

# 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-DAP24-24	)	
1845 BEACH AVE NE	)	AUGUST 15, 2024

In the matter of the applications for Class 3 Site Plan Review and Class 2 Driveway Approach Permit submitted by Stephanie Godinez for the property owner Rolando Garcia Juarez and Jose Marias, 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:** Proposed development of a new building for Building and Ground Services and Construction Contracting use.

**Request:** A Class 3 Site Plan Review and Class 2 Driveway Approach Permit for a proposed development of a new Building and Ground Services and Construction Services, including a new building and site improvements for property approximately 0.46 acres in size, zoned General Commercial (CG), and located at 1845 Beach Avenue NE (Marion County Assessor's Map and Tax Lot number: 073W13BC02800).

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 June 4, 2024, 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 June 20, 2024. The 120-day state mandated decision deadline for this consolidated application is October 18, 2024.

The applicant's proposed site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria applications 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 can use the search function without registering and enter the permit number listed here: 24-112090.

### **3. Neighborhood and Public Comments**

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

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 February 15, 2024, the applicant's representative contacted the Northgate Neighborhood Association Chair and Land Use Chair informing them of the proposed project.

Neighborhood Association Comment: Notice of the application was provided to the Southeast Salem 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. At this time, no comment has been received from the public.

### **4. City Department Comments**

Development Services Division - Reviewed the proposal and provided a memo which is included as **Attachment C**.

Building and Safety Division - Reviewed the proposal and indicated no concerns.

Fire Department - Reviewed the proposal and indicated that Fire Department access and water supply are required to be provided per the Oregon Fire Code. Comments will be made at the time of building permit plan review.

### **5. Public Agency Comments**

No Public or Private Agency comments were received.

## **DECISION CRITERIA**

### **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 proposal is for the development of a 3,000-square-foot building intended for a *Motor Vehicle Services* (repair shop) with associated site improvements. As conditioned below, the proposal meets the applicable standards of the UDC.

#### **Use and Development Standards – IG (General Industrial) Zone:**

##### *SRC 523.005(a) – Uses:*

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the CG zone are set forth in Table 523-1.

**Finding:** The proposal includes the development of a new building and site improvements for a new *Building and Ground Services and Construction*, which is a permitted use in the CG zone.

##### *SRC 523.010(a) – Lot Standards:*

Lots within the CG zone shall conform to the standards set forth in Table 523-2

**Finding:** There are no minimum lot area or dimension requirements in the CG zone. All uses, other than single family, are required to have a minimum of 16 feet of street frontage. The subject property site exceeds the 16 feet frontage, complying with minimum lot standards of the IG zone. No changes to the lot size or dimensions are proposed.

##### *SRC 523.010(b) – Setbacks:*

Setbacks within the CG zone shall be provided as set forth in Tables 523-3 and 523-4.

##### *Abutting Street:*

**North:** Adjacent to the south of the development site is right-of-way for 1845 Beach Avenue NE. The required setback for buildings abutting a property line abutting a street is five feet. The setback for vehicle use areas abutting a street is required to meet SRC 806.035(c).

**Finding:** The proposed structure is setback a minimum of 160 feet from the property line abutting Blossom Drive NE. The vehicle use area abutting Beach Avenue NE is setback a minimum of 34 feet.

##### *Interior Side and Rear*

**East, South and West:** Adjacent to the east, south, and west are interior lot lines abutting CG zoned properties. There is no minimum building or accessory structure setback required to an interior property line abutting an MU-III zone. Vehicle use areas require a minimum five-foot setback with Type A landscaping.

**Finding:** The proposed structure is located along the northern portion of the site and setback is a minimum of five feet from each property line. The vehicle use area is setback a minimum of five feet from all property lines with Type A landscaping proposed.

*SRC 523.010(c) – Lot Coverage, Height:*

Buildings and accessory structures within the CG zone shall conform to the lot coverage and height standards set forth in Table 523-5.

There is no maximum lot coverage standard in the CG zone. The maximum height allowance is 70 feet.

**Finding:** The proposed building is less than 70 feet in height. This standard has been met.

*SRC 523.010(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 towards meeting this requirement.

**Finding:** The proposal includes development of a new building and a new vehicle use area; therefore, the off-street parking and vehicle use area development standards of SRC 806.035(a) are applicable and discussed later in this report. The development site is 19,342 square feet requiring a minimum of 2,901 square feet of landscaping ( $19,342 \times 0.15 = 2,901$ ), or 145 plant units ( $2,901 / 20 = 145$ ), 40 percent of which shall be trees, or 58 plant units trees ( $145 \times 0.4 = 58$ ). The development plans include a preliminary landscaping plan indicating 5,838 square feet of total landscaping area. All proposed landscaping is required to meet Type A landscaping standards. All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

## **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 proposed development does not include a solid waste service area; therefore, this section is not applicable.

*SRC 800.065 – Pedestrian Access.*

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

**Finding:** The pedestrian access standards of SRC Chapter 800 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:** Per the applicant's plans, the site shall have a five-foot-wide pedestrian pathway from the northern building to Beach Avenue NE. The applicant's plans elevations do not clearly show that the primary entrance of the building shall connect into the proposed pedestrian connection, so the following is conditioned.

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

**Finding:** There is not an existing or planned transit route provided along the street frontage of Beach Avenue NE; therefore, this standard is not applicable.

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

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

**Finding:** The proposed development only includes one building; therefore, this standard is not applicable.

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

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

**Finding:** The proposed does not include an off-street parking area with an area of 25,000 square feet or greater; therefore, this standard is not applicable.

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

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

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

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

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

**Finding:** There is not a planned pedestrian path or trail in the proximity of the subject property; 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. A pedestrian connection is not required, however:

- (A) To abutting properties used for activities falling within the following use classifications, use categories, and uses under SRC Chapter 400:
  - (i) Single family;
  - (ii) Two family;
  - (iii) Group living;
  - (iv) Industrial;
  - (v) Infrastructure and utilities; and
  - (vi) Natural resources.

**Finding:** The proposal does not include a vehicular connection to an abutting property; therefore, this standard is not applicable.

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

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

- (A) Materials and width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and a minimum of five feet in width.
- (B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.
- (C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping, or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.

**Finding:** The proposed pedestrian connection does not intersect with the vehicle use areas but is located along the southern edge of the driveway. The proposed plans do not clearly show conformance with design requirement when a walkway is located to an auto travel lane. Therefore, the following condition applies:

**Condition 1:** 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).

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

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

**Finding:** No required pedestrian paths are located along the parking areas; therefore, this standard does not apply.

*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 1 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 806.015 – Amount Off-Street Parking.*

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

**Finding:** The proposal includes the development of a new *Building and Grounds Services and Construction Contracting* use. Per Table 806-1, a *Building and Grounds Services and Construction Contracting* use is allowed one parking space per 1,000 square feet of gross building floor area. The floor area of the 3,000 square feet, allowing three off-street parking spaces ( $3,000 / 1,000 = 3$ ). The proposed vehicle use area that occupies the northern portion of the site contains three off-street parking spaces. Therefore, this standard is met.

(b) *Compact Parking.* Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces.

**Finding:** No compact parking is proposed; therefore, this standard has been met.

(c) *Carpool and vanpool parking.* 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.

**Finding:** The proposal is not for development of a new Public Services or Industrial use with 60 or more parking spaces; therefore, this standard is not applicable.

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

**Finding:** No residential uses are proposed on the site; therefore, this standard is not applicable.

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

(a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to:

- (1) The development of new off-street parking and vehicle use areas;
- (2) The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added;
- (3) The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
- (4) The paving of an unpaved area.

**Finding:** The proposal includes new vehicle use areas. The standards of this section therefore apply to the proposal, as identified below.

(b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.

(c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

**Finding:** The proposed northern off-street parking area does not encroach into the required setbacks; therefore, this standard is met

(d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For off-street parking areas less than 5,000 square feet in size, there is no interior landscaping requirement.

**Finding:** The site plan indicates that the off-street parking areas are less than 5,000 square feet in total therefore this standard does not apply.

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

**Finding:** The northern vehicle use area meets minimum dimensions.



- (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:** As shown on the applicant's site plan, the proposed northern vehicle use area meets the development standards for turnaround area by providing a driveway width a minimum 30 feet.

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

**Finding:** The proposed off-street parking area is consistent with the additional development standards for grade, surfacing, and drainage. The parking area striping, marking, signage, and lighting shall comply with the standards of SRC Chapter 806.

## **Bicycle Parking**

### *SRC 806.045 – General Applicability.*

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

**Finding:** Per Table 806-9, *Building and Grounds Services and Construction Contracting* requires four bicycle parking spaces; therefore, this section does apply.

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

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

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

- (1) *Short-term bicycle parking.* Short-term bicycle parking shall be located outside a building within a convenient distance of, and clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.

**Finding:** The development plans indicate four short-term bicycle parking spaces located within 50 feet from the primary entrance.

- (b) *Access.* Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

**Finding:** As shown on the site plan, it is unclear whether the bicycle parking area has direct access to a primary building entrance and the public right-of-way, free of obstruction or barriers, in conformance with the requirements of SRC 806.060(b). Therefore, the following is conditioned:

**Condition 2:** At the time of building permit, the applicant shall demonstrate that the bicycle parking is in conformance with SRC 806.060(b).

In addition, the bicycle parking area is located within a vehicle use area where parked bicycles can be impacted by vehicles maneuvering. As such, the following is conditioned to provide protection for bicycle parked within the proposed location.

**Condition 3:** At the time of building permit, the applicant shall propose bollards or other protective barrier around the bicycle parking rack to prevent vehicles maneuvering into the required bicycle parking area.

- (c) *Dimensions.* All bicycle parking areas shall meet the following dimension requirements:
- (1) *Bicycle parking spaces.* Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.
  - (2) *Access aisles.* Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

**Finding:** Bicycle parking spaces are required to be a minimum of six feet in length and one and half feet in width when the proposed bicycle racks are side-by-side. For horizontal spaces, the bike rack shall be centered along the long edge of the bicycle parking space. The proposed bicycle parking spaces are arranged with adequate dimensions to provide pedestrian passage for all four of the proposed spaces; the length of each proposed stall is at least six feet, with at least one and a half feet width between the side-by-side spaces, meeting the standards.

- (d) *Surfacing.* Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.

**Finding:** The proposed bicycle parking spaces are placed on a hard surface material, meeting the standard.

(e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards.

- (1) Racks must support the bicycle frame in a stable position, in two or more places without damage to wheels, frame, or components.
- (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
- (4) Racks shall be securely anchored.
- (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-11.

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

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

*SRC 806.065 – General Applicability.*

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

*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.*

Table 806-9 provides the minimum number of require off-street loading spaces, and minimum dimensional standards for off-street loading areas based on proposed use.

**Finding:** Per Table 806-11, a *Building and Grounds Services and Construction Contracting* with less than 5,000 square feet does not require an off-street loading space.

### ***SRC Chapter 200 - Urban Growth Management:***

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

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

### ***SRC Chapter 71 – Stormwater:***

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

**Finding:** The proposal requires green stormwater infrastructure to management stormwater generated from the proposed development. The applicant submitted a preliminary stormwater memo that describes the use of GSI; however, an engineered design has not yet been provided that demonstrates compliance with SRC Chapter 71 and the Public Works Design

Standards. As a condition of approval, 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 4:** Provide an Engineered Stormwater Management Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

***SRC 802 – Public Improvements:***

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

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

**Finding:** Public water and sanitary sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. There are no public stormwater mains within the vicinity of the property. 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 803 – Street and Right-of-way Improvements***

▪ ***Boundary Street Improvements***

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

**Finding:** Beach Avenue NE abuts the subject property and is classified as a local street according to the Salem Transportation System Plan (TSP). Beach Avenue NE meets the current improvement width standards but does not meet the required right-of-way width standards for a local street. The right-of-way width for a local street is 60-feet according to SRC 803.025 Table 803-1 (Right-of-way Width). The development generates less than 20 new average daily vehicle trips; therefore, no right-of-way dedication or street improvements are required (SRC 803.040(d)). The existing street system is adequate to serve the proposed development. As no right-of-way dedication is required, the property is subject to a special setback equal to 30-feet from centerline along Beach Avenue NE.

**Condition 5:** The property is subject to a special setback equal to 30-feet from the centerline of Beach Avenue NE.

▪ ***Street Trees***

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

**Finding:** As no right-of-way dedication is required for the proposal, there is inadequate existing right-of-way width for planter strips to accommodate street trees along Beach Avenue NE. Street trees are not required along Beach Avenue NE due to the inadequate right-of-way width abutting the property.

#### ***SRC Chapter 804 – Driveway Approaches:***

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

**Finding:** The subject property has two existing substandard driveway approaches onto Beach Avenue NE. The westerly driveway approach serving the subject property is not proposed to be used and does not meet the standards for a commercial driveway approach according to SRC Chapter 804. Pursuant to SRC 804.030(b)(1) driveway approaches are only permitted to provide access to an approved vehicular circulation area. As the westerly driveway approach is not proposed to be utilized for access, it shall be conditioned to be closed as a condition of approval.

**Condition 6:** Permanently close the unused westerly driveway approach and replace with curbs and sidewalk in accordance with the Public Works Design Standards.

The applicant proposes to modify one of the existing driveway approaches onto Beach Avenue NE and has applied for a Class 2 Driveway Approach Permit; findings for which are provided in this memo. As described in the findings below, the proposal meets the approval criteria for a Class 2 Driveway Approach Permit. With approval of the Class 2 Driveway approach permit, the proposed development meets applicable criteria in SRC Chapter 804 relating to driveway approaches.

#### ***SRC Chapter 805 – Vision Clearance:***

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

**Finding:** The proposal does not cause a vision clearance obstruction per SRC Chapter 805. The proposed construction shop meets the vision clearance standards established in SRC Chapter 805.

#### **Natural Resources**

***SRC Chapter 601 – Floodplain:*** Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

**Finding:** Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

*SRC Chapter 808 – Preservation of Trees and Vegetation:* The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove the following trees unless undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

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

The tree preservation ordinance defines “tree” as, “any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves.”

**Finding:** The property contains one 65-inch *DBH* maple tree located in the southern portion of the site abutting Beach Avenue NE. The critical root zone of the tree measures 65 feet in radius and encompasses 13,271 square feet. The proposed development within the critical root zone measures roughly 3,409 square feet which is 26% ( $3,409/13,271 = .26$ ) of the tree's critical root zone. Per SRC 808.046(a)(3)(A), up to a maximum of 30 percent of the critical root zone can be disturbed in order to accommodate development of the property if an arborist report is submitted documenting that such disturbance 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 applicant provided an arborist report (**Attachment C**) demonstrating that the proposed development will not compromise the long-term health and stability of the tree through the inclusion of mitigation measures. As conditioned, the applicant shall adhere to all mitigation measures listed within the arborist report throughout construction.

**Condition 7:** The applicant shall adhere to all measures recommended within the submitted arborist report.

*SRC Chapter 809 – Wetlands:* Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal 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 Chapter 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 on the subject property.

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

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

**Finding:** The driveway access onto Beach Avenue NE provides 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, storm drainage, and other utilities appropriate to the nature of the development**

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

## **7. Analysis of Class 2 Driveway Approach Permit Approval Criteria**

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit 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 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.**

**Finding:** The proposed driveway meets the standards for SRC Chapter 804; however, it is unclear from the plans submitted whether or not the proposed driveway approach will be constructed in accordance with the and Public Works Design Standards (PWDS) Standard Plan Details for Driveway Approaches. The existing driveway will be widened and it not constructed to current public works design standards. As a condition of approval, the applicant shall reconstruct the easterly driveway approach to meet current Public Works Standard Plan Details.

**Condition 8:** Construct the easterly driveway approach to meet current Public Works Design Standards, Standard Plan Details for driveway approaches.

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

**Finding:** Development Services has reviewed the proposal and determined that no site conditions existing prohibiting the location of the proposed driveway. This criterion is met.

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

**Finding:** The subject property abuts Beach Avenue NE, which is classified as a local street. No driveway approaches are proposed onto an arterial street. This criterion is met.

**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 subject property abuts one street, Beach Avenue NE, which is classified as a local street. The proposed driveway is currently located with access to the lowest classification of street abutting the subject property. This criterion is met.

**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. This criterion is met.

**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 driveway will create traffic hazards or unsafe turning movements. Additionally, Development Services analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property. This criterion is met.

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

**Finding:** Development Services' analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets. This criterion is met.

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

**Finding:** The proposed driveway approach is located on a local street and does not create a significant impact to adjacent streets and intersections. This criterion is met.



**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 approach is not located in the vicinity of a residentially zoned area. The driveway will not have an effect on the functionality of the adjacent streets. This criterion is met.

**8. 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-DAP24-24 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, 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 2:** At the time of building permit, the applicant shall demonstrate that the bicycle parking is in conformance with SRC 806.060(b).
- Condition 3:** At the time of building permit, the applicant shall propose bollards or other protective barrier around the bicycle parking rack to prevent vehicles maneuvering into the required bicycle parking area.
- Condition 4:** Provide an Engineered Stormwater Management Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).
- Condition 5:** The property is subject to a special setback equal to 30-feet from the centerline of Beach Avenue NE.
- Condition 6:** Permanently close the unused westerly driveway approach and replace with curbs and sidewalk in accordance with the Public Works Design Standards.
- Condition 7:** The applicant shall adhere to all measures recommended within the submitted arborist report.
- Condition 8:** Construct the easterly driveway approach to meet current Public Works Design Standards, Standard Plan Details for driveway approaches.



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Jacob Brown, Planner I, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

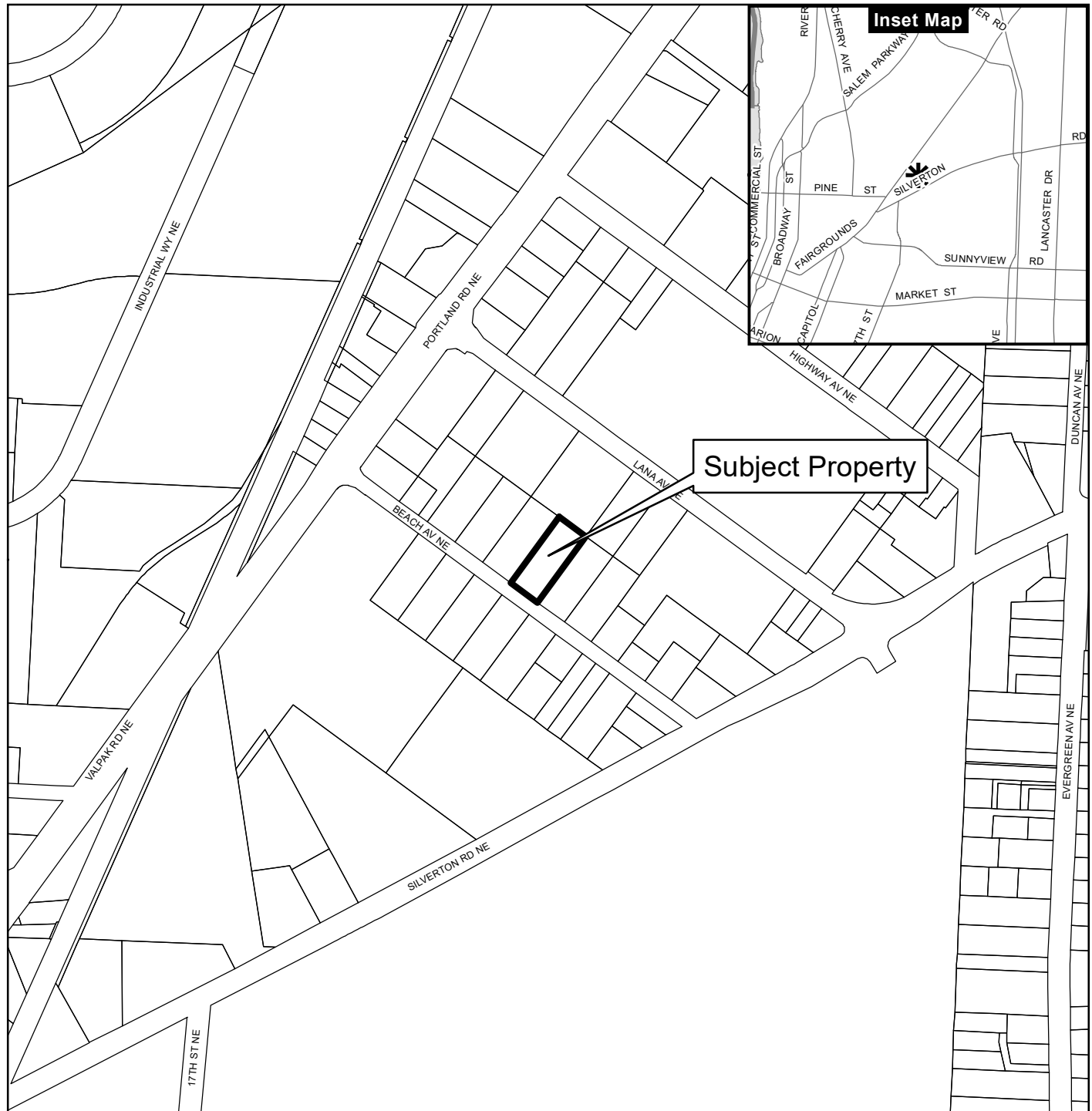
Attachments: A. Vicinity Map  
B. Proposed Site Plan  
C. Arborist Report  
D. Development Services Memo

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

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ADJ-DAP24-24.jrb.docx

# Vicinity Map

## 1845 Beach Avenue NE



### Legend

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



Parks



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0 100 200 400 Feet



REVISIONS	BY

DRAWN FOR: JOSE MACIAS  
1845 Beach Ave NE  
Salem, Oregon 97301

DATE:	02-26-2024
SCALE:	AS NOTED
DRAWN:	SG
JOB:	MGL CONSTRUCTION SHOP
SHEET:	3
OF	10 SHEETS

LEGEND

PROPOSED BUILDING

CONCRETE

ASPHALT

LOADING ZONE

GRASS

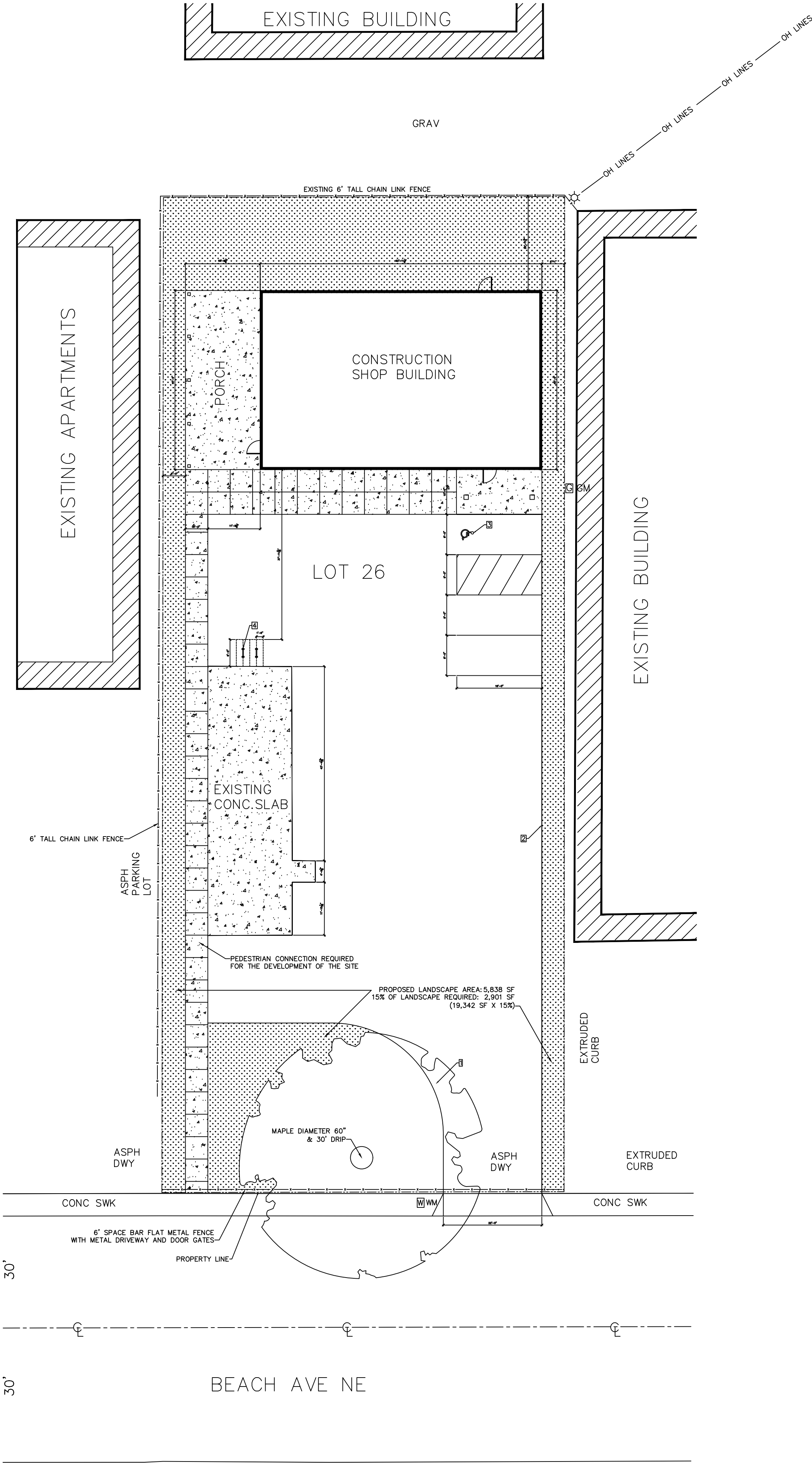
KEY NOTES

CONSTRUCT CURB ENDING

INSTALL CONCRETE CURB

ADA PARKING

INSTALL BIKE RACK.



**TREE CODE SUMMARY**

PRESERVATION

MUS PRESERVE AND PROTECT AT LEAST 1/3 OF TREES GREATER THAN 12" DIAMETER AND ALL TREES GREATER THAN 36" IN DIAMETER. THIS PROJECT HAS 1 TREE GREATER THAN 36" DIAMETER AND WILL BE PRESERVED.

ALL TREES ON SITE TO BE RETAINED.

PROTECTION FENCING REQUIRED FOR TREES GREATER THAN 12" DIAMETER: 6' HIGH METAL CHAIN LINK CONSTRUCTION FENCE W/ 6' HIGH METAL POSTS AS INDICATED IN DRAWING.

DENSITY

DENSITY REQUIREMENT – OPTION A

19,342 sf x 40% = 7,736.8 sf DENSITY REQUIREMENT

TREES 6 OR MORE INCHES IN DIAMETER COUNT AS ONE MEDIUM CANOPY SIZE TREE FOR EACH FULL INCREMENT OF 6 DIAMETER INCHES.

EXISTING TREE TO BE PRESERVED:  
60" DIAMETER MAPLE

ZONING SUMMARY

ZONE CG – GENERAL COMMERCIAL

OVERLAY: PORTLAND FAIRGROUNDS OVERLAY ZONE

SETBACK: MIN. 5FT  
MAXIMUM HEIGHT 70'

LOT COVERAGE SUMMARY

TOTAL AREA OF SITE: 19,342 SF

LOT COVERAGE ALLOWED:

EXISTING LOT COVERAGE: 1,486 SF (CONC. SLAB)

AREA OF NEW BUILDING 3,000 SF

TOTAL LOT COVERAGE AFTER BUILDING: 4,486 SF

BUILDING COVERAGE SUMMARY:

TOTAL AREA OF SITE: 19,342 SF

BUILDING COVERAGE ALLOWED:

BUILDING COVERAGE ACTUAL: 14,016 SF

(CONC.SLAB 1,486 SF, DRIVEWAY 8,925 SF, PORCH 605 SF, BUILDING SHOP 3,000 SF)

April, 26th 2024

**From: Will Fargo**  
**ISA Certified Arborist PN-9313A**  
[willfargo@gmail.com](mailto:willfargo@gmail.com)  
**503-881-6004**



**ATTN: City of Salem**

**RE: 1845 Beach Ave. NE Salem, OR 97301**

To Whom it May Concern,

I have been contracted by Owner Jose Macias of MG Landscape and Construction inc. to develop a basic tree conservation plan for proposed driveway improvements at the above address. I met with Jose at the property on April 25th, 2024 to review construction plans and discuss the principles of tree conservation as they relate to the proposed construction activities. There is only one significant tree on the property, a 65" DBH Silver Maple (*Acer saccharinum*) tree that borders the front of the property. This large diameter tree appeared to be in moderate to good health, is in need of pruning and has a relatively small canopy given the large trunk diameter. Nearly half of the tree's critical root zone (CRZ hereafter) is covered by Beach Ave hardscaping. Proposed construction activities will only occur in the northeast 25% of the trees CRZ. It is my opinion that this tree can effectively be preserved by adhering to the following conditions:

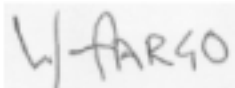
1. Remove any foreign objects (boards, bolts, nails etc.) from the tree trunk and tree canopy. Several of these objects were observed and can create a vector for tree infection. Leave objects that cannot be easily removed without further damaging the tree.
2. Apply 3-4" of tree mulch around the base of the tree to protect exposed surface roots.
3. Limit construction activities to the northeast quadrant of the tree's CRZ.
4. Provide 6' chain link fencing 20' from the trunk of the tree to protect the tree's CRZ.
5. Ensure construction activities (heavy equipment, excavation and parking) do not occur in the entire northwest quadrant of the tree's CRZ.
6. When excavating for driveway improvements, avoid cutting roots greater than 4" in diameter. If a root 4" or greater in diameter must be cut, make sure that roots are cleanly cut with a sharp tool. All exposed roots as a result of excavation activities are to be kept moist during excavation and immediately covered with moist, native soil, amended with compost.

7. Prune tree to remove dead wood, fractured branches and any epicormic shoot growth one to two years from the conclusion of construction activities.

It is my opinion that by complying with the above conditions, the tree in question can be effectively preserved.

Should there be any questions or concerns regarding this inspection, please don't hesitate to reach out.

Sincerely,


A handwritten signature in black ink that reads "W/FARGO". The signature is written in a casual, slightly slanted style.

Will Fargo  
503-881-6004  
willfargo@gmail.com  
ISA Certified Arborist PN-9313A



# MEMO

**TO:** Jacob Brown, Planner I  
Community Planning and Development Department

**FROM:** Laurel Christian, Infrastructure Planner III  
Community Planning and Development Department 

**DATE:** August 14, 2024

**SUBJECT:** **Infrastructure Memo**  
**SPR-DAP24-24 (24-112090-PLN)**  
**1845 Beach Avenue NE**  
**Building and Ground Services and Construction Contracting Use**

## **PROPOSAL**

A Class 3 Site Plan Review and Class 2 Driveway Approach Permit for a proposed development of a new Building and Ground Services and Construction Contracting, including a new building and site improvements for property approximately 0.46 acres in size, zoned General Commercial (CG), and located at 1845 Beach Avenue NE (Marion County Assessors Map and Tax Lot number: 073W13BC02800).

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. Provide an Engineered Stormwater Management Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).
2. The property is subject to a special setback equal to 30-feet from the centerline of Beach Avenue NE.
3. Permanently close the unused westerly driveway approach and replace with curbs and sidewalk in accordance with the Public Works Design Standards.
4. Construct the easterly driveway approach to meet current Public Works Design Standards, Standard Plan Details for driveway approaches.

## **EXISTING CONDITIONS – INFRASTRUCTURE**

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

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

Streets			
Street Name		Right-of-way Width	Improvement Width
Beach Avenue NE (Local)	Standard:	60-feet	30-feet
	Existing Condition:	40-feet	30-feet

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

Utilities	
Type	Existing Conditions
Water	Water Service Level: G-0
	An 8-inch and 16-inch water main are located in Beach Avenue NE.
Sanitary Sewer	An 8-inch sanitary sewer main is located in Beach Avenue NE.
Storm Drainage	No Public storm mains are located in the vicinity of the property.

### **SITE PLAN REVIEW DECISION CRITERIA**

The following Code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

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

**Finding**—As proposed and conditioned in the findings within the memo, the development meets all the applicable standards in the UDC as follows:

##### ***SRC Chapter 200 - Urban Growth Management:***

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

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

##### ***SRC Chapter 71 – Stormwater:***

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



**Finding:** The proposal requires green stormwater infrastructure to management stormwater generated from the proposed development. The applicant submitted a preliminary stormwater memo that describes the use of GSI; however, an engineered design has not yet been provided that demonstrates compliance with SRC Chapter 71 and the Public Works Design Standards. As a condition of approval, 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:** Provide an Engineered Stormwater Management Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

### ***SRC 802 – Public Improvements:***

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

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

**Finding:** Public water and sanitary sewer infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. There are no public stormwater mains within the vicinity of the property. 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 803 – Street and Right-of-way Improvements***

#### **▪ *Boundary Street Improvements***

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

**Finding:** Beach Avenue NE abuts the subject property and is classified as a local street according to the Salem Transportation System Plan (TSP). Beach Avenue NE meets the current improvement width standards but does not meet the required right-of-way width standards for a local street. The right-of-way width for a local street is 60-feet

according to SRC 803.025 Table 803-1 (Right-of-way Width). The development generates less than 20 new average daily vehicle trips; therefore, no right-of-way dedication or street improvements are required (SRC 803.040(d)). The existing street system is adequate to serve the proposed development. As no right-of-way dedication is required, the property is subject to a special setback equal to 30-feet from centerline along Beach Avenue NE.

**Condition:** The property is subject to a special setback equal to 30-feet from the centerline of Beach Avenue NE.

▪ ***Street Trees***

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

**Finding:** As no right-of-way dedication is required for the proposal, there is inadequate existing right-of-way width for planter strips to accommodate street trees along Beach Avenue NE. Street trees are not required along Beach Avenue NE due to the inadequate right-of-way width abutting the property.

***SRC Chapter 804 – Driveway Approaches:***

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

**Finding:** The subject property has two existing substandard driveway approaches onto Beach Avenue NE. The westerly driveway approach serving the subject property is not proposed to be used and does not meet the standards for a commercial driveway approach according to SRC Chapter 804. Pursuant to SRC 804.030(b)(1) driveway approaches are only permitted to provide access to an approved vehicular circulation area. As the westerly driveway approach is not proposed to be utilized for access, it shall be conditioned to be closed as a condition of approval.

**Condition:** Permanently close the unused westerly driveway approach and replace with curbs and sidewalk in accordance with the Public Works Design Standards.

The applicant proposes to modify one of the existing driveway approaches onto Beach Avenue NE and has applied for a Class 2 Driveway Approach Permit; findings for which are provided in this memo. As described in the findings below, the proposal meets the approval criteria for a Class 2 Driveway Approach Permit. With approval of the Class 2 Driveway approach permit, the proposed development meets applicable criteria in SRC Chapter 804 relating to driveway approaches.

***SRC Chapter 805 – Vision Clearance:***

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

**Finding:** The proposal does not cause a vision clearance obstruction per SRC Chapter 805. The proposed construction shop meets the vision clearance standards established in SRC Chapter 805.

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

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

***SRC Chapter 810 - Landslide Hazards:***

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

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

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

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

**Finding**—The driveway access onto Beach Avenue NE provides for safe turning movements into and out of the property.

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

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

## **CLASS 2 DRIVEWAY APPROACH PERMIT DECISION CRITERIA**

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit 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 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.***

**Finding:** The proposed driveway meets the standards for SRC Chapter 804; however, it is unclear from the plans submitted whether or not the proposed driveway approach will be constructed in accordance with the and Public Works Design Standards (PWDS) Standard Plan Details for Driveway Approaches. The existing driveway will be widened and it not constructed to current public works design standards. As a condition of approval, the applicant shall reconstruct the easterly driveway approach to meet current Public Works Standard Plan Details.

**Condition:** Construct the easterly driveway approach to meet current Public Works Design Standards, Standard Plan Details for driveway approaches.

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

**Finding:** Development Services has reviewed the proposal and determined that no site conditions existing prohibiting the location of the proposed driveway. This criterion is met.

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

**Finding:** The subject property abuts Beach Avenue NE, which is classified as a local street. No driveway approaches are proposed onto an arterial street. This criterion is met.

***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 subject property abuts one street, Beach Avenue NE, which is classified as a local street. The proposed driveway is currently located with access to the lowest classification of street abutting the subject property. This criterion is met.

***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. This criterion is met.

***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 driveway will create traffic hazards or unsafe turning movements. Additionally, Development Services analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property. This criterion is met.

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

**Finding:** Development Services' analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets. This criterion is met.

***SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the***

***functionality of adjacent streets and intersections.***

**Finding:** The proposed driveway approach is located on a local street and does not create a significant impact to adjacent streets and intersections. This criterion is met.

***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 approach is not located in the vicinity of a residentially zoned area. The driveway will not have an effect on the functionality of the adjacent streets. This criterion is met.

Prepared by: Laurel Christian, Infrastructure Planner III  
cc: File