL ZONE  
ON PROPERTY 5.29 ACRES IN SIZE,  
AND LOCATED AT 3295 LADD  
AVENUE NE (MARION COUNTY  
ASSESSOR'S MAP AND TAX LOT  
NUMBER 073W24DA/  
00900)

## FINDINGS OF FACT, CONCLUSIONS, AND DECISION

On June 26<sup>th</sup>, 2024, at 5:30 p.m., a properly noticed hearing was held before the City of Salem Hearings Officer at Salem City Hall, Planning Conference Room 305, Civic Center, 555 Liberty Street SE, Salem, Oregon.

Opponents: None.

The City of Salem held a duly authorized and noticed public hearing on June 26<sup>th</sup>, 2024, regarding the Applicant's request. During the hearing, Jacob Brown requested that the Staff Report be entered into the Record, and the Hearings Officer granted the request. The Hearing Notice was provided on June 6, 2024, to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) and stated that the date for the hearing was June 26<sup>th</sup>, 2024. The property was posted on June 12, 2024.

The public hearing was held on June 26th, 2024. At the conclusion of the hearing, the record was closed.

## **FINDINGS OF FACT AND CONCLUSIONS**

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

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is “Single-Family Residential.” The subject property is within the Urban Growth Boundary and the Urban Service Area.

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

The subject property is zoned RS (Single Family Residential). The zoning and uses of the surrounding properties include:

**North:** Across Windsor Ave NE, MU-III (Mixed Use-III) Zone; RS (Single Family Residential) Zone

**South:** Public and Private Educational Services (PE) Zone; Public Amusement (PA) Zone; RS (Single Family Residential) Zone; MU-III (Mixed Use-III) Zone

**East:** MU-III (Mixed Use-III) Zone

**West:** RS (Single Family Residential) Zone

### **2. Site Analysis**

The subject property is 5.29 acres in size and consists of three separate units of land. The existing development extends over the property line of two units of land and is developed with two existing buildings, a 3,002 square feet existing Parish Hall and a 12,336 square feet Church building, and an associated parking lot on along the south and eastern portions of the development site. The church has operated on the site since 1961. The applicant is requesting to demolish a portion and add a 2,581–square-foot expansion to the existing parish hall.

The subject property has 151 and 20 feet of frontage along Windsor and Ladd Avenue NE, respectively. Both streets are designated as local streets in the Salem Transportation System Plan (TSP). The subject property is located within the Urban Growth Boundary and within the Urban Service Area.

### **3. Neighborhood and Citizen Comments**

The subject property is located within the boundaries of the North East Salem Community Association (NESCA). 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. On March 30, 2024, the applicant contacted NESCA informing them of the proposed project.

Notice of the application was provided to NESCA 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. The Association has not commented on the application.

The North East Salem Community Association did not submit comments.

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. No comments have been received from the public.

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

The Public Works Department reviewed the proposal and provided a memo.

The Salem Building and Safety Division reviewed the proposal and indicated no concerns.

The Salem Fire Department reviewed the proposal and indicated no concerns.

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

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.

SRC Chapter 240.005(d) establishes the following approval criteria for a conditional use permit:

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

**Finding 1:** The existing *Religious Assembly* use is a special use within the RS zone under SRC511.005(a) Table 511-1. As the applicant is seeking to deviate from the Special Use standards of SRC 700.055 to allow the use on a lot greater than 2 acres in size, reduce the amount of landscaping, and allow more than one point of access onto a street; therefore a Conditional Use Permit is required per SRC 700.005(d).

**Conclusion:** The Hearings Officer concludes that the proposal meets this criterion.

**Criterion 2 (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 2:** The Special Use standards for a *Religious Assembly* use in the RS zone is limited to a maximum lot area of two–acres. The property is composed of three distinct units of land described within the applicant’s deed as Parcel 1, Parcel 2, and Parcel 3. The existing parish hall extends over the shared boundary of Parcel 2 and Parcel 3. Per SRC 800.015(b), every building or structure shall be entirely located on an individual lot; per SRC Table 700–3, the building has a minimum 12–foot setback at the property line; and per building code a 3–foot setback or a fire-rated wall is required. As such, the proposal is conditioned to consolidate the lots of Parcel 2 and Parcel 3 to have the proposed parish hall be located on one lot.

**Condition 1:** Prior to the issuance of a building permit, the existing property lines within the development site shall be eliminated by recording of property line adjustment(s).

**Finding 3:** Following the conditioned property line adjustment to consolidate the properties, the total acreage of the property would be 5.29 acres. The intent behind the lot size restriction is to reduce the impact of very large gathering places on residential neighborhoods. As indicated by the applicant’s written statement, the proposed parish hall expansion is intended to provide additional kitchen, restrooms, furniture storage, and mechanical room for the staff. The churches existing number of seats will not be impacted and thus will not increase the traffic, parking noise, or hours of operation of the church.

**Finding 4:** The special use standards require all lot area not developed for buildings, structures, parking, loading, or driveways to be landscaped as provided in SRC Chapter 807 with Type A landscaping. Type A landscaping requires a minimum of 1 plant unit per 20 square feet of landscaped area. As noted, the existing development site is 230,432 square feet (5.29 acres) in size with approximately 163,556 square feet of uncovered or surfaced area. Type A landscaping standard would require the site to provide 8,178 PU. The applicant has indicated that the site has approximately 3,847 PU with the majority of the existing area not covered or surfaced consisting of open grass and a community garden. The applicant is seeking to reduce the required landscaping special use standard through the conditional use criteria. To replace any landscaping removed as part of the development and to provide additional landscaping, the applicant is proposing to provide Type A landscaping in the amount equivalent to the proposed parish hall expansion floor area. The expansion is 2,581 square feet in size which requires a minimum of 130 PU.

**Condition 2:** At the time of building permit review, the applicant shall provide a landscaping plan showing how the development site meets the existing 3,847 Plant Units (PU) and the new proposed 130 PU for Type A Landscaping.

**Criterion 3 (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 5:** The Special Use standards for a *Religious Assembly* use within the RS zone only allow one point of access. As the development site has two existing points of connection from Windsor Ave NE and Ladd Ave NE, the applicant is requesting to deviate from the standard through the conditional use permit. The points of connections are existing and are not proposed to be altered; therefore, the existing connection is not anticipated to cause an impact upon the surrounding residential neighborhood. As conditioned, the proposed development will have a minimal impact on the immediate neighborhood.

**Finding 6:** The requested reduction to the landscape requirement will be compatible with and have a minimal impact on the livability or development of surrounding properties as the applicant will be providing landscaping equivalent to the area of the proposed Parish Hall expansion.

## **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.

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

**Finding 7:** The applicant's proposed development includes a 2,581-square-foot expansion and pedestrian path improvements for an existing *Religious Assembly* use which is a Special Use in the RS zone. As conditioned, the proposed site plan complies with all applicable development standards of the Unified Development Code (UDC) as follows.

### **Use and Development Standards – RS (Single Family Residential) Zone:**

***SRC 511.005(a) – Uses:*** Table 511–1 lists permitted uses in the RS Zone.

**Finding 8:** The proposed development includes expansion of an existing *Religious Assembly* use, including construction of a new Parish Hall expansion, new pedestrian accessways, and new bicycle parking. A *Religious Assembly* use is allowed in the RS zone per SRC 511.005, Table 511–1 as a Special Use, subject to the standards of SRC 700.055. The applicant has requested a conditional use review to deviate from several standards, which is addressed above.

### ***SRC 511.010(b) – Lot Standards***

**Finding 9:** In the RS zone, religious assembly uses are required to have a minimum lot area of 6,000 square feet; a minimum lot width of 40 feet; a minimum lot depth of 80 feet; a maximum lot depth to width ratio of 300 percent; and a minimum lot street frontage of 40 feet. As part of this application, the property dimensions are not proposed to be affected; however, the existing parish hall and expansion will project over the

shared boundary of Parcel 2 and Parcel 3. As discussed in earlier, the proposed development is conditioned to consolidate the property.

***SRC 511.010(e) – Lot Coverage, Height***

**Finding 10:** The maximum lot coverage standard for a religious assembly use is 35 percent. The maximum building height for a religious assembly use is 50 feet. The existing development site is approximately 230,432 square feet (5.29 acres) and the existing buildings and proposed new building expansion approximately covers 16,941 square feet or 7.4 percent of the site. The existing buildings and proposed new building are less than 50 feet in height, therefore, the existing and proposed development complies with the maximum height and lot standards.

**Special Use Standards SRC 700.055**

The Special Use standards set forth in Chapter 700 apply where a use is designated as a special use and are in addition to the standards that apply to uses generally within a zone or overlay zone. The special use standards set forth in Chapter 700 may be modified, unless otherwise specially provided in this Chapter. Modification to a Special Use standard shall be made pursuant to Conditional Use approval, as provided in SRC Chapter 240. In no case, shall Conditional Use approval allow a standard that is less restrictive than the development standards established in the zone or overlay zone.

***SRC 700.055(c) - Seating Capacity:***

**Finding 11.** The seating capacity of the largest space within a religious assembly shall not exceed the standards set forth in Table 700–2. Maximum seating capacity cannot be modified through Conditional Use approval. In the RS zone, a maximum seating capacity of 375 is applicable to lots abutting a local, collector, or arterial Street. There are 375 seats in the principal worship area. The facility is located on Windsor and Ladd Ave NE which are classified as local streets. The proposal meets the standard.

***SRC 700.055(e) - Access:***

**Finding 12:** Access provided from a local street shall conform to the standards set forth in Table 700–4. In the RS zone, only one access point is allowed from a local street. As discussed earlier, the existing development has two access points; one from Windsor and Ladd Ave NE, which are classified as a local streets. The development site exceeds the maximum allowed, which is addressed above.

***SRC 700.055(f) - Lot Standards:***

**Finding 13:** Maximum lot area and minimum street frontage requirements for religious assemblies are set forth in Table 700–5. In the RS zone, a maximum of two acres applies. The subject property is 5.29 acres in size. Due to the lot area exceeding the

maximum lot area of two acres in the RS zone, conditional use approval is required to exceed this standard, which is addressed above.

***SRC 700.055(g) – Setbacks:***

**Finding 14:** Setbacks for religious assemblies are set forth in SRC 700.055, Table 700–7. In the RS Zone, buildings, accessory structures, not more than 25 feet in height, and vehicle use areas, must be setback a minimum of 12 feet from abutting streets. Buildings and structures, not more than 25 feet in height, must be setback a minimum of 12 feet from interior side and rear property lines.

North and West–Abutting Streets: The proposed building is not more than 25 feet in height and is more than 12 feet from all three streets, meeting the standard. The existing conditions of Windsor Avenue NE do not meet current standards for their classification of street per the Salem Transportation System Plan for right-of-way width. Therefore, the property is subject to a special setback equal to 25–feet from the centerline of the cul-de-sac stem of Windsor Avenue NE and a 45–foot radius along the cul-de-sac turnaround. With the special setback along Windsor Avenue NE, the proposed development is setback 40 feet. The existing vehicle use area does meet the minimum 15–foot setback requirement adjacent to existing interior property lines.

West–Abutting RS Zone: The subject property is composed of three distinct legal lots. The proposed Parish Hall expansion projects over the shared boundary between Parcel 2 and Parcel 3. As conditioned above, the three legal lots must be consolidated. The proposed building is not more than 25 feet in height and appears to be more than 15 feet from the western property boundary of Parcel 1. The existing vehicle use area does meet the minimum 15–foot setback requirement adjacent to existing interior property lines abutting RS zone.

East–Interior Side and Rear: Adjacent to the east is property zoned MU-III (Mixed Use III). There are no setbacks for buildings or accessory structures described within the special use standards for properties abutting MU-III zone. The RS zone requires a five–foot setback for all uses along the interior side property line. The proposed Parish Hall expansion is approximately 90 feet from the eastern interior side property line.

South–Interior Side and Rear: Adjacent to the south of is property zoned PA (Public Amusement). There are no setbacks for buildings or accessory structures described within the special use standards for properties abutting PA zone. The RS zone requires a 12–foot setback for all single story uses along the rear side property line. The proposed Parish Hall expansion is approximately 400 feet from the southern rear property line.

***SRC 700.055(i) – Off–Street Parking:***

**Finding 15:** Off–street parking shall be located on a lot or lots contiguous to the lot

containing the main building or use or within 600 feet of that lot. Off-street parking areas must be screened from abutting residential zoned property. All of the existing parking spaces are located on-site on Parcel 3 with the main Church building. The subject property abuts residentially zoned property to the west with no proposed changes to the off-street parking areas.

***SRC 700.055(j) – Landscaping:***

**Finding 16:** All lot area not developed for buildings, structures, parking, loading, or driveways shall be landscaped as provided in SRC Chapter 807. The applicant has requested to reduce this standard as discussed earlier in this decision.

***SRC 700.055(k) – Related Uses:***

**Finding 17:** The proposal includes the expansion of a Parish Hall building, as an accessory use to the existing *Religious Assembly* use. The proposal meets this standard.

**General Development Standards – SRC 800**

***SRC 800.055(a) – Applicability.***

**Finding 18:** 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. The proposal does not include a new solid waste service area; therefore, this section is not applicable to the proposal.

***SRC 800.065 – Pedestrian Access.***

**Finding 19:** Unless 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.

The proposal meets the definition of development, as defined in this chapter; therefore, this section is applicable to the proposal.

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

**Finding 20:** 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.

The applicant has proposed a pedestrian connection leading from the Parish Hall and Church building to Windsor and Ladd Avenue NE. Along the southern boundary, the site does abut Ellis Avenue NE which the applicant is seeking a Class 2 Adjustment to eliminate the required connection.

**Finding 21:** 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. There is no transit route or planned transit stop abutting the development site; therefore, this standard is not applicable.

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

**Finding 22:** A pedestrian connection(s) must be provided to connect primary building entrances of all buildings where there is more than one building on the development site. The proposal includes new pedestrian paths connecting Parish Hall to the northern entrance of the Church Building. The Church Building has a primary entrance along the southern façade with an existing pedestrian path not connected with the remainder pedestrian network. As such, the proposal is conditioned with the following:

**Condition 3:** At the time of building permit review, the applicant shall provide a pedestrian connection linking the Church building southern entrance to the other buildings of the site.

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

**Finding 23:** 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. The development site does not include any existing or proposed parking areas greater than 25,000 square feet; therefore, this standard is not applicable.

**Finding 24:** 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. 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.***

**Finding 25:** Salem Revised Code Section 800.065(a)(4) applies to paths or trails identified in the Salem Transportation System Plan or the Salem Comprehensive Parks System Master Plan that pass through a development site. In the current application, no planned path or trail passes through the development site and therefore this standard is not applicable.

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

**Finding 26:** Salem Revised Code Section 800.065(a)(5) applies when a vehicular connection is provided from a development site to an abutting property; which requires the provision of a pedestrian connection. In the current application, there is no vehicular connection provided from the development site to an abutting property and therefore this standards does not apply.

***SRC 800.065(b) – Design and materials***

**Finding 27:** Salem Revised Code Section 800.065(b) requires that pedestrian connections be in the form of a walkway and provides standards for the surfacing and design of the walkways. All proposed and existing pedestrian connections are at least five feet in width and appear to meet the design and material standards of Section 800.065(b). Further conformance with design and material standards for pedestrian connections will be reviewed at the time of building permit.

***SRC 800.065(c) – Lighting***

**Finding 28:** Salem Revised Code Section 800.065(c) requires that on-site pedestrian circulation systems be lighted to a level where the system can be used at night. Since the applicant's plans do not demonstrate conformance with the required lighting standards, the following condition of approval is applicable:

**Condition 4:** At the time of building permit, the applicant shall provide lighting along the proposed pedestrian pathway that complies with SRC 800.065(c).

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

***SRC 806.015(a) – Maximum off-street parking***

**Finding 29:** Salem Revised Code Section 800.015(a) states that the amount of off-street parking shall not exceed the amounts set forth in Table 806–1. Table 806–1 requires one off-street parking space for every four seats or 15 feet of bench length within the principle worship area or one space per 60 square feet when no fixed seating or benches are provided for religious assemblies. Per the applicant’s plans, the existing *Religious Assembly* use has 296 linear feet of bench space which limits the use to 20 (19.7) spaces. The existing parking area contains 70 standard parking spaces and there is no proposed alteration of the parking area. However, this standard is not applicable as the proposed development does not add additional bench space.

***SRC 806.015(b) – Compact parking.***

**Finding 30:** This Code section provides that up to 75 percent of the off-street parking spaces provided on a development site may be for compact cars. Since the proposal does not change the parking requirements this standards is not applicable.

***SRC 806.015(c) – Carpool and vanpool parking.***

**Finding 31:** Salem Revised Code Section 800.015(c) provides that new developments with 60 or more 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 five percent of their total off-street parking spaces for carpool or vanpool parking.

***SRC 806.015(d) – Required electric vehicle charging spaces.***

**Finding 32:** This Code standard applies to newly constructed buildings with five or more dwelling units. This standard is not applicable as the proposed development does not create dwelling units.

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

***SRC 806.035(a) – General Applicability.***

**Finding 33:** This Code provision applies to the development of new, expanded, or altered off-street parking and vehicle use areas and the paving of an unpaved area. This standard is inapplicable since the proposed development does not include off-street parking and vehicle use areas or the paving of unpaved areas.

***SRC 806.035(b) – (f) The location, setbacks, landscaping, area dimensions and access of off-street parking and vehicle use areas.***

**Finding 34:** The existing parking area is not proposed to be modified and therefore these standards are not applicable.

***SRC 806.035(g) – (i) Additional off-street parking development standards.***

**Finding 35:** The existing off-street parking area is consistent with the additional development standards for grade, surfacing, and drainage.

***SRC 806.035(n) – Additional standards for new off-street surface parking areas more than one-half acre in size.***

**Finding 36:** The existing off-street parking area is less than one-half acre in size and no new parking is proposed. This standards is not applicable.

**Bicycle Parking**

***SRC 806.045 – General Applicability***

**Finding 37:** Bicycle parking must be provided and maintained for each proposed new use or activity. Table 806–9 provides the that two bicycle parking spaces are required for the existing 80 vehicle parking spaces.

***SRC 806.050 – Proximity to Bicycle Parking to Use or Activity Served***

**Finding 38:** The applicant’s site plan indicates there will be four bicycle parking spaces installed on the development site.

***SRC 806.055 – Amount of Bicycle Parking***

**Finding 39:** Table 806–9 provides the that two bicycle parking spaces are required for the existing 80 vehicle parking spaces. The applicant’s site plan indicates there will be four bicycle parking spaces installed on the development site

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

**Finding 40:** The standards of SRC 806.060 address location, dimensions, surfacing and bicycle rack design for bicycle parking. The applicant’s site plan indicates there are four bicycle parking spaces to be installed on site but does not provide detail for the design of the bicycle rack. In addition, access to public right-of-way can be obtained, but based on the site plan it is unclear that no obstructions such as curbs or steps would require the user to lift the bike. To ensure all of the standards are met, the following condition applies:

**Condition 5:** The proposed bike parking spaces shall be developed in conformance with the requirements of SRC 806.060.



## **Off-Street Loading Areas**

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

**Finding 41:** Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806–11. Table 806–11 provides that structures with a floor area less than 5,000 square feet require no loading space. The proposed development is for a 2,581–square–foot expansion to an existing Parish Hall and therefore does not require a loading space.

## **Landscaping**

### ***SRC 807 – Landscape and screening***

**Finding 42:** This Code provision provides that 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. The applicant has requested relief from SRC 700.055(j), that requires all lot area not developed for buildings, structures, parking, loading or driveways be landscaped to the Type A standard as provided in SRC Chapter 807. As conditioned under Condition 2 above, the proposal would meet this standard. Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

## **Natural Resources**

### ***SRC 601 – Floodplain Overlay Zone.***

**Finding 43:** The subject property is not located within a floodplain overlay zone.

### ***SRC 808 - Preservation of Trees and Vegetation.***

**Finding 44:** 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.

There is one significant 32–inch fir tree located south of the proposed development. As the proposed development will be within less than 30 percent of the critical root zone (CRZ) of the significant tree, the applicant has provided an arborist report produced by a licensed arborist demonstrating that the proposed work will not compromise the long-

term health and stability of the tree and all recommendations included in the report to minimize any impacts to the tree are followed. The following condition is proposed to ensure the recommended mitigation measures are followed:

**Condition 6:** During construction, the applicant shall adhere to the tree protection recommendations of the submitted arborist report.

***SRC 809 - Wetlands:***

**Finding 45:** Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. 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:***

**Finding 46:** A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

**Conclusion:** The application meets all applicable standards 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 47:** Ladd Avenue NE and Ellis Avenue NE terminate at the western boundary of the subject property. Windsor Avenue NE butts the northern property boundary. The existing conditions of Windsor Avenue NE and Ellis Avenue NE do not meet current standards for their classification of street per the Salem Transportation System Plan for right-of-way width. However, the proposed development generates less than 20 new average daily vehicle trips; therefore, no right-of-way dedication or street improvements are required (SRC 803.040(d)). The existing street system is adequate to serve the proposed building addition. Because right-of-way dedications are not required per SRC 803.040(d)), the property is subject to the following special setbacks pursuant to SRC 800.040(b):

**Condition 7:** The property is subject to a special setback equal to 25-feet from the centerline of the cul-de-sac stem of Windsor Avenue NE and a 45-foot radius along the cul-de-sac turnaround.

**Condition 8:** The property is subject to a special setback equal to 30-feet from centerline along Ellis Avenue NE.

**Conclusion:** The application meets SRC 220.005(f)(3)(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 48:** The subject property is served by an existing driveway approach onto Ladd Avenue NE and Windsor Avenue NE. The existing driveway approaches serving the site meet applicable sections of SRC Chapter 804 and do not warrant modification. The existing driveway approaches provide safe and efficient movement of vehicles, bicycles, and pedestrians to and from the development site.

**Conclusion:** The application meets SRC 220.005(f)(3)(C).

***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 49:** 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. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS.

The applicant shall be required to design and construct a storm drainage system at the time of development. The application shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 71.075. The applicant submitted a statement demonstrating compliance with SRC Chapter 71 because the project involves less than 10,000 square feet of new or replaced impervious surface.

**Conclusion:** The application meets SRC 220.005(f)(3)(D).

## **7. Analysis of Class 2 Adjustment Approval Criteria**

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

***SRC 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:***

- (i) Clearly inapplicable to the proposed development; or***
- (ii) Equally or better met by the proposed development.***

**Finding 50:** The applicant is requesting a Class 2 Adjustment to SRC 600.065(a)(1)

requiring a pedestrian connection of Ellis Ave NE. The applicant's plans indicate direct pedestrian access proposed for the proposed Parish Hall Building and Church Building to Windsor and Ladd Avenue NE. However, because the property is also adjacent to Windsor Avenue NE, a pedestrian connection is required to Windsor Avenue NE.

The purpose of the standard is to provide pedestrian connectivity throughout the development site and streets for ease of access to off-site locations and transportation routes. The portion of the development site south of the proposed development is landscaped and contains a community garden area. Ellis Avenue NE is isolated from the remainder of the development site and has not been used for pedestrian access. The primary points of access to the site are from Ladd and Windsor Avenue NE and the proposed development is located more than 370 feet from Ellis Avenue NE.

The development of a pedestrian connection over 300 feet from the proposed development will not meet the intent of the standard, and that the intent to provide pedestrian connectivity throughout the development site and streets is met with the connection proposed from the building entrances to Ladd and Windsor Avenue NE. Therefore, the request is consistent with SRC 250.005(d)(2)(A)(ii) in that it is better met by the proposed development.

***SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.***

**Finding 51:** The subject property is located within a residential zone. The requested adjustment to eliminate the pedestrian connection standard to Ellis Avenue will have no significant impact on the livability or appearance of the residential area.

***SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.***

**Finding 52:** Only one Class 2 Adjustment has been requested with this development. Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

## **DECISION**

Based upon the Facts and Findings herein, the Hearings Officer **APPROVES** the request for a conditional use, site plan review and Adjustment consolidated application for the proposed Parish Hall expansion for an existing *Religious Assembly* use, located at 3295 Ladd Avenue NE, subject to the following conditions of approval:

## **CONDITIONS OF APPROVAL**

**Condition 1:** Prior to the issuance of a building permit, the existing property lines

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July 2, 2024

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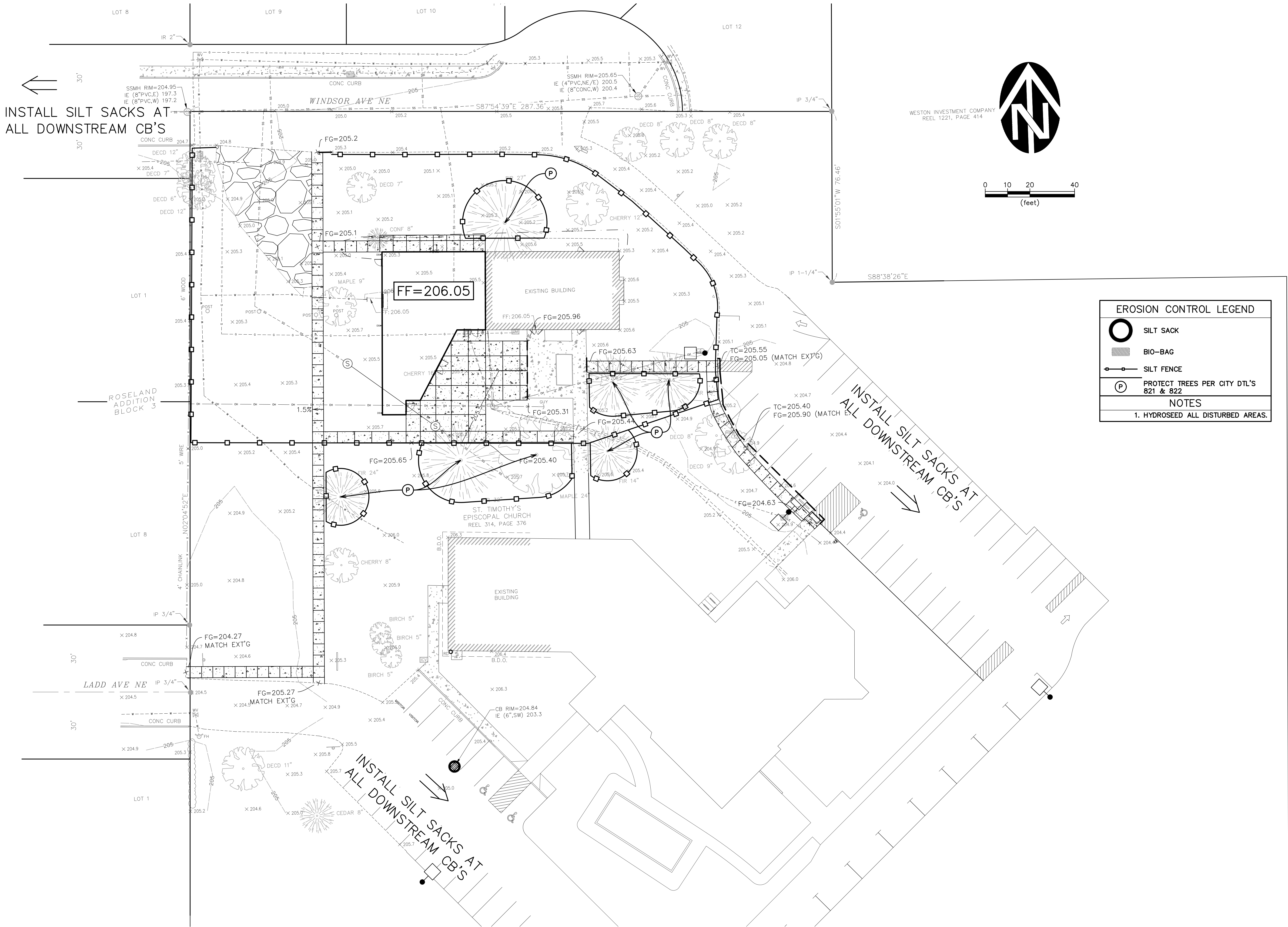
within the development site shall be eliminated by recording of property line adjustment(s).

- Condition 2:** At the time of building permit review, the applicant shall provide a landscaping plan showing how the development site meets the existing 3,847 Plant Units (PU) and the new proposed 130 PU for Type A Landscaping.
- Condition 3:** At the time of building permit review, the applicant shall provide a pedestrian connection linking the Church Building southern entrance to the other buildings of the site.
- Condition 4:** At the time of building permit, the applicant shall provide lighting along the proposed pedestrian pathway.
- Condition 5:** The proposed bike parking spaces shall be developed in conformance with the requirements of SRC 806.060.
- Condition 6:** During construction, the applicant shall adhere to the tree protection recommendations of the submitted arborist report.
- Condition 7:** The property is subject to a special setback equal to 25-feet from the centerline of the cul-de-sac stem of Windsor Avenue NE and a 45-foot radius along the cul-de-sac turnaround.
- Condition 8:** The property is subject to a special setback equal to 30-feet from centerline along Ellis Avenue NE.

DATED: July 2, 2024

  
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Gary Darnielle, Hearings Officer

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**EROSION CONTROL LEGEND**

- SILT SACK
- BIO-BAG
- SILT FENCE
- PROTECT TREES PER CITY DTL'S 821 & 822

**NOTES**

- HYDROSEED ALL DISTURBED AREAS.

project:  
**ST. TIMOTHY'S EPISCOPAL CHURCH  
PARISH HALL ADDITION**  
3295 LADD AVE NE  
SALEM, OR 97301

revisions:  
1  
2  
3  
4

date: DEC 2023  
project: 3476.0000.0  
dwg file:  
drawn by: AK  
checked by: JW  
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POST-DEVELOPMENT  
EROSION CONTROL PLAN

sheet:  
**C1.1**  
of:

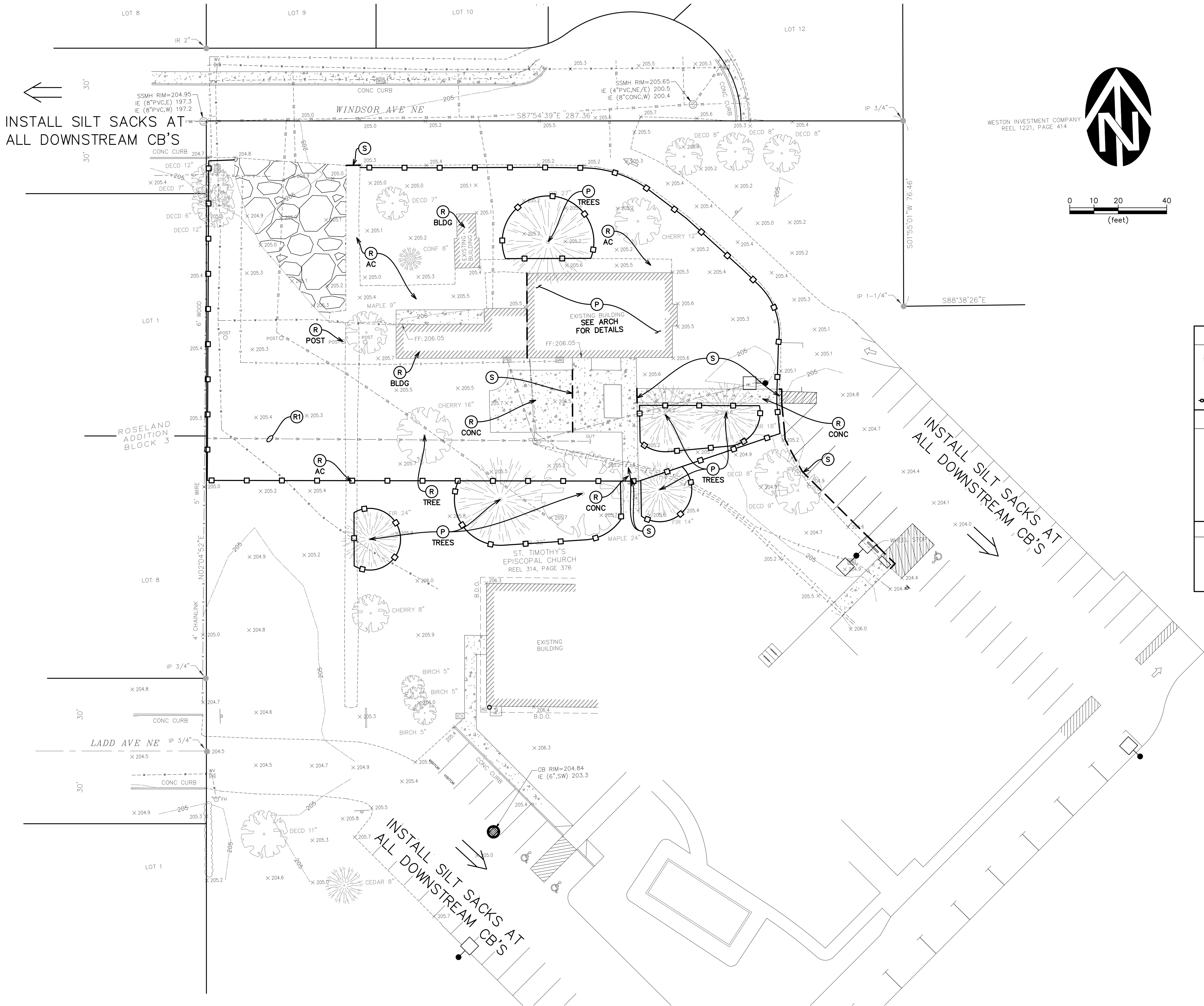
**REVIEW**  
REGISTERED PROFESSIONAL ENGINEER  
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EROSION CONTROL LEGEND	
	SILT SACK
	BIO-BAG
	SILT FENCE
DEMOLITION LEGEND	
	ABANDON
	REMOVE
	CONTRACTOR TO COORDINATE W/ PGE. RELOCATE AS REQ'D.
	PROTECT
	SAWCUT
NOTES	
1. NO CONCRETE WASHOUTS OR STOCKPILES ALLOWED ON SITE	
2. CONTRACTOR TO WORK OFF OF EXT'G GRAVEL. IF TRACKING BECOMES AN ISSUE, INSTALL GRAVEL CONSTRUCTION ENTRANCE.	

project:  
ST. TIMOTHY'S EPISCOPAL CHURCH  
PARISH HALL ADDITION  
3295 LADD AVE NE  
SALEM, OR 97301

revisions:  
1  
2  
3  
4

date: DEC 2023  
project: 3476.0000.0  
dwg file:  
drawn by: AK  
checked by: JW  
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EXISTING CONDITIONS,  
DEMOLITION, & EROSION  
CONTROL PLAN

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REGISTERED PROFESSIONAL  
ENGINEER  
NOV. 12, 2008  
WILLIAM J. NELLS  
RENEWAL: 6/30/2024  
REVIEW

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