

Site Plan Review and Adjustment

Application Submittal Date:

August 2024

Submitted To:

City of Salem Planning

Project Location:

4870 Turner Road SE
Salem, OR

Applicant(s):

Clutch Industries Inc.

Applicant's Land Use
Representative:

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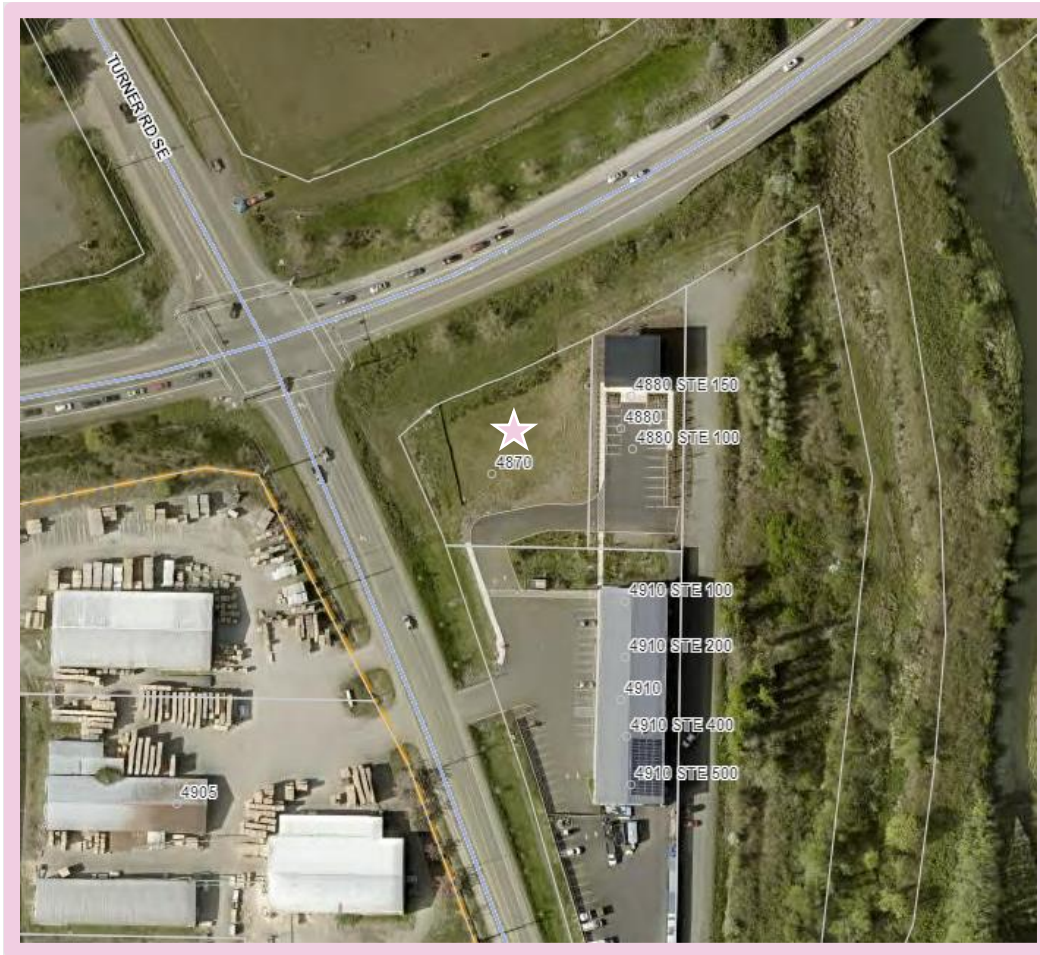
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Aerial View of Subject Property and Existing Development



Section 1: Property Background and Request

The applicant and property owner, Lebowski Holdings, LLC, is presenting a class 3 site plan review and class 2 adjustment applications to develop property located at 4870 Turner Road SE. The property is currently vacant, is approximately .60 acres in size, and is zoned IC (Industrial Commercial) with a matching IC comprehensive plan designation.

The applications requested will permit the applicant to construct a new multi-use and multi-tenant building on the subject property. The proposed building is a two-story building with a footprint of approximately 2,830 square feet, two stories standing at 24-feet tall, with a gross floor area of 5,600 square feet and a drive-through. The class 2 adjustment being sought is to eliminate the pedestrian connection to Kuebler Boulevard which does not have sidewalks.

Section 2: Existing Conditions

The subject property is approximately .60 acres in size and is described as Marion County Assessor Map and Tax Lot 082W07C000502. A Marion County Tax Map is included within the exhibits list identifying the site.

The property is located within corporate City limits of the City of Salem. The Salem Area Comprehensive Plan (SACP) map designation on the subject property is IC “Industrial Commercial”.

The Comprehensive Plan designations of surrounding properties include:

North: Across Kuebler Boulevard SE, IC “Industrial Commercial”

South: IC “Industrial Commercial”

East: IC “Industrial Commercial”

West: IND “Industrial”

The subject property is zoned IC (Industrial Commercial). The surrounding properties are zoned as follows:

North: Across Kuebler Boulevard, IC (Industrial Commercial)

South: IC (Industrial Commercial)

East: IC (Industrial Commercial)

West: Across Turner Road SE, Marion County – Outside Corporate City Limits

Section 3: Findings Applicable to Administrative Procedures

Chapter 300 – Procedures for Land Use Applications and Legislative Land Use Proposals

Section 300.310 – Neighborhood Association Contact

(a) *Purpose.* The purpose of neighborhood association contact is to provide an opportunity for neighborhood associations to learn of upcoming land use applications involving land within or adjacent to their boundaries in advance of applications being submitted. This encourages dialogue and provides opportunities for feedback and resolution of potential issues prior to filing.

(b) *Applicability.*

(1) Neighborhood association contact, as provided in this section, is required for those land use applications identified under Table 300-2 as requiring neighborhood association contact.

Applicant's Findings: As mentioned previously, Table 300-2 requires neighborhood association contact for the applications. The applicant's representative prepared a letter and sent it to the chair and land use chair of the neighborhood association. The letter was sent via email. The email and the letter are included with this submittal.

- (2) When multiple land use applications are consolidated into a single application and one or more of the applications involved include a requirement for neighborhood association contact and the other applications do not require neighborhood association contact, the entire consolidated application shall require neighborhood association contact.

Applicant's Findings: The applicant understands because the application is consolidated, neighborhood association contact is required for all applications included. As demonstrated by the contact materials provided, the applicant notified the chair and land use chair of all applications being requested. This criterion is met.

- (3) Nothing in this section shall be construed to preclude additional contact between an applicant and neighborhood association beyond the requirements of this section, or an applicant from contacting a neighborhood association where no neighborhood association contact is required.

Applicant's Findings: The applicant understands nothing in this section shall preclude additional contact between the applicant and neighborhood association.

- (c) *Process.* Prior to submitting a land use application requiring neighborhood association contact, the applicant shall contact the City-recognized neighborhood association(s) whose boundaries include, or are adjacent to, the subject property via e-mail or mailed letter. The e-mail or mailed letter shall:

- (1) Be sent to the chair(s) and land use chair(s) of the applicable neighborhood association(s) prior to submitting the land use application; and
- (2) Contain the following information:
 - (A) The name, telephone number, and e-mail address of the applicant;
 - (B) The address of the subject property;
 - (C) A summary of the proposal;
 - (D) A conceptual site plan, if applicable, that includes the proposed development; and
 - (E) The date on which the e-mail or letter is being sent;

Applicant's Findings: The applicant emailed a letter with information relating to the proposal to both the chair and land use chair of the neighborhood association. The letter included the required information listed above. This criterion is met.

- (d) *Effect on subsequent land use application submittal.* A land use application requiring neighborhood association contact shall not be accepted, as provided under SRC 300.210, unless it is accompanied by a copy of the e-mail or letter that was sent to the neighborhood association, and a list of the e-mail or postal addresses to which the e-mail or letter was sent.

Applicant's Findings: *The applicant understands the city is unable to accept applications requiring neighborhood association contact prior to contact being made. However, the applicant has demonstrated satisfying this criterion prior to submittal.*

Section 4: Findings Applicable to Class 3 Site Plan Review

Chapter 220 – Site Plan Review

Section 220.001 – Purpose

The purpose of this chapter is to provide a unified, consistent and efficient means to conduct site plan review for development activity that requires a building permit, to ensure that such development meets all applicable standards of the UDC, including, but not limited to, standards related to access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, landscaping, and transportation and utility infrastructure.

Section 220.005 – Site Plan Review

(a) *Applicability.*

- (1) Except as provided in subsection (a)(2) of this section, site plan review approval is required:

- (A) Prior to issuance of a building permit, for any development that requires a building permit;
- (B) Prior to a change of use, when a building permit is not otherwise required; and
- (C) Prior to commencement of work, for any of the following when a building permit is not otherwise required:

- (i) Development of a new off-street parking or vehicle use areas;
- (ii) Expansion of an existing off-street parking or vehicle use areas, when additional paved surface is added;
- (iii) Alteration of an existing off-street parking or vehicle use areas, when the existing paved surface is replaced with a new paved surface;
- (iv) Paving of an unpaved area; and

- (v) Restriping of an off-street parking or vehicular use areas, when the layout will be reconfigured.

Applicant's Findings: *The proposal includes new development that will require a building permit, triggering the applicability of this section.*

(2) Exemptions.

(A) The following development that requires a building permit is exempt from site plan review:

- (i) Development of a single family use, two family use, three family use, four family use, or cottage cluster on an individual lot, including the construction of accessory structures and paving associated with such uses.
- (ii) Sign installation.
- (iii) Ordinary maintenance or repair of existing buildings, structures, utilities, landscaping, and impervious surfaces, and the installation or replacement of operational equipment or fixtures.
- (iv) The alteration to the facade of a building, except in the Mixed Use-I (MU-I), Mixed Use- II (MU-II), Mixed Use-III (MU-III), or Mixed Use-Riverfront (MU-R) zones unless there are no standards in the zone that are applicable to the proposed façade alteration.
- (v) Interior construction or tenant improvements that involve no change of use or occupancy.
- (vi) Demolition permit.
- (vii) Construction of a fence.

(B) Any of the activities identified under subsection (a)(1)(C) of this section are exempt from site plan review if they are for a single family use, two family use, three family use, four family use, or cottage cluster on an individual lot.

Applicant's Findings: *The proposal does not meet any of the exemptions listed above; therefore, the applicant is submitting for a site plan review application.*

(b) *Classes.* The three classes of site plan review are:

- (1) *Class 1 site plan review.* Class 1 site plan review is site plan review for any development under subsection (a)(1) of this section that does not involve a land

use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves either:

- (A) A change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required; or
 - (B) A change of use when a building permit is not otherwise required.
- (2) *Class 2 site plan review.* Class 2 site plan review is site plan review for any development under subsection (a)(1) of this section, other than development subject to Class 1 site plan review, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.
- (3) *Class 3 site plan review.* Class 3 site plan review is site plan review for any development under subsection (a)(1) of this section that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. As used in this subsection, land use decisions and limited land use decisions include, but are not limited to, any development application that:
- (A) Requires a Transportation Impact Analysis pursuant to SRC chapter 803;
 - (B) Requires a geotechnical report or geologic assessment under SRC chapter 810, except where a geotechnical report or geologic assessment has already been approved for the property subject to the development application;
 - (C) Requires deviation from clear and objective development standards of the UDC relating to streets, driveways or vision clearance areas;
 - (D) Proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;
 - (E) Requires deviation from the clear and objective standards of the UDC and where the Review Authority is granted the authority to use limited discretion in deviating from the standard; or
 - (F) Involves the imposition of conditions of approval; or
 - (G) Requires a variance, adjustment, or conditional use permit.

Applicant's Findings: *The proposal includes an application for an adjustment to deviate from one standard of the UDC; therefore, the applicant triggers a class 3 site plan review.*

(c) *Procedure type.*

- (1) Class 1 site plan review is processed as a Type I procedure under SRC chapter 300.
- (2) Class 2 site plan review is processed as a Type I procedure under SRC chapter 300.

- (3) Class 3 site plan review is processed as a Type II procedure under SRC chapter 300.
- (4) An application for site plan review may be processed concurrently with an application for a building permit; provided, however, the building permit shall not be issued until site plan review approval has been granted.

Applicant's Findings: *The consolidated application for a site plan review and adjustment will be reviewed using Type II procedures.*

- (d) *Submittal requirements for Class 1 site plan review.* In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 1 site plan review shall include a completed application form that shall contain the following information:
 - (1) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (2) The address or location of the subject property and its assessor's map and tax lot number;
 - (3) The size of the subject property;
 - (4) The comprehensive plan designation and zoning of the subject property;
 - (5) The type of application(s);
 - (6) A brief description of the proposal; and
 - (7) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
- (e) *Submittal requirements for Class 2 and Class 3 site plan review.*
 - (1) *Class 2 site plan review.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for Class 2 site plan review shall include the following:
 - (A) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (i) The total site area, dimensions, and orientation relative to north;
 - (ii) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveways, indicating distance from the structures and improvements to all property lines and adjacent on-site structures;
 - (iii) Loading areas, if included in the proposed development;
 - (iv) The size and location of solid waste and recyclables storage and collection areas, and amount of

- overhead clearance above such enclosures, if included in the proposed development;
 - (v) An indication of future phases of development on the site, if applicable;
 - (vi) All proposed landscape areas on the site, with an indication of square footage and their percentage of the total site area;
 - (vii) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
 - (viii) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808;
 - (ix) The location of all street trees, if applicable, or proposed location of street trees required to be planted at time of development pursuant to SRC chapter 86; and
 - (x) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.
- (B) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
- (i) The total site area, dimensions, and orientation relative to north;
 - (ii) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines; and
 - (iii) The type, size, and location of all existing trees on the property, with an identification of those trees that will be preserved and those trees that will be removed; and
 - (iv) The location of the 100-year floodplain, if applicable.
- (C) A tree plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

- (i) The total site area, dimensions, and orientation relative to north;
 - (ii) The location of all existing trees, indicating their species, DBH, critical root zone, and whether they will be preserved or removed;
 - (iii) The location of all new trees proposed to be planted on the development site, indicating their species and caliper at the time of planting;
 - (iv) The perimeter and soil depth of all proposed tree planting areas;
 - (v) The location of all existing and proposed primary and accessory structures;
 - (vi) The location of all existing and proposed parking and vehicle use areas; and
 - (vii) For developments that include more than one-half acre of new off-street surface parking, the tree plan shall include the expected tree canopy area after 15 years for all trees not removed by the proposed development, and the caliper of all proposed new trees at the time of planting in addition to the other requirements of the tree planting plan.
- (D) A grading plan depicting proposed site conditions following completion of the proposed development, when grading of the subject property will be necessary to accommodate the proposed development.
- (E) A completed trip generation estimate for the proposed development, on forms provided by the City.
- (F) Building elevation drawings for any proposed new buildings and any exterior additions or alterations to existing buildings when the height of the building, or a portion of the building is changed.
- (G) For development in the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) Mixed Use-III (MU-III), and Mixed Use-Riverfront (MU-R) zones, architectural drawings, renderings, or sketches showing all elevations of the existing buildings and the proposed buildings as they will appear on completion.
- (H) For developments that include more than one-half acre of new off-street surface parking, proof of coordination with the local

electric utility to ensure the compatibility of tree canopy and root systems with planned and existing utility infrastructure.

(2) *Class 3 site plan review.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for Class 3 site plan review shall include the following:

- (A) All submittal requirements for a Class 2 site plan review under subsection (e)(1) of this section;
- (B) The zoning district, comprehensive plan designation, and land uses for all properties abutting the site;
- (C) Driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;
- (D) The elevation of the site at two-foot contour intervals, with specific identification of slopes in excess of 15 percent;
- (E) The location of drainage patterns and drainage courses, if applicable;
- (F) A preliminary utility plan showing capacity needs for municipal water, stormwater facilities, and sewer service, and schematic location of connection points to existing municipal water and sewer services;
- (G) Summary table which includes site zoning designation; total site area; gross floor area by use (e.g., manufacturing, office, retail, storage); building height; itemized number of full size compact and handicapped parking stalls, and the collective total number; total lot coverage proposed, including areas to be paved for parking and sidewalks;
- (H) A geological assessment or geotechnical report, if required by SRC chapter 810, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment; and
- (I) A Transportation Impact Analysis, if required by SRC chapter 803.

Applicant's Findings: *The applicant has submitted the applicable required items above. The submittal requirements have been met.*

(f) *Criteria.*

(3) *Class 3 site plan review.* An application for Class 3 site plan review shall be granted if:

- (A) The application meets all applicable standards of the UDC;

Applicant's Findings: The applicant has compiled a complete list of applicable standards and criteria and has provided a response to each within this narrative. Where the proposal is unable to meet the standard, the applicant is requesting an adjustment. Findings addressing the requested adjustment are provided within this narrative. This criterion is met.

- (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;

Applicant's Findings: The transportation system surrounding the development site is built up and has a complete network of streets. The site is a corner lot with two frontages, Turner Road and Kuebler Boulevard. The applicant is proposing to take access through a shared access easement through the property to the south, keeping ingress and egress into this development further away from the intersection. As proposed, any potential negative impacts to the transportation system are mitigated. This criterion is met.

- (C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and

Applicant's Findings: The applicant has provided findings related to SRC Chapter 806 demonstrating the proposed parking area and shared access is designed in accordance with the applicable provisions within this narrative. This criterion is met.

- (D) The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Applicant's Findings: As demonstrated by the existing conditions plan provided with this application submittal, water, sewer, and stormwater facilities are available within the surrounding streets adjacent to the subject property to serve the proposed development. The civil plans included provide details of the new services proposed to serve the new development. The existing infrastructure has capacity to serve this project, and stormwater will be managed with a shared private stormwater facility that was approved under 21-109925-CO. This criterion is met.

Chapter 230 – Historic Preservation

Section 230.105 – Preservation of Archeological Resources

- (a) Archeological resources shall be protected and preserved in place subject to the requirements of federal, state, and local regulations, including the guidelines administered by the Oregon State Historic Preservation Office and ORS 358.905—358.961.

- (b) A person may not excavate, injure, destroy or alter an archaeological site or object or remove an archaeological object located on public or private lands unless that activity is authorized by a permit issued under ORS 390.235. A violation of this subsection is a misdemeanor.

Applicant's Findings: The applicant is aware the subject site is identified on the City of Salem's Historic and Cultural Resources Protection Zone map. The applicant's consultant has discussed properties within these areas with the city's Historic Preservation Officer, Kimberli Fitzgerald. No public funding will be utilized to develop the subject site. At the time the site is developed, the applicant's contractors will have an inadvertent discovery plan on file with the city. This requirement will be met.

Chapter 551 – IC – Industrial Commercial

Section 551.001 – Purpose

The purpose of the Industrial Commercial (IC) Zone is to implement the industrial commercial designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The IC zone generally allows a wide variety of retail, office, heavy commercial, light manufacturing, and warehousing activities.

Section 551.005 – Uses

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the IC zone are set forth in Table 551-1.

Applicant's Findings: *The applicant is proposing a new building to be utilized for office space, retail and eating and drinking uses with a drive through all of which are outright permitted uses within the IC zone.*

Section 551.010 – Development Standards

Development within the IC zone must comply with the development standards set forth in this section.

- (a) *Lot standards.* Lots within the IC zone shall conform to the standards set forth in Table 551-2.

Applicant's Findings: *Pursuant to table 551-2 there are no standards for lot area, lot width, or lot depth. The minimum amount of street frontage required for the proposed use is 16-feet. The development site is a corner lot with street frontage on Turner Road SE and Kuebler Boulevard. The site has more than 100-feet of frontage on both Turner Road SE and Kuebler Boulevard, exceeding the minimum street frontage required pursuant to table 551-2. This is met.*

- (b) *Setbacks.* Setbacks within the IC zone shall be provided as set forth in Tables 551-3 and 551-4.

Applicant's Findings: Pursuant to table 551-3 the setback for buildings is a minimum of 5-feet; along Turner Road, the shortest length of setback is approximately 35-feet; along Kuebler Boulevard the shortest length of setback is approximately 43-feet; therefore, the setback abutting a street is met. All vehicle use areas, including the drive-through, meet the minimum 10-foot landscaped setback requirement established in chapter 806, findings addressing this are included within this document under chapter 806. The properties abutting the development are zoned as IC. Table 551-4 establishes no zone-to-zone setback for IC zoned properties for buildings; however, there is a minimum 5-foot setback with type A landscaping required for vehicle use areas. As demonstrated on the submitted plans, the proposal includes a 5-foot landscaped setback along the eastern property line. Abutting the southern property line is the shared driveway that serves the entire development site. As shown on the submitted plans and described herein, the setback requirements have been met.

- (c) *Lot coverage; height.* Buildings and accessory structures within the IC zone shall conform to the lot coverage and height standards set forth in Table 551-5.

Applicant's Findings: Pursuant to table 551-5, there is no maximum lot coverage; therefore, lot coverage is met. The maximum building height is 70-feet pursuant to table 551-5, the proposed building height is 24-feet; therefore, the building does not exceed the maximum height and meets the standard.

- (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 chapters 806 and 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.

Applicant's Findings: The setbacks, vehicle use areas, and development site landscaping have been shown on the submitted plans. The applicant is providing more than the required landscaping, additional findings addressing these requirements are found later in this document under chapter 806 and 807. This criterion is met.

- (e) *Industrial performance standards.* Within the IC zone, no land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality (DEQ), including the holding of all licenses and permits required by DEQ regulations, local ordinance, and state and federal law.

Applicant's Findings: *The applicant is not proposing industrial uses. Therefore, this criterion is not applicable.*

Chapter 601 – Floodplain Overlay Zones

Section 601.001 – Lands to Which this Chapter Applies

This chapter shall apply to all special flood hazard areas and interim flood hazard areas within the jurisdiction of the City of Salem.

Section 601.045 – Establishment of Development Permit

- (a) *Floodplain development permit required.* A development permit shall be obtained before construction or development begins within any area horizontally within the SFHA established in SRC 601.030(a) or within an interim flood hazard area established in SRC 601.030(c). The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in SRC 601.005, including fill and other development activities.

Applicant's Findings: *The applicant understands that prior to any construction or development within the flood hazard area on the site, they must obtain a floodplain development permit. This requirement will be met.*

Chapter 602 – Airport Overlay Zone

Section 602.001 – Purpose

The purpose of the Airport Overlay Zone is to establish standards to promote air navigational safety and prevent hazards and obstructions to air navigation and flight.

Section 602.010 – Airport Overlay Zone Boundary

The boundaries of the Airport Overlay Zone are shown in Figure 602-1. The Airport Overlay Zone is divided into the following areas that apply to land beneath, upon, and above the approach surface, transitional surfaces, horizontal surface, and conical surfaces of McNary Field:

- (a) *Approach area.* The approach area consists of the following:
 - (1) *Runway other than utility runway with only visual approach area.* The inner boundary of the runway other than utility runway with only visual approach area lies along the end of the primary surface and is 500 feet wide. The area expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. The centerline of the area is the continuation of the centerline of Runway 16/34.
 - (2) *Non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-quarter mile area.* The inner boundary of

the non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-quarter mile area lies along the end of the primary surface and is 1,000 feet wide. The area expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. The centerline of the area is the continuation of the centerline of Runway 13.

- (3) *Precision instrument runway approach area.* The inner boundary of the precision instrument runway approach area lies along the end of the primary surface and is 1,000 feet wide. The area expands outward uniformly to a width of 16,000 feet at a horizontal distance of 10,000 feet from the primary surface and thereafter to a horizontal distance of 50,000 feet from the primary surface. The centerline of the area is the continuation of the centerline of Runway 31.

- (b) *Transitional areas.* The transitional areas are those areas that lie beneath the transitional surfaces of each runway.

- (c) *Horizontal area.* The boundary of the horizontal area is established by swinging arcs with 5,000 feet radii, for all utility or visual runways, and 10,000 feet radii, for all other runways, from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal area does not include the approach and transitional areas.

- (d) *Conical surface area.* The conical surface area commences at the periphery of the horizontal area and extends outward a horizontal distance of 4,000 feet.

Applicant's Findings: *The development site is subject to the restrictions of the precision instrument runway approach area and horizontal area as it is within this boundary of the overlay zone.*

Section 602.015 – Uses

Any use that is a permitted, special, conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or prohibited use in the Airport Overlay Zone.

Applicant's Findings: *The applicant understands the uses permitted are reliant on the underlying zoning and overlay zoning, not the airport overlay zone itself. The applicant is proposing uses that are outright permitted within the IC zone. This criterion is met.*

Section 602.020 – Development Standards

Development within the Airport Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone or any other

overlay zone, the more restrictive development standards shall be the applicable development standard.

(a) *Height.* Except as otherwise provided in this chapter, no building, structure, or object shall be erected or increased in height, and no vegetation shall be allowed to grow, to a height in excess of the height limitations set forth in this subsection. If all or part of a lot is located in more than one Airport Overlay Zone area, the applicable height limitation shall be the most restrictive height limitation.

(1) *Runway other than a utility runway with only visual approaches.* No building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping 20 feet outward for each one foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 5,000 feet along the extended centerline of Runway 16-34.

(2) *Non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-quarter mile.* No building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping 34 feet outward for each one foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 10,000 feet along the extended centerline of Runway 13.

(3) *Precision instrument runway approach.* No building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping 50 feet outward for each one foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 10,000 feet along the extended centerline of Runway 31; thence sloping 40 feet outward for each one foot upward to an additional horizontal distance of 40,000 feet along the extended centerline of Runway 31.

(4) *Transitional surface.* In the transitional surface, no building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping seven feet outward for each one foot upward beginning at the sides of, and at the same elevation as, the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition, in the transitional surface there are established height limits sloping seven feet outward for each one foot upward beginning at the sides of, and the same elevation as, the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach area projects beyond the conical area, there are established height limits sloping seven feet outward for each one foot upward beginning at the sides of, and the same elevation as, the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

Applicant's Findings: The development site falls within the horizontal surface. Criteria 1 through 4 are not applicable.

- (5) *Horizontal surface.* In the horizontal surface, no building, structure, object, or vegetative growth shall have a height greater than that established by a horizontal plane 150 feet above the airport elevation.

Applicant's Findings: The development site sits approximately 240 feet above sea level and the McNary Field airport is approximately 214 feet above sea level. This provision provides a maximum height of 150-feet for buildings, structures, objects, and vegetation. However, the IC zone limits building and accessory structure height to 70-feet. Furthermore, the height of the proposed building is 24 feet. At the time signage is proposed, it will also be reviewed, and findings will show it meets the applicable restrictions. This criterion is met.

- (6) *Conical surface.* In the conical surface, no building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping 20 feet outward for each one foot upward beginning at the periphery of the horizontal surface, 150 feet above the airport elevation, and extending to a height of 350 feet above the airport elevation.

Applicant's Findings: The development site falls within the horizontal surface. This criterion is not applicable.

- (b) *Development compatibility.* Uses within the Airport Overlay Zone shall not be developed, conducted, or maintained in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, attract wildlife, or endanger or interfere in any other manner with landing, takeoff, or maneuvering of aircraft using or intending to use McNary Field.

Applicant's Findings: Staff will review this proposal at the time of submittal and determine development compatibility. It is the assertion of the applicant and their representatives that the use will not cause any electrical interference with navigational signals or radio communications between the airport and aircraft. This criterion is met.

- (c) *Marking and lighting.* Marking and lighting necessary to indicate the presence of buildings, structures, or vegetation to operators of aircraft in the vicinity of the airport shall be provided as required by the FAA.

Applicant's Findings: If additional markings or lighting is determined to be required by the FAA to indicate the presence of buildings, structures, or vegetation, the applicant will comply with all reasonable requests to ensure the standards are met.

Chapter 800 – General Development Standards

Section 800.001 – Purpose

The purpose of this chapter is to establish certain standards that apply generally to development throughout the City, regardless of zone.

Section 800.005 – Applicability

The standards set forth in this chapter apply to all development in every zone unless otherwise exempted by the UDC. In the event of a conflict between the standards set forth in this chapter and any other provision of the UDC, the more restrictive provision shall apply.

Section 800.055 – Solid waste service areas

Solid waste service areas shall provide for the safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee.

(a) *Applicability.* Solid waste service area design standards shall apply to:

- (1) All new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of one cubic yard or larger is proposed; and
- (2) Any change to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.

Applicant's Findings: *The proposal includes new solid waste service areas; therefore, triggering the applicability of this section.*

(b) *Solid waste receptacle placement standards.* All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of four inches thick, or on an asphalt pad that is a minimum of six inches thick. The pad shall have a slope of no more than a three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.

(1) *Pad area.* In determining the total concrete pad area for any solid waste service area:

- (A) The pad area shall extend a minimum of one foot beyond the sides and rear of the receptacle; and
- (B) The pad area shall extend a minimum three feet beyond the front of the receptacle.
- (C) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

Applicant's Findings: This application submittal includes trash enclosure details demonstrating the pad area will extend one foot beyond the sides and rear of the receptacle and three feet beyond the front of the receptacle. This criterion is met.

(2) *Minimum separation.*

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

Applicant's Findings: The enclosure is designed for one receptacle which will be separated from the wall 1.5 feet in accordance with this requirement.

(3) *Vertical clearance.*

- (A) *Receptacles two cubic yards or less.* Receptacles two cubic yards or less in size shall be provided with a minimum of eight feet of unobstructed overhead or vertical clearance for servicing.
- (B) *Receptacles greater than two cubic yards.* Receptacles greater than two cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing; provided, however, overhead or vertical clearance may be reduced to eight feet:
 - (i) For enclosures covered by partial roofs, where the partial roof over the enclosure does not cover more than the rear eight feet of the enclosure, as measured from the inside of the rear wall of the enclosure (see Figure 800-6); or
 - (ii) Where a physical barrier is installed within, and a maximum of eight feet from the front opening of, the enclosure preventing the backward movement of the receptacle (see Figure 800-7).

Applicant's Findings: The enclosure has a vertical clearance of 10-feet as demonstrated by the details provided.

(c) *Permanent drop box and compactor placement standards.*

- (1) All permanent drop boxes shall be placed on a concrete pad that is a minimum of six inches thick. The pad shall have a slope of no more than one percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.

- (2) All permanent compactors shall be placed on a concrete pad that is structurally engineered or in compliance with the manufacturer specifications. The pad shall have a slope of no more than three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
- (3) Pad area. The pad area shall be a minimum of 12 feet in width. The pad area shall extend a minimum of five feet beyond the rear of the permanent drop box or compactor.
- (4) Minimum separation. A minimum separation of five feet shall be provided between the permanent drop box or compactor and any combustible walls, combustible roof eave lines, or building or structure openings.

Applicant's Findings: *Drop boxes and compactors are not proposed. This criterion is not applicable.*

(d) *Solid waste service area screening standards.*

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

Applicant's Findings: *The applicant is proposing a trash enclosure, so no screening is required. This criterion is not applicable.*

(e) *Solid waste service area enclosure standards.* When enclosures are used for required screening or aesthetics, such enclosures shall conform to the standards set forth in this subsection. The overall dimensions of an enclosure are dependent upon the number and size of receptacles the enclosure is designed to accommodate.

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

- (2) *Measures to prevent damage to enclosure.*

- (A) Enclosures constructed of wood or chainlink fencing material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts.

- (B) Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.
- (C) The requirements under subsections (e)(2)(A) and (B) of this section shall not apply if the enclosure is designed to be separated:
 - (i) A minimum distance of two feet from the sides of the container or receptacles; and
 - (ii) A minimum of three feet from the rear of the container or receptacles.
- (3) *Enclosure gates.* Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. For any enclosure opening with an unobstructed width of 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.
- (4) *Prohibited enclosures.* Receptacles shall not be stored in buildings or entirely enclosed structures unless the receptacles are:
 - (A) Stored in areas protected by an automatic sprinkler system approved by the City Fire Marshal; or
 - (B) Stored in a building or structure of a fire resistive Type I or Type IIA construction that is located not less than ten feet from other buildings and used exclusively for solid waste receptacle storage.

Applicant's Findings: *The applicant has provided detailed architectural sheets demonstrating the proposed trash enclosure will meet these standards. These criteria are met.*

(f) Solid waste service area vehicle access.

(1) Vehicle operation area.

- (A) A vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Vehicle operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.

- (B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:
 - (i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);
 - (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or
 - (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.
 - (C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.
 - (D) Vertical clearance. Vehicle operation areas shall have a minimum vertical clearance of 14 feet.
 - (E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.
- (2) Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.
 - (3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Director, and shall be adequately designed, graded, and drained to the approval of the Director.
 - (4) Signs. "No Parking" signs shall be placed in a prominent location on the enclosure, or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles.

Applicant's Findings: *Trash enclosure access will be refined in detail at the time of building permit application submittal. The city may condition the approval of this application to comply with the requirements of this section to ensure they are met. These criteria will be met.*

- (g) *Notice to solid waste collection franchisee.* Upon receipt of an application to vary or adjust the standards set forth in this section, notification and opportunity to comment shall be provided to the applicable solid waste collection franchisee. Notice required

under this subsection shall be in addition to the notification required for a variance or adjustment under SRC chapter 300.

Applicant's Findings: *The applicant will meet the approval criteria and notice of a variance or adjustment is not required.*

Section 800.065 – Pedestrian access

Except where pedestrian access standards are provided elsewhere under the UDC, and unless otherwise provided in this section, all developments, other than development of single-family, two-family, three-family, and four-family uses, and multiple family uses subject to SRC chapter 702, 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. Development also does not include the installation of electric vehicle charging stations in existing approved parking lots or vehicle use areas.

(a) *Pedestrian connections required.* The on-site pedestrian circulation system shall provide pedestrian connectivity throughout the development site as follows:

(1) *Connection between building entrances and streets.*

(A) Except as otherwise provided in this subsection, a pedestrian connection shall be provided between the primary building 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 (see Figure 800-11).

Applicant's Findings: *Pedestrian connections from the newly proposed building to adjacent buildings are not required because the collective properties do not meet the definition of a development site as they fall under different ownership. However, the applicant does propose to connect the pedestrian paths to existing paths completing the circulation pattern established by previous development. The applicant is not proposing a pedestrian connection to Kuebler Boulevard for several reasons, the first being an existing swale making it cost prohibitive, the second reason is the distance between the edge of pavement and the applicant's property line, and the third is there are no sidewalks to safely funnel pedestrians to. The applicant is seeking an adjustment to the requirement to provide a pedestrian connection to Kuebler Boulevard. Upon approval of the requested adjustment, this criterion is met.*

- (B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop (see Figure 800-12).

Applicant's Findings: *Transit stops are not located within the frontage of the applicant's development. This criterion is not applicable.*

- (C) A pedestrian connection is not required between the primary building entrance of a building and each adjacent street if:
 - (i) The development site is a corner lot and the building has a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting one of the adjacent streets; or
 - (ii) The building is a service, storage, maintenance, or similar type building not primarily intended for human occupancy.

Applicant's Findings: *The applicant proposes to connect to existing pedestrian paths previously constructed with other development which will provide a pedestrian connection to Turner Road SE. However, the applicant seeks to adjust out of the requirement to provide a pedestrian connection to Kuebler Boulevard SE as described above. Upon approval of the requested adjustment application, this criterion will be met.*

(2) *Connection between buildings on the same development site.*

- (A) Except as otherwise provided in this subsection, where there is more than one building on a development site, a pedestrian connection, or pedestrian connections, shall be provided to connect the primary building entrances of all of the buildings.
- (B) A pedestrian connection, or pedestrian connections, is not required between buildings on the same development site if:
 - (i) The buildings have a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting a street; and
 - (ii) A public sidewalk within the adjacent street right-of-way provides pedestrian access between the primary building entrances; or

- (iii) The buildings are service, storage, maintenance, or similar type buildings not primarily intended for human occupancy.

(3) *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 or where there is no building, through the parking area as provided in this subsection.

- (i) The pedestrian connections shall be:

- a. Provided in a minimum amount of either one connection for every four drive aisles or one connection for every 250 feet (See Figure 800-13); provided, however, in no case shall less than one pedestrian connection be provided. Where the pedestrian connection requirements of this subsection result in a fractional number, any fractional number greater than 0.5 shall be round up to require an additional pedestrian connection;
- b. Spaced a minimum of two drive aisles apart; and
- c. Connected to a pedestrian connection, or pedestrian connections, that lead to the primary building entrance. Where there is no building, the pedestrian connections shall connect to the street either at the sidewalk or at the public street right-of-way when there is no sidewalk.

- (ii) Where the off-street surface parking area is adjacent to a street that is a transit route and there is an existing or planned transit stop along the 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.

- (iii) A pedestrian connection provided between a primary building entrance and a street may be counted as a required connection through an off-street surface parking area.
 - (iv) Regardless of the size of the off-street parking area, pedestrian connections are not required through off-street surface parking areas that have a depth, in all locations, of not more than 124 feet. For purposes of this subsection, parking area depth is measured through the parking area from its outside edge towards the building.
 - (v) For purposes of this subsection, off-street surface parking area means:
 - a. An off-street surface parking area that is separated from other off-street surface parking areas on the development site by either a driveway, which begins at the street and extends into the site, or other physical separation; or
 - b. An off-street surface parking area located in a separate location on the development site from other off-street surface parking areas.
- (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.
- (4) *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.
- (5) *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.
- (B) Where the use of an abutting property has specific security needs that make providing a connection impractical or undesirable;
- (C) Where on-site activities on abutting properties, such as the operation of trucks, forklifts, and other equipment and machinery would present safety conflicts with pedestrians;
- (D) Where buildings or other improvements on abutting properties physically preclude a connection now or in the future; or
- (E) Where physical conditions of the land, such as topography or existing natural resource areas, including, but not limited to, wetlands, ponds, lakes, streams, or rivers, make providing a connection impractical.

Applicant's Findings: *Pedestrian connection criteria 2 through 5 are not applicable to the proposed development.*

- (b) *Design and materials.* Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza. Where a path or trail identified in the Salem Transportation System Plan (TSP) or Salem Comprehensive Parks System Master Plan is required, the path or trail shall conform to the applicable standards of the TSP or Salem Comprehensive Parks System Master Plan in-lieu of the standards in this subsection.

- (1) Walkways shall conform to the following:

- (A) Material and width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and shall be a minimum of five feet in width.
 - (B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.

- (C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.
- (2) Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.
- (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.
- (d) *Applicability of standards to development sites comprised of lots under separate ownership.*
 - (1) 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.
 - (2) Where the pedestrian access standards of this section would otherwise require additional pedestrian connections throughout the development site beyond just the lot, or lots, proposed for development and any contiguous lots under the same ownership, the required pedestrian connections shall be extended to the boundaries of the lot, or lots, proposed for development and any contiguous lots under the same ownership in order to allow for future extension of required pedestrian connections through the other lots within the development site in conformance with the standards in this section.

Applicant's Findings: *The proposed pedestrian connections will be paved with hard-surface material meeting the Public Works Design Standards and meet the minimum 5-feet in width and 7-feet where vehicle parking could encroach into the pedestrian walkway. Pedestrian connections on the site that are adjacent to travel lanes are raised above the travel lanes. As demonstrated on the submitted plans and this written finding, these standards are met.*

Chapter 805 – Vision Clearance

Section 805.001 – Purpose

The purpose of this chapter is to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

Section 805.005 – Vision Clearance Areas

Vision clearance areas that comply with this section shall be provided at the corners of all intersections; provided, however, vision clearance areas are not required in the Central Business (CB) Zone.

(a) *Street intersections.* Vision clearance areas at street intersections shall comply with the following:

- (1) *Uncontrolled intersections.* At uncontrolled intersections, the vision clearance area shall have 30-foot legs along each street (see Figure 805-1).
- (2) *Controlled intersections.* At controlled intersections, the vision clearance area shall have a ten-foot leg along the controlled street and a 50-foot leg along the uncontrolled street (see Figure 805-2).
- (3) *One-way streets.* Notwithstanding subsections (a)(1) and (2) of this section, at an uncontrolled or controlled intersection of a one-way street, no vision clearance area is required on the corners of the intersection located downstream from the flow of traffic (see Figure 805-3).

(b) *Intersections with driveways, flag lot accessways, and alleys.* Vision clearance areas at intersections of streets and driveways, streets and flag lot accessways, streets and alleys, and alleys and driveways shall comply with the following:

(1) *Driveways.*

- (A) Driveways serving single family and two family uses. Driveways serving single family and two family uses shall have a vision clearance area on each side of the driveway. The vision clearance area shall have ten-foot legs along each side of the driveway, and ten-foot legs along the intersecting street or alley (see Figure 805-4).
- (B) Driveways serving uses other than single family and two family. Driveways serving uses other than single family and two family shall have a vision clearance area on each side of the driveway. The vision clearance area shall have ten-foot legs along the driveway and 50-foot legs along the intersecting street or alley (see Figure 805-5).

(2) *Flag lot accessways.*

- (A) Flag lot accessways serving single family and two family uses. Flag lot accessways serving single family and two family uses shall have a vision clearance area on each side of the flag lot accessway. The vision clearance area shall have ten-foot legs along each side of the flag lot accessway, and ten-foot legs along the intersecting street (see Figure 805-6).

(B) Flag lot accessways serving uses other than single family and two family. Flag lot accessways serving uses other than single family and two family shall have a vision clearance area on each side of the flag lot accessway. The vision clearance area shall have ten-foot legs along the flag lot accessway and 50-foot legs along the intersecting street (see Figure 805-7).

(3) *Alleys.* Alleys shall have a vision clearance area on each side of the alley. The vision clearance area shall have ten-foot legs along the alley and ten-foot legs along the intersecting street (see Figure 805-8).

(4) *Measurement.* The legs of a vision clearance area shall be measured along the right-of-way line and along the intersecting driveway, flag lot accessway, or alley.

Applicant's Findings: *These requirements for ingress and egress to the public right-of-way have already been reviewed for vision clearance issues and were approved and constructed on the southern property; therefore, these criteria are not applicable.*

Chapter 806 – Off-Street Parking, Loading, and Driveways

Section 806.001 – Purpose

The purpose of this chapter is to establish standards for off-street parking and vehicle use areas, bicycle parking, loading areas, and driveways.

Section 806.015 – Amount of 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.

Applicant's Findings: *Based on 1,105 square feet of eating and drinking, the maximum amount of off-street parking for this use would be six; for 1,000 square feet of retail, the maximum amount of off-street parking for this use would be 5; for 1,800 of office space the maximum amount of off-street parking for this use would be seven; therefore, the total maximum amount of off-street parking for the proposed building is 18 spaces. As demonstrated on the submitted plans, there are 17 total parking spaces proposed, which is less than the maximum allowed. This criterion 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.

Applicant's Findings: *As shown on the submitted plans, the applicant is proposing a total of 17 parking spaces, 9 are shown to be compact spaces equaling approximately 53 percent. This criterion is met.*

- (c) *Carpool and vanpool parking.* New developments with 60 or more required off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.

Applicant's Findings: *There is no carpool or vanpool parking required or proposed with the development. This criterion 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.

Applicant's Findings: *The proposal does not include any dwelling units; therefore, this criterion is not applicable.*

Section 806.020 – Method of Providing Off-Street Parking

- (a) *General.* If provided, off-street parking shall be accommodated through one or more of the following methods:
- (1) *Ownership.* Ownership in fee by the owner of the property served by the parking;
 - (2) *Easement.* A permanent and irrevocable easement appurtenant to the property served by the parking;
 - (3) *Lease Agreement.* A lease agreement
 - (4) *Lease or rental agreement in parking structure.* A lease or rental agreement in an off-street parking facility established pursuant to ORS 223.805 to 223.845;

Applicant's Findings: *The applicant is providing off-street parking through method (1) ownership. As shown on the site plan included with this application submittal, the off-street parking area is on the same site as the development it serves. This criterion is met.*

Section 806.035 – Off-Street Parking and Vehicle Use Area Development Standards for Uses of Activities Other Than Single-Family, Two-Family, Three-Family, and Four-Family

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than single family, two family, three family, and four family shall be developed and maintained as provided in this section.

- (a) *General applicability.* The off-street parking and vehicle use area development standards set forth in this section shall 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.

Applicant's Findings: *This proposal includes a new off-street parking area; therefore, triggering the applicability of this section.*

(b) *Location.*

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

Applicant's Findings: *As demonstrated on the submitted plans, no off-street parking or vehicle use areas, including the drive-through, are proposed within the required setbacks. This criterion is met.*

- (2) *Carpool and vanpool parking.* Carpool and vanpool parking shall be located so it is the closest employee parking to the building entrance normally used by employees; provided, however, it shall not be located closer than any parking designated for disabled parking.

Applicant's Findings: *There are no carpool or vanpool parking spaces proposed with this application. This is not applicable.*

- (3) *Underground parking.* Off-street parking may be located underground in all zones, except the RA and RS zones. Such underground parking may be located beneath required setbacks; provided, however, no portion of the structure enclosing the underground parking shall project into the required setback, and all required setbacks located above the underground parking structure shall be landscaped as otherwise required under the UDC.

Applicant's Findings: *There is no underground parking proposed with this application. This is not applicable.*

(c) *Perimeter setbacks and landscaping.*

- (1) *Perimeter setbacks and landscaping, generally.*

- (i) *Perimeter setbacks.* Perimeter setbacks, as set forth in this subsection, 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. Perimeter setbacks for parking garages are set forth under subsection (c)(5) of this section. Perimeter setbacks are not required for:

- (i) Off-street parking and vehicle use areas abutting an alley.
 - (ii) Vehicle storage areas within the IG zone.
 - (iii) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701, abutting nonresidential zones, uses or activities other than household living, or local streets.
 - (iv) Gravel off-street parking areas, approved through a conditional use permit, abutting nonresidential zones, uses or activities other than household living, or local streets.
 - (v) Underground parking.
- (B) *Perimeter landscaping.* Required perimeter setbacks for off-street parking and vehicle use areas shall be landscaped as set forth in this subsection.

Applicant's Findings: *The applicant understands the general requirements for perimeter setbacks and landscaping and has provided detailed findings below to address each requirement.*

- (2) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting a street shall be setback and landscaped according to one the methods set forth in this subsection. Street trees located along an arterial street may be counted towards meeting the minimum required number of plant units.
- (A) *Method A.* The off-street parking and vehicle use area shall be setback a minimum of ten feet (see Figure 806-1). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.
 - (B) *Method B.* The off-street parking and vehicle use area shall be setback to accommodate a berm, the top of which shall be a minimum of 2.5 feet higher than the elevation of the abutting off-street parking or vehicle use area (see Figure 806-2). The berm shall have a slope no steeper than a 3:1 on all sides, and shall be landscaped according to the Type A standard set forth in SRC chapter 807 with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties. Any portion of the berm that encroaches into a vision clearance area set forth in SRC chapter 805 shall have a height no greater than the maximum allowed under SRC 805.010.

- (C) *Method C.* The off-street parking and vehicle use area shall be setback a minimum six feet to accommodate a minimum three-foot drop in grade from the elevation at the right-of-way line to the elevation of the abutting off-street parking or vehicular use area (see Figure 806-3). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.
- (D) *Method D.* The off-street parking and vehicle use area shall be setback a minimum six feet in conjunction with a minimum three-foot-tall brick, stone, or finished concrete wall (see Figure 806-4). The wall shall be located adjacent to, but entirely outside, the required setback. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807. Any portion of the wall that encroaches into a vision clearance area set forth in SRC chapter 805 shall have a height no greater than the maximum allowed under SRC 805.010.
- (E) *Method E.* The off-street parking and vehicle use area shall be setback a minimum of six feet to accommodate green stormwater infrastructure meeting the Public Works Design Standards.

Applicant's Findings: As demonstrated on the site plan included with this application submittal, the proposed off-street parking abutting Kuebler Boulevard and the vehicle use area along Kuebler Boulevard and Turner Road meet Method A and exceed the minimum setback of 10 feet from both streets. The applicant is meeting Method A and is exceeding the minimum setback of 10 feet from the street. This criterion is met.

- (3) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet (see Figure 806-5). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

Applicant's Findings: A landscaped 5-foot perimeter setback is required for the off-street parking and vehicle use areas for this proposal. As shown on the submitted plans, the applicant is proposing a minimum 5-foot landscaped setback, this criterion is met.

- (4) *Setback adjacent to buildings and structures.* Except for drive-through lanes, where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, planted to the Type A standard set forth in SRC chapter 807, or by a minimum five-foot-wide paved pedestrian

walkway (see Figure 806-6). A landscape strip or paved pedestrian walkway is not required for drive-through lanes located adjacent to a building or structure.

Applicant's Findings: *As demonstrated on the plans included with this application submittal, the off-street parking and vehicle use area setback adjacent to the proposed building exceeds the minimum requirement by providing a paved pedestrian walkway that is larger than 5-feet. This criterion is met.*

- (5) *Perimeter setbacks and landscaping for parking garages.* Perimeter setbacks and landscaping as set forth in subsection (c) of this section shall be required for parking garages; provided, however, perimeter setbacks and landscaping are not required for:
- (A) Any portion of a parking garage with frontage on a street and containing ground floor uses or activities other than parking.
 - (B) Any parking garage within an industrial zone, public zone, or commercial zone, other than a CO zone, that abuts an interior front, side, or rear property line where there is no required building setback.
 - (C) Any parking garage abutting an alley.

Applicant's Findings: *Parking garages are not proposed with this application. These criteria are not applicable.*

(d) *Interior landscaping.*

- (1) *Interior landscaping, generally.* Interior landscaping, as set forth in this subsection, shall be required for off-street parking areas 5,000 square feet or greater in size; provided, however, interior landscaping is not required for:
- (i) Vehicle storage areas.
 - (ii) Vehicle display areas.
 - (iii) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
 - (iv) Gravel off-street parking areas, approved through a conditional use permit.
 - (v) Underground parking.
 - (vi) Parking garages.

Applicant's Findings: *As shown on the site plan provided, the off-street parking area totals approximately 6,210 square feet, triggering the applicability of interior landscaping within the parking lot.*

- (2) *Minimum percentage of interior landscaping required.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-4. For purposes of this subsection, the total interior area of an off-street parking area is the sum of all

areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways. Perimeter landscaped setbacks and required landscape strips separating off-street parking areas from buildings and structures shall not count towards satisfying minimum interior landscaping requirements.

Applicant's Findings: Pursuant to table 806-4, for off-street parking areas larger than 5,000 square feet, 5 percent interior landscaping is required. As shown on the site plan submitted, the applicant is providing more than the minimum 5 percent, or 310 square feet, of interior landscaping. This criterion is met.

- (3) ***Trees.*** A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area. Trees may be clustered within landscape islands or planter bays, and shall be distributed throughout the off-street parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.

Applicant's Findings: The site includes 17 new parking spaces requiring 1 shade tree to be planted. At the time of building permit submittal, the applicant will provide a landscape plan to the city for review and approval demonstrating one shade tree is provided meeting this criterion.

- (4) ***Landscape islands and planter bays.*** Landscape islands and planter bays shall have a minimum planting area of 25 square feet, and shall have a minimum width of five feet (see Figure 806-7).

Applicant's Findings: As shown on the submitted plans, all proposed landscape islands/planter bays have a minimum width of 5 feet, excluding the 6-inch curbs, and exceed the minimum planting area of 25 square feet. This criterion is met.

- (e) ***Off-street parking area dimensions.*** Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-5; provided, however, minimum off-street parking area dimensions shall not apply to:
 - (1) Vehicle storage areas.
 - (2) Vehicle display areas.

Applicant's Findings: The parking area includes 17 parking stalls, of which 9 are proposed to be compact with dimensions of 19-feet in depth and 8-feet in width, exceeding the compact parking dimensions for the 90-degree parking angle standards. The remaining 8 standard stalls are 19-feet in depth and 9-feet in width, meeting the dimensions for the 90-degree parking angle standards established in table 806-5. This criterion is met.

- (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 806-6.

Applicant's Findings: *In no case will any vehicle be forced to back out into a street. There is enough room behind all parking stalls which would allow vehicles to enter and exit the street in a forward motion. Where the drive aisle terminates at a dead-end a turnaround area, meeting the dimensional standards of an aisle width 24-feet or less, has been provided. This criterion is met.*

- (g) *Grade.* Off-street parking and vehicle use areas shall not exceed a maximum grade of ten percent. Ramps shall not exceed a maximum grade of 15 percent.

Applicant's Findings: *As demonstrated on the submitted civil plans, the off-street parking and vehicle use areas do not exceed the maximum grade of ten percent and no ramps will exceed the maximum grade of 15 percent.*

- (h) *Surfacing.* Off-street parking and vehicle use areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, up to two feet of the front of a parking space may be landscaped with ground cover plants (see Figure 806-10). Such two-foot landscaped area may count towards meeting interior off-street parking area landscaping requirements when provided abutting a landscape island or planter bay with a minimum width of five feet but shall not count towards meeting perimeter setbacks and landscaping requirements. Paving is not required for:

- (1) Vehicle storage areas within the IG zone.
- (2) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
- (3) Gravel off-street parking areas, approved through a conditional use permit.

Applicant's Findings: *The proposed off-street parking and vehicle use areas are proposed to be paved with a hard surface material meeting the Public Works Design Standards. Details regarding the construction will be provided at the time of building permit for the director's review and approval. This criterion will be met.*

- (i) *Drainage.* Off-street parking and vehicle use areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.

Applicant's Findings: As shown on the civil plans provided, the off-street parking and vehicle use areas are designed, graded, and drained according to the Public Works Design Standards, or to the approval of the director. Additional details regarding the construction will be provided at the time of building permit for the director's review and approval. This criterion will be met.

(j) *Bumper guards or wheel barriers.* Off-street parking and vehicle use areas shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas, pedestrian accessways, streets or alleys, or abutting property; provided, however, bumper guards or wheel barriers are not required for:

- (1) Vehicle storage areas.
- (2) Vehicle sales display areas.

Applicant's Findings: As demonstrated on the site plan provided, the applicant is proposing a 5-foot landscape setback along the vehicle use area along the eastern property line and is providing wheel stops so no portion of vehicles will overhang or project into this required landscaped setback area. The applicant is proposing an approximately 8-foot pedestrian walkway between the building and the off-street parking area; therefore, wheel stops are not required to prevent vehicular overhang. The applicant has shown wheel stops on all proposed parking stalls. This criterion is met.

(k) *Off-street parking area striping.* Off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6; provided, however, off-street parking area striping shall not be required for:

- (1) Vehicle storage areas.
- (2) Vehicle sales display areas.
- (3) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
- (4) Gravel off-street parking areas, approved through a conditional use permit.

Applicant's Findings: The proposed vehicle use area consists of 17 parking stalls all situated at 90 degrees. There is a mix of standard (8 stalls) and compact (9 stalls) which meet the minimum dimensional standards set forth for 90-degree parking stalls in Table 806-5. The off-street parking area will be striped in a manner consistent with this design. This criterion is met.

(l) *Marking and signage.*

- (1) *Off-street parking and vehicle use area circulation.* Where directional signs and pavement markings are included within an off-street parking or vehicle use area to control vehicle movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.

Applicant's Findings: *The proposed parking area is designed in a manner that maneuvering is intuitive; it is not anticipated directional markings or signage will be necessary to control vehicular movement. However, if markings or signage are determined to be necessary, the applicant will ensure they conform to the Manual or Uniform Traffic Control Devices. If applicable, this criterion will be met.*

- (2) *Compact parking.* Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.

Applicant's Findings: *The site plan shows the compact parking stalls will be marked indicating they are reserved for compact parking only. This criterion is met.*

- (3) *Carpool and vanpool parking.* Carpool and vanpool parking spaces shall be posted with signs indicating the spaces are reserved for carpool or vanpool use only before 9:00 a.m. on weekdays.

Applicant's Findings: *Carpool and vanpool parking is not proposed or required. This criterion is not applicable.*

- (m) *Lighting.* Lighting for off-street parking and vehicle use areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.

Applicant's Findings: *Lighting will be provided in a manner ensuring it will not shine or reflect onto adjacent properties or right-of-way. This criterion will be met.*

- (n) *Additional standards for new off-street surface parking areas more than one-half acre in size.* When a total of more than one-half acre of new off-street surface parking is proposed on one or more lots within a development site, the lot(s) proposed for development shall comply with the additional standards in this subsection. For purposes of these standards, the area of an off-street surface parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways and off-street loading areas.

Applicant's Findings: *The proposal does not include a new off-street parking area that is more than one-half acre in size; therefore, this criterion is not applicable.*

Section 806.045 – Bicycle Parking; When Required

- (a) *General applicability.* Bicycle parking shall be provided as required under this chapter for:
 - (1) Each proposed new use or activity.
 - (2) Any change of use or activity.
 - (3) Any intensification, expansion, or enlargement of a use or activity.

Applicant's Findings: The proposal includes a new use or activity, triggering the applicability of this section.

Section 806.050 – Proximity of Bicycle Parking to Use or Activity Served

Except as otherwise provided in this chapter, bicycle parking shall be located on the same development site as the use or activity it serves.

Applicant's Findings: The bicycle parking is proposed to be located on the same development site as the use and activity it is serving. The location and bicycle rack details are shown on the site plan included with this application submittal. This is met.

Section 806.055 – Amount of Bicycle Parking

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

Applicant's Findings: In accordance with Table 806-9, if the entire building was occupied by an eating and drinking use, a minimum of 5 bicycle parking spaces would be required. The applicant chose to use this calculation to ensure future flexibility of uses would still comply with bicycle parking standards. The proposal includes 6 bicycle parking spaces as demonstrated by the plans included with this application submittal.

- (b) *Long-term bicycle parking.* Long-term bicycle parking may be provided to satisfy a percentage of the minimum bicycle parking spaces required under this chapter. Such long-term bicycle parking shall not exceed the amounts set forth in Table 806-8. The maximum percentage of long-term bicycle parking allowed is based solely on the minimum number of bicycle parking spaces required. This standard shall not be construed to prohibit the provision of additional long-term bicycle parking spaces provided the minimum number of required spaces is met. (Example: A restaurant requiring a minimum of four bicycle parking spaces may, but is not required to, designate one of the required spaces as a long-term space. Additional short-term and long term spaces may be provided as long as the minimum required three short-term spaces are maintained).

Applicant's Findings: The applicant is not proposing any long-term bicycle parking spaces.

Section 806.060 – Bicycle Parking Development Standards

Unless otherwise provided under the UDC, bicycle parking shall be developed and maintained as set forth in this section. The standards set forth in this section shall not apply to City approved bike share stations which utilize bike docking stations.

- (a) *Location.*

- (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.

Applicant's Findings: *The 6 bicycle parking spaces are located within 50 feet from the main entrance of the building and will be clearly visible from the primary building entrance. This criterion is met.*

- (2) *Long-term bicycle parking.*

(A) *Generally.* Long-term bicycle parking shall be located:

- (i) Within a building, on the ground floor or on upper floors when the bicycle parking areas are easily accessible by an elevator; or
- (ii) On-site, outside of a building, in a well-lighted secure location that is sheltered from precipitation and within a convenient distance of the primary entrance.

(B) *Long-term bicycle parking for residential uses.* Long-term bicycle parking spaces for residential uses shall be located within:

- (i) A residential dwelling unit;
- (ii) A lockable garage;
- (iii) A restricted access lockable room serving an individual dwelling unit or multiple dwelling units;
- (iv) A lockable bicycle enclosure; or
- (v) A bicycle locker.

(C) *Long-term bicycle parking for non-residential uses.* Long-term bicycle parking spaces for non-residential uses shall be located within:

- (i) A restricted access lockable room;
- (ii) A lockable bicycle enclosure; or
- (iii) A bicycle locker.

Applicant's Findings: *The applicant is not proposing any long-term bicycle parking; therefore, this criterion is not applicable.*

- (b) *Access.* All 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.

Applicant's Findings: As depicted on the submitted plans, all bicycle parking areas will have direct access to the public right-of-way. This criterion is met.

(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 access aisles conforming to the minimum widths set forth in Table 806-10. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Applicant's Findings: As depicted on the submitted plans, the bicycle parking conforms to the requirements in Table 806-9. This criterion is met.

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

Applicant's Findings: The bicycle parking area is proposed to be hard surface material meeting the Public Works Design Standards. This is met.

(e) *Bicycle racks.* Where bicycle parking is provided in racks, the racks may be horizontal or vertical racks mounted to the ground, floor, or wall. Bicycle racks shall meet the following standards:

- (1) Racks must support the bicycle in a stable position.
 - (A) For horizontal racks, the rack must support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components.
 - (B) For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the 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.

Applicant's Findings: The applicant is aware of all bicycle parking requirements for racks and will conform to the requirements as shown in Figure 806-11. This criterion is met.

- (f) *Bicycle lockers.* Where bicycle parking is provided in lockers, the lockers shall meet the following standards:
- (1) Lockers shall conform to the minimum dimensions set forth in Table 806-10.
 - (2) Lockers shall be served by an access aisle conforming to the minimum width set forth in Table 806-10 in front of each locker opening.
 - (3) Lockers shall be securely anchored.

Applicant's Findings: *The applicant is not providing bicycle lockers; therefore, this standard is not applicable.*

Section 806.065 – Off-Street Loading Areas; When Required

- (a) *General applicability.* Off-street loading shall be provided and maintained as required under this chapter for:
- (1) Each proposed new use or activity.
 - (2) Any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity.
 - (3) Any intensification, expansion, or enlargement of a use or activity.

Applicant's Findings: *The proposal is for a new development and a new use will be established; therefore, triggering the applicability of this section. The applicant is not proposing a loading area separate from the provided parking area because the site won't require delivery vehicles exceeding 8,000 pounds.*

Chapter 807 – Landscaping and Screening

Section 807.001 – Purpose

The purpose of this chapter is to establish standards for required landscaping and screening under the UDC to improve the appearance and visual character of the community, promote compatibility between land uses, encourage the retention and utilization of existing vegetation, and preserve and enhance the livability of the City.

Section 807.010 – Applicability

The provisions of this chapter apply to all required landscaping and screening under the UDC.

Applicant's Findings: *The development triggers the landscaping requirements of Chapter 807. Below the applicant provides findings regarding how the proposal meets the applicable criteria.*

Section 807.015 – Landscaping and Screening

Unless otherwise provided under the UDC, required landscaping and screening shall conform to the standards set forth in this section.

- (a) *Landscaping types.* Required landscaping shall be provided according to one of the landscaping types set forth in Table 807-1. Where landscaping is required under the UDC without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.

Applicant's Findings: *The landscape type required for the development site is Type A: one plant unit per 20 square feet. At the time of building permit application, the applicant will provide landscape plans demonstrating compliance with the minimum plant unit requirements. This criterion will be met.*

- (b) *Plant materials and corresponding plant unit values.* Plant materials, their corresponding minimum plant unit values, and minimum plant material size at time of planting for landscaping within required landscaped areas are set forth in Table 807-2. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials shall provide for a minimum 75 percent coverage of required landscaped areas within five years.

Applicant's Findings: *The landscape type required for the development site is Type A: one plant unit per 20 square feet. At the time of building permit application, the applicant will provide landscape plans demonstrating compliance with the minimum plant unit requirements.*

- (c) *Preservation of existing trees and vegetation.* The preservation of existing trees and vegetation is encouraged. If preserved, existing trees as defined under SRC chapter 808, existing trees less than ten inches dbh, and existing vegetation may be utilized to satisfy required landscaping if they conform to the minimum plant unit requirements specified in this chapter.

Applicant's Findings: *The site does not include any existing trees for preservation; this criterion is not applicable.*

- (d) *Tree replanting requirements.* In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection. The provisions of this subsection do not apply to lots used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.

- (1) *Removal of trees within required setbacks.* When an existing tree or trees, as defined under SRC chapter 808, within a required setback are proposed for removal, two new trees shall be planted for each tree removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5-inch caliper.

- (2) *Removal of trees from development site.* When more than 75 percent of the existing trees, as defined under SRC chapter 808, on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5-inch caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.

Applicant's Findings: *The site does not include any existing trees for preservation; this criterion is not applicable.*

- (e) *Screening standards.* Unless otherwise provided under the UDC, where screening is required in the form of a fence, wall, or landscaping, it shall conform to the following standards:
- (1) *Height.* Fences and walls shall be a minimum of six feet in height. Landscaping shall be of a species that will attain a height of at least six feet within three years after planting.
 - (2) *Opacity.* Screening shall be sight-obscuring. Fences, walls, and landscaping shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence, wall, or landscaping. Landscaping shall be of an evergreen species that will attain required opacity within three years after planting.
 - (3) *Maintenance.* Fences and walls shall be maintained in safe condition, and shall be maintained as opaque. Landscaping shall be replaced within six months after dying or becoming diseased to the point that required opacity can no longer be maintained.

Applicant's Findings: *Screening is not required. These criteria are not applicable.*

- (f) *Berm.* Unless otherwise provided under the UDC, where screening is required in the form a berm, the berm shall be an earthen mound no less than three feet in height above the existing grade, and shall be constructed with a slope no steeper than 3:1 on all sides. The berm shall be planted with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties.

Applicant's Findings: *The applicant is not proposing screening in the form of a berm; therefore, this is not applicable.*

- (g) *Street trees.* Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.

Applicant's Findings: *Street trees will be provided if required. This criterion will be met.*

Section 5: Findings Applicable to Adjustments

Chapter 808 – Preservation of Trees and Vegetation

Section 808.001 – Purpose

The purpose of this chapter is to provide for the protection of heritage trees, significant trees, and trees and native vegetation in riparian corridors, as natural resources for the City, and to increase tree canopy over time by requiring tree preservation and planting of trees in all areas of the City.

Chapter 250 – Adjustments

Section 250.001 – Purpose

The purpose of this chapter is to provide a process to allow deviations from the development standards of the UDC for developments that, while not meeting the standards of the UDC, will continue to meet the intended purpose of those standards. Adjustments provide for an alternative way to meet the purposes of the Code and provide for flexibility to allow reasonable development of property where special conditions or unusual circumstances exist.

Section 250.005 – Adjustments

(a) *Applicability.*

(1) *Classes.*

- (A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.
- (B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.

Applicant's Findings: *The applicant is seeking to adjust a standard more than 20 percent, triggering a class 2 adjustment.*

(2) *Prohibition.* Notwithstanding subsection (a)(1) of this section, an adjustment shall not be granted to:

- (A) Allow a use or activity not allowed under the UDC;
- (B) Change the status of a use or activity under the UDC;
- (C) Modify a definition or use classification;
- (D) Modify a use standard;
- (E) Modify the applicability of any requirement under the UDC;

- (F) Modify a development standard specifically identified as non-adjustable;
- (G) Modify a development standard that contains the word "prohibited";
- (H) Modify a procedural requirement under the UDC;
- (I) Modify a condition of approval placed on property through a previous planning action;
- (J) A design review guideline or design review standard, except Multiple Family Design Review Standards in SRC Chapter 702, which may be adjusted; or
- (K) The required landscaping in the Industrial Business Campus (IBC) Zone.

Applicant's Findings: *The adjustment being sought is not prohibited in accordance with the list above.*

- (b) *Procedure type.* Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.

Applicant's Findings: *The adjustment is consolidated with a site plan review application and will be processed using Type II procedures.*

- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
 - (C) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
 - (D) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
 - (E) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and

- (F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.
- (2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
 - (C) The location of the 100-year floodplain, if applicable; and
 - (D) The location of drainage patterns and drainage courses, if applicable.

Applicant's Findings: *The plans submitted with this application include all applicable information required by this section. In conjunction with this written narrative, the review authority has all the information necessary to render a decision in this case. This criterion is met.*

(d) *Criteria.*

- (1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:
 - (A) The purpose underlying the specific development standard proposed for adjustment is:
 - (i) Clearly inapplicable to the proposed development; or
 - (ii) Clearly satisfied by the proposed development.
 - (B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.

Applicant's Findings: *The applicant is seeking approval of a class 2 adjustment; these criteria are not applicable.*

- (2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:
 - (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.

Applicant's Findings: The applicant is seeking one adjustment to SRC 800.065(a)(1)(A) (A) Except as otherwise provided in this subsection, a pedestrian connection shall be provided between the primary building 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 (see Figure 800-11). Pedestrian connections from the newly proposed building to adjacent buildings are not required because the collective properties do not meet the definition of a development site as they fall under different ownership. However, the applicant does propose to connect the pedestrian paths to existing paths completing the circulation pattern established by previous development. The applicant is not proposing a pedestrian connection to Kuebler Boulevard for several reasons, the first being an existing swale making it cost prohibitive, the second reason is the distance between the edge of pavement and the applicant's property line is more than 50 feet, and the third is there are no sidewalks to safely funnel pedestrians to. The applicant is seeking an adjustment to the requirement to provide a pedestrian connection to Kuebler Boulevard. Upon approval of the requested adjustment, this criterion is met.

- (B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Applicant's Findings: The proposed development is not located within a residential zone; therefore, this criterion is not applicable.

- (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.

Applicant's Findings: The applicant is only seeking one adjustment; therefore, this criterion is not applicable.

- (e) *Transfer of adjustments.* Unless otherwise provided in the final decision granting the adjustment, an adjustment shall run with the land.

Applicant's Findings: The applicant understands that unless the final decision states otherwise, any approved adjustments shall run with the land.

Section 6: Conclusion

Based on the facts and findings presented by the applicant within this detailed written narrative, the applicant believes they have satisfied the burden of proof required by the Unified Development Code and demonstrated how the proposed class 3 site plan review and class 2 adjustment not only satisfies all applicable criteria but would also be a benefit to the community within the Northgate Neighborhood.

Section 7: Exhibits

Exhibit A – Marion County Tax Map

24 01 0

LEGEND

LINE TYPES

Taxlot Boundary

Road Right-of-Way

Railroad Right-of-Way

Private Road ROW

Subdivision/Plat Bndry

Waterline - Taxlot Bndry

Historical Boundary

Easement

Railroad Centerline

Taxcode Line

Map Boundary


Waterline - Non Bndry

CORNER TYPES

+ 1/16TH Section Cor.

© DLC Corner

 1/4 Section Cor

16 15
 Section Corner
 21 22

NUMBERS

Tax Code Number

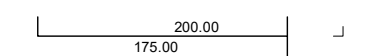
00 00 0

Acreage
0.25 AC

All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs.

NOTES

Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW



CANCELLED NUMBERS

700
800
1100
1100
1100
1100
1201
1401
1601
1602
1701
1803
1804
1901
2001

DISCLAIMER: THIS MAP WAS PREPARED
FOR ASSESSMENT PURPOSES ONLY



Assessors Office
Cartography Dept

FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.marion.or.us

PLOT DATE: 2/12/2024

SALEM
08 2W 07C

SEE MAP
083W12A

SEE MAP
082W07B

SEE MAP
082W07

SEE MAP
083W12D

24 01 0

SEE MAP
08.3W13A

08 2W 07C

SEE MAP
082W18B

(MR 56)

Exhibit B – Deeds



Parcel Information

Parcel #:	603925
Tax Lot:	082W07C000502
Site Address:	
	Salem OR 97317
Owner:	Lebowski Holdings LLC
Owner2:	
Owner Address:	4880 Turner Rd SE
	Salem OR 97317 - 6965
Twn/Range/Section:	08S / 02W / 07 / SW
Parcel Size:	0.60 Acres (25,996 SqFt)
Plat/Subdivision:	
Lot:	1
Block:	
Census Tract/Block:	001803 / 2005
Waterfront:	

Tax Information

Levy Code Area:	24940
Levy Rate:	19.6269
Tax Year:	2023
Annual Tax:	\$2,336.40
Exempt Desc:	N/A

Legal

Assessment Information

Market Value Land:	\$155,980.00
Market Value Impr:	\$0.00
Market Value Total:	\$155,980.00
Assessed Value:	\$119,040.00

Land

Zoning:	IC - Industrial Commercial	Cnty Bldg Use:	Market Cmlse Commercial Secondary
Cnty Land Use:	201 - Commercial improved	Neighborhood:	
Std Land Use:	CMSC - Commercial Miscellaneous	Recreation:	
School District:	24J - Salem-Keizer	Primary School:	Miller Elementary School
Middle School:	Houck Middle School	High School:	North Salem High School

Improvement

Year Built:		Stories:		Finished Area:	
Bedrooms:		Bathrooms:		Garage:	
Basement Fin:					

Transfer Information

Rec. Date:	04/14/2023	Sale Price:	\$375,000.00	Doc Num:	47010267	Doc Type:	Deed
Owner:	Lebowski Holdings LLC	Grantor:	JPRE LLC	Title Co:	FIDELITY NATIONAL TITLE		
Orig. Loan Amt:		Lender:					
Finance Type:		Loan Type:					

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

GRANTOR'S NAME:
JPRE LLC

GRANTEE'S NAME:
Lebowski Holdings LLC

AFTER RECORDING RETURN TO:

Order No.: 60222206050-KM
Lebowski Holdings LLC, an Oregon limited liability company
4880 Turner Rd SE
Salem, OR 97317

REEL 4701 PAGE 267
MARION COUNTY
BILL BURGESS, COUNTY CLERK
04-14-2023 09:44 am.
Control Number 736322 \$ 91.00
Instrument 2023 00010182

SEND TAX STATEMENTS TO:

Lebowski Holdings LLC
4880 Turner Rd SE
Salem, OR 97317

APN: 603925
Map: 082W07C000502
nna Turner Rd SE, Salem, OR 97317

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

JPRE, LLC, an Oregon limited liability company, Grantor, conveys and warrants to **Lebowski Holdings LLC, an Oregon limited liability company**, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Marion, State of Oregon:

Parcel 1, PARTITION PLAT 2021-74, recorded October 1, 2021, in Reel 4546, Page 458, Marion County Deed Records, in the City of Salem, Marion County, Oregon.

TOGETHER WITH an access easement as delineated on said Partition Plat 2021-74, in the City of Salem, Marion County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS THREE HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS **(\$375,000.00)**. (See ORS 93.030).

Subject to:

Covenants, conditions, restrictions and easements but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, sexual orientation, familial status, marital status, disability, handicap, national origin, ancestry, source of income, gender, gender identity, gender expression, medical condition or genetic information, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: November 25, 1991
Recording No: Reel 903, Page 180

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: the City of Salem, an Oregon municipal corporation
Purpose: as stated in said easement
Recording Date: May 11, 2006
Recording No: Reel 2646, Page 214

Construction Deferral Agreement, including the terms and provisions thereof

Recording Date: September 11, 2019
Recording No: Reel 4241, Page 3

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Portland General Electric Company, an Oregon corporation
Purpose: as stated in said easement
Recording Date: January 16, 2020
Recording No: Reel 4289, Page 124

Notice of Decision, including the terms and provisions thereof

Recording Date: June 24, 2020
Recording No.: Reel 4349, Page 38

Private Stormwater Facility Maintenance Covenant and Access Easement

Recording Date: August 6, 2020
Recording No.: Reel 4368, Page 270

Original National Title# 60222206050

STATUTORY WARRANTY DEED

(continued)

Conditions and restrictions as established by the City of Salem:

Purpose: Decision of the Planning Administrator
Ordinance No. / File No: 21-105850-LD
Recording Date: May 14, 2021
Recording No.: Reel 4489 Page 436

Notice of Decision, including the terms and provisions thereof,

Recording Date: September 3, 2021
Recording No: Reel 4535, Page 272

Easement(s) for the purpose(s) shown below and rights incidental thereto, as delineated on or as offered for dedication on

Plat: Partition Plat 2021-74
Recording Date: October 1, 2021
Recording No: Reel 4546, Page 458
Purpose: Waterline, Access, and Storm Drain
Affects: Reference is hereby made to said Plat for full particulars

Easement and Declaration of Maintenance Obligations and other Provisions Regarding Easement, including the terms and provisions thereof,

Recording Date: October 1, 2021
Recording No: Reel 4546, Page 459

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: April 12, 2023

JPRE LLC

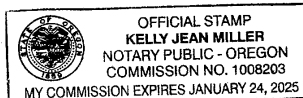
BY: [Signature]
John P Wulf, Sole Member

State of Oregon
County of Mahon

This instrument was acknowledged before me on April 12, 2023 by John P Wulf, as Sole Member for JPRE LLC.

[Signature]
Notary Public - State of Oregon

My Commission Expires: 1/24/2025



REEL: 4701

PAGE: 267

April 14, 2023, 09:44 am.

CONTROL #: 736322

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 91.00

**BILL BURGESS
COUNTY CLERK**

THIS IS NOT AN INVOICE.

Exhibit C – Articles of Organization

ARTICLES OF ORGANIZATION



Corporation Division
www.filinginoregon.com

E-FILED
Apr 03, 2023
OREGON SECRETARY OF STATE

REGISTRY NUMBER

210211298

TYPE

DOMESTIC LIMITED LIABILITY COMPANY

1. ENTITY NAME

LEBOWSKI HOLDINGS LLC

2. MAILING ADDRESS

4880 TURNER RD SE
SALEM OR 97317 USA

3. PRINCIPAL PLACE OF BUSINESS

4880 TURNER RD SE
SALEM OR 97317 USA

4. NAME & ADDRESS OF REGISTERED AGENT

RICH C KARLSON

4880 TURNER RD SE
SALEM OR 97317 USA

5. ORGANIZERS

RICH C KARLSON

4880 TURNER RD SE
SALEM OR 97317 USA

AJ NASH

4880 TURNER RD SE
SALEM OR 97317 USA

6. INDIVIDUALS WITH DIRECT KNOWLEDGE

AJ NASH

4880 TURNER RD SE
SALEM OR 97317 USA

RICH C KARLSON

4880 TURNER RD SE
SALEM OR 97317 USA



7. INITIAL MEMBERS/MANAGERS

MEMBER

AJ NASH

4880 TURNER RD SE
SALEM OR 97317 USA

MEMBER

RICH C KARLSON

4880 TURNER RD SE
SALEM OR 97317 USA

8. DURATION

PERPETUAL

9. MANAGEMENT

This Limited Liability Company will be member-managed by one or more members

10. OPTIONAL PROVISIONS

The company elects to indemnify its members, managers, employees, agents for liability and related expenses under ORS 63.160 to 63.170.

I declare, under penalty of perjury, that this document does not fraudulently conceal, fraudulently obscure, fraudulently alter or otherwise misrepresent the identity of the person or any officers, managers, members or agents of the limited liability company on behalf of which the person signs. This filing has been examined by me and is, to the best of my knowledge and belief, true, correct, and complete. Making false statements in this document is against the law and may be penalized by fines, imprisonment, or both.

By typing my name in the electronic signature field, I am agreeing to conduct business electronically with the State of Oregon. I understand that transactions and/or signatures in records may not be denied legal effect solely because they are conducted, executed, or prepared in electronic form and that if a law requires a record or signature to be in writing, an electronic record or signature satisfies that requirement.

ELECTRONIC SIGNATURE

NAME

RICH C KARLSON

TITLE

ORGANIZER

DATE

03-31-2023

Exhibit D – HOA Statement

BRAND

Homeowners Association Information

The applicant is submitting this statement to confirm there is no homeowners association (HOA) which is active or registered with the Oregon Secretary of State which impacts the subject property.

Exhibit E – HCRPZ Acknowledgement

BRAND

Historic and Cultural Resources Protection Zone Acknowledgement

The applicant is aware the subject site is identified on the City of Salem's Historic and Cultural Resources Protection Zone map. The applicant's consultant has discussed properties within these areas with the city's Historic Preservation Officer, Kimberli Fitzgerald. No public funding will be utilized to develop the subject site. At the time the site is developed, the applicant's contractors will have an inadvertent discovery plan on file with the city.

Exhibit F – TGE Form



CITY OF Salem
AT YOUR SERVICE

Traffic Engineering Section
Public Works Department
555 Liberty Street SE, Room 325 Telephone: 503-588-6211
Salem, Oregon 97301-3513 TTY: 503-588-6292

Trip Generation Estimate

Street _____

Bin # _____ TGE # _____

Date Received _____

Section 1 (To be completed by applicant.)

Applicant Name: _____ Telephone: _____

Applicant Mailing Address: _____

Location of New Development: _____

(Please provide street address. If unknown, provide approximate address and geographical description/nearest cross streets.)

Description and Size of New Development: _____

(e.g., 150 single-family homes, 20,000 sq. ft. office addition, 12-pump gas station, 50-student day care, additional parking, etc.)

Description and Size of Existing/Past Development, if any (note whether to remain or be removed): _____

Planning Action Involved, if any: _____ Building Permit Involved: _____

(e.g., zone change, subdivision, partition, conditional use, PUD, mobile home park, etc.)

Yes ☐ No ☐

Section 2 (To be completed by City staff.)

Proposed Use

Development Quantity: _____

ITE Land Use Code: _____

Trip Generation Rate/Equation: _____

Average Daily Trips: _____

ELNDT Adjustment Factors

Trip Length: _____ Linked Trip: _____

TSDC Trips: _____

Existing Use

Development Quantity: _____

ITE Land Use Code: _____

Trip Generation Rate or Equation: _____

Average Daily Trips: _____

ELNDT Adjustment Factors

Trip Length: _____ Linked Trip: _____

TSDC Trips: _____

Section 3 (To be completed by City staff.)

Transportation Impact Analysis (TIA)

Net Increase in Average Daily Trips: _____

(Proposed use minus existing use.)

☐ A TIA **will** be required:

☐ Arterial/Collector—1000 Trip/day Threshold

☐ Local Street/Alley—200 Trip/day Threshold

☐ Other: _____

☐ A TIA **will not** be required.

Transportation Systems Development Charge

Net Increase in TSDC Trips: _____

(Proposed use minus existing use.)

☐ A TSDC **will** be required.

(Fee determined by Development Services.)

☐ A TSDC **will not** be required.

(For additional information, refer to the back of this application.)

Section 4 (To be completed by City staff.)

Remarks: _____ Date: _____

cc: ☐ Chief Development Services Engineer

☐ Community Development

☐ Building Permit Application

☐ _____

By: _____

Information Required to Assess the Need for a Traffic Impact Analysis and Transportation Systems Development Charge



The following information is required in order to assess the need for a Traffic Impact Analysis (TIA) and to calculate the Transportation Systems Development Charge (TSDC) to be levied on a proposed new development.

TIA Determination:

The City of Salem may require that a TIA be prepared as part of the approval process for major new development. The purpose of a TIA is to estimate the traffic impacts created by a new development on the surrounding street system. Any significantly adverse traffic impacts identified in the TIA must be mitigated by the applicant.

The estimated daily traffic generation of a new development is used as the criteria for determining whether a TIA is needed. If the new development access is located on an arterial or collector and the estimated daily traffic generation is more than 1000 trips, a TIA may be required. If access is located on a local street or alley and the generated trips exceed 200, a TIA may be required. Other criteria such as site access issues, driveway restrictions, and existing facilities deficiencies may also be used, if recommended by City Traffic Engineering staff.

The City Traffic Engineer makes the determination as to whether a TIA is required. (For more information on TIA criteria, see Development Bulletin No. 19 dated January 20, 1995.) When the determination has been made, copies of the Trip Generation Estimate form are sent to Public Works Development Services Division and the applicant. If a planning action is required, a copy is also forwarded to the Community Development Department.

TSDC Analysis:

The City of Salem charges a TSDC on all new development that creates a net increase in traffic on the surrounding street system. The total charge is assessed on a per trip fee times the TSDC trips calculated for the development. For more information on the TSDC, see Council Staff Report dated October 9, 1995.

To assist in estimating the daily trips generated by a new development, please answer the questions in Section 1 of this sheet and return it to Room 325 of the Civic Center. If you have any questions, Traffic Engineering staff are available at 503-588-6211. A copy of the completed trip generation estimate will be returned to you at the address provided in Section 1.

No Land Use, Planning, or Development Approval applications requiring Trip Generation Estimates will be processed until this information has been provided and the TIA/TSDC assessment has been made by City Traffic Engineering staff.

Exhibit G – Neighborhood Association/Transit Contact

Shelby Guizar

From: Shelby Guizar
Sent: Friday, August 23, 2024 1:27 PM
To: Robotopdx@gmail.com; alan@rasmussenlegacygroup.com
Cc: Britany Randall; planning@cherriots.org; Ken Spencer
Subject: Notice of Land Use Application
Attachments: Neighborhood Contact Letter.pdf; Proposed Plan.pdf

Dear Neighborhood Chairs,

Please find notice of a site plan review and adjustments within your neighborhood attached. If you have questions, please feel free to contact us.

Thank you!

Shelby Guizar

BRAND
Land Use

Project Manager

Office: (503) 370-8704

Cell: (503) 509-4275

Place: 1720 Liberty Street SE

Salem, OR 97302

www.brandlanduse.com

OUT OF OFFICE:

- **September 2nd- 6th**



Notice of Land Use Application Submittal

August 23, 2024

Southeast Mill Creek Neighborhood Association

Cory Poole
Robotopdx@gmail.com

Alan Rasmussen
alan@rasmussenlegacygroup.com

RE: Site Plan Review and Adjustment for property identified as Salem County Map and Tax lot Numbers 082W07C000502

Dear Southeast Mill Creek Neighborhood Association Chair and Land Use Chair,

We are reaching out to you regarding a project within the boundaries of your Neighborhood Association.

The applicant/property owners are seeking approval of site plan review and adjustment for the development of a new two-story building with leasable spaces.

This application will be processed using Type II procedures. The neighborhood association, property owners, and tenants within 250-feet of all portions of the property will receive notice of the application and have an opportunity to provide comments.

We hope that you find this letter and attached conceptual plan informative. If you have any questions regarding this notice, please [contact the applicant's land use representative](#).

Thank you.

Applicant Information
Clutch Industries, Inc.

Applicant Representative Information
BRAND Land Use, LLC | Brittany Randall
Ph: 503-680-0949
Brittany@BRANDlanduse.com

Exhibit H – Plan Set

DRAWINGS FOR:

YETI

KEUBLER BLVD & TURNER RD SE

FOR:

CLUTCH INDUSTRIES INC

360 BELMONT ST NE

SALEM, OR 97301



Know what's below.
Call before you dig.

BENCHMARK UTILIZED:
CITY OF SALEM #2142

ELEV: 237.11' NGVD 29

3" BRASS DISK LOCATED AT WINTER ST & JUDSON ST SE,
SE CORNER OF INTERSEC, AT THE END OF RADIUS OF BACK OF WALK JUDSON,
0.6 S OF BACK OF WALK, 6.05 S OF CURB LINE JUDSON,
10.05 E OF E CURB LINE WINTER, 5.5 NE OF PP #1381,
23' S C/L JUDSON, 27.95' E C/L WINTER; IN CONC POST

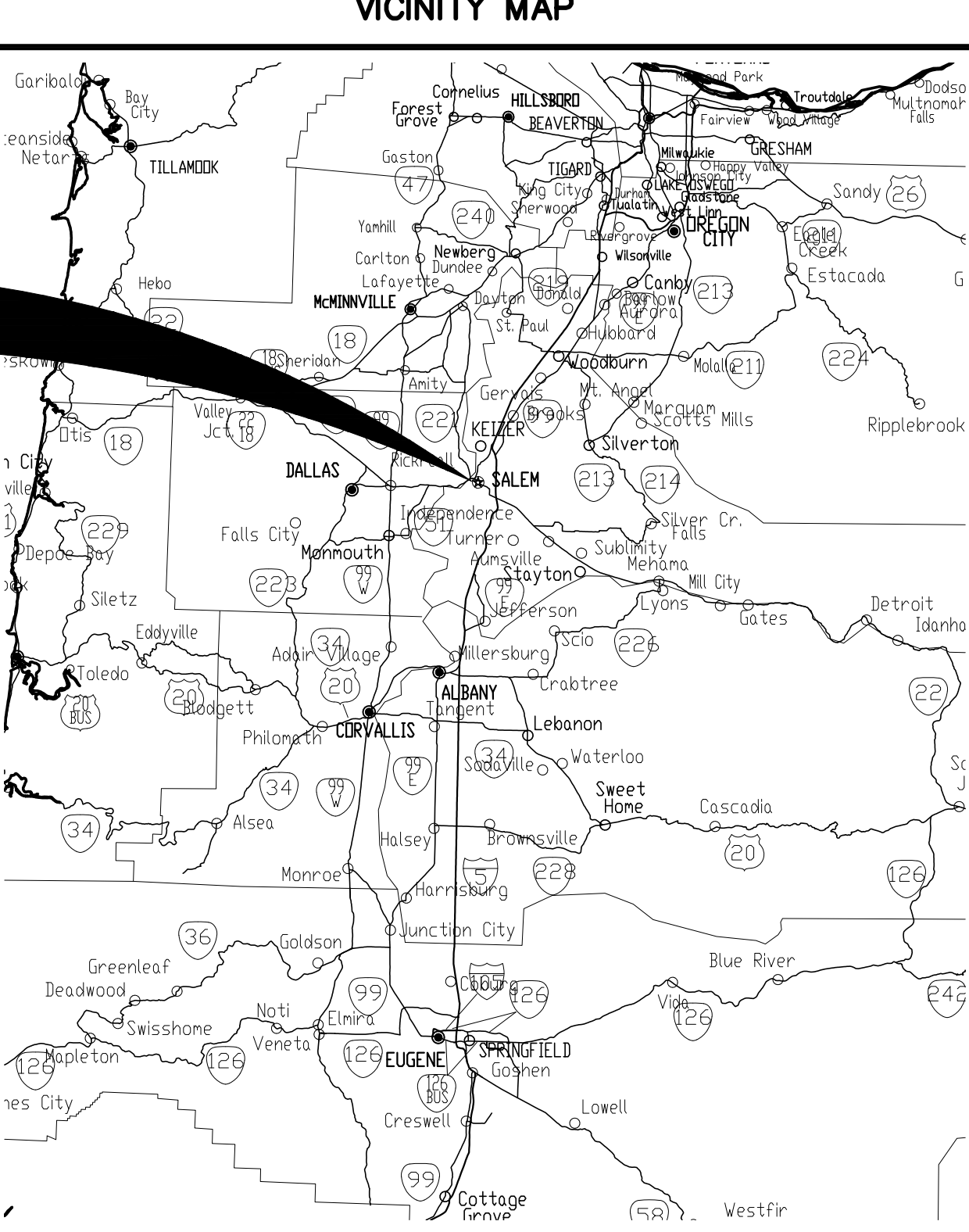
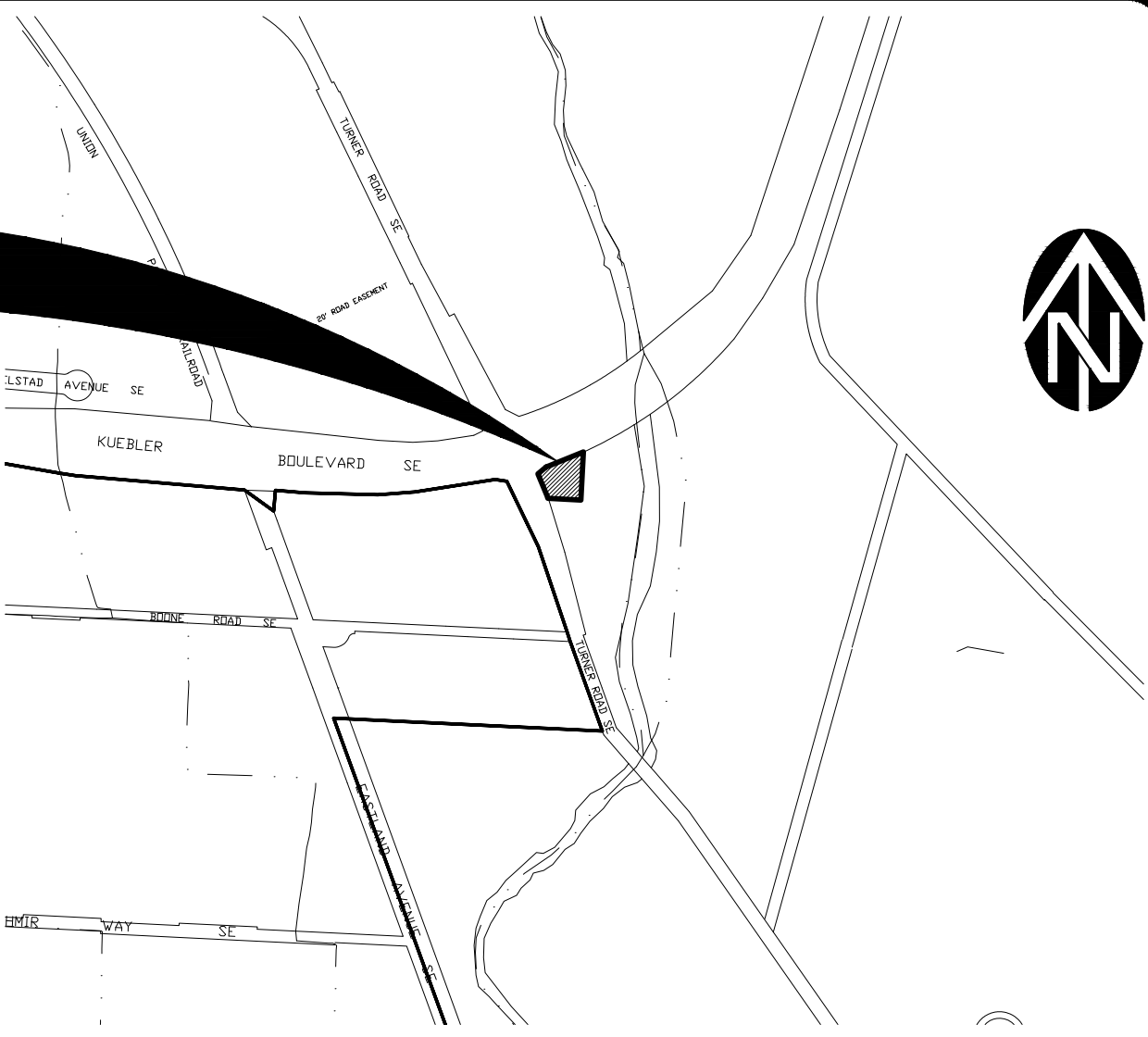
DISCLAIMER: UTILITIES DEPICTED ARE BASED ON
EVIDENCE FOUND IN THE FIELD, MUNICIPALITY AND/OR
OTHER GOVERNMENT ENTITY AS-BUILT PLANS,
CONTRACTOR PLANS AND OTHER DOCUMENTS OF
RECORD. BARKER SURVEYING ASSUMES NO
RESPONSIBILITY FOR UTILITIES THAT ARE NO LONGER IN
USE, INSTALLED AFTER THE DATE OF ACTUAL SURVEY,
NOT IDENTIFIED OR NOT LOCATED. THIS INCLUDES
UTILITIES UPON PUBLIC OR PRIVATE PROPERTY.

SPECIFIC UTILITY POSITIONS INDICATED ON THE GROUND
SURFACE PROVIDED BY LOCATION SERVICES MAY VARY
DUE TO UNDERGROUND DETECTION CAPABILITIES.

ABBREVIATIONS			
ASPH	ASPHALT	IRR	IRRIGATION
AD	AREA DRAIN	IE	INVERT ELEVATION
ASSY	ASSEMBLY	JB	JUNCTION BOX
BLDG, BLD	BUILDING	LP	LIGHT POLE
BW	BOTTOM OF WALL	M	METER, MAIN
CATV	CABLE TELEVISION	MB	MAILBOX
CB	CATCH BASIN	MH	MANHOLE
CO	CLEAN-OUT	OH	OVER-HEAD
CONC	CONCRETE	P/L, R	PROPERTY LINE
CL, C	CENTERLINE	PP	POWER POLE
DIP	DUCTILE IRON PIPE	PVC	POLYVINYL CHLORIDE
EG	EDGE OF GRAVEL	PWR	POWER
EOP, EP	EDGE OF PAVEMENT	R, RAD	RADIUS
ELEV	ELEVATION	ROW, R/W	RIGHT-OF-WAY
EX, EXIST.	EXISTING	SS	SANITARY SEWER
FDC	FIRE DEPT. CONNECTOR	SD	STORM DRAIN
FT	FEET	SVC	SERVICE
FF	FINISH FLOOR	SWK, S/W	SIDEWALK
FG	FINISH GRADE	TC	TOP OF CURB
FH	FIRE HYDRANT	TEL	TELEPHONE
FM	FORCE MAIN	TR	TRANSFORMER
GRAV	GRAVEL	TS	TRAFFIC SIGNAL
GM	GAS METER	TW	TOP OF WALL
GP	GATE POST	TYP	TYPICAL
GS	GROUND SHOT	UG, U/G	UNDER GROUND
GV	GAS VALVE	UTL	UTILITY
HC	HANDICAP	VL	VAULT
HDPE	HIGH-DENSITY POLYETHYLENE	W/	WITH
HYD	HYDRANT	WM	WATER METER
IR	IRON ROD	WLM	WETLANDS MARKER
IP	IRON PIPE	YPC	YELLOW PLASTIC CAP

SYMBOLS			
AD	AREA DRAIN	SP	SIGN POST
CO or COO	CATCH BASIN	PEDO	PEDESTAL
COO	CLEANOUT	MB	MAIL BOX
FD	FIRE HYDRANT	IV	IRRIGATION VALVE
GV	GAS VALVE	LP	LIGHT POLE
WV	WATER VALVE	UP	UTILITY/POWER POLES
GPW	GAS/POWER/WATER METER	TP	TEST PIT
DSO	DOWN SPOUT	MF	MONUMENT FOUND
TEL	MANHOLE TELEPHONE		
SD	MANHOLE STORM DRAIN		
SS	MANHOLE SANITARY SEWER		
TREES	TREES - *TREENAME* DIAMETER (INCHES)/DRIP RADIUS (FEET) NOTE: DIAMETER MEASURED AT BREAST HEIGHT		

LINE TYPES			
CATV LINE	CATV	CATV	CATV
COMMUNICATION LINE	COM	COM	COM
EASEMENT LINE	EASE	EASE	EASE
FENCE LINE	FENCE	FENCE	FENCE
FIBER OPTIC LINE	FOC	FOC	FOC
GAS LINE	GAS	GAS	GAS
EDGE OF GRAVEL LINE	EG	EG	EG
OVERHEAD LINE	OH	OH	OH
PHONE LINE	PH	PH	PH
POWER LINE	ELEC	ELEC	ELEC
SANITARY SEWER LINE	SS	SS	SS
STORM DRAIN LINE	SD	SD	SD
WATER LINE	W	W	W



SHEET INDEX	
SHT NO	DESCRIPTION
C0.0	COVER SHEET, VICINITY AND LOCATION MAPS. DRAWING INDEX
C1.0	EXISTING CONDITIONS, EROSION CONTROL, AND DEMOLITION PLAN
C1.1	POST-DEVELOPED EROSION CONTROL PLAN
C1.2	EROSION CONTROL NOTES
C1.3	CITY OF SALEM EROSION CONTROL NOTES
C1.4	EROSION CONTROL DETAILS
C2.0	GRADING AND DRAINAGE PLAN
C3.0	UTILITY PLAN
C4.0	SURFACING PLAN
C5.0	CONSTRUCTION NOTES
C5.1	CONSTRUCTION NOTES
C6.0	CONSTRUCTION DETAILS
C6.1	CONSTRUCTION DETAILS
-	-
-	-
-	-

REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	NOV 2022		

REGISTERED PROFESSIONAL ENGINEER
WILLIAM J. WELLS
NOV. 12, 2008
RENEWED: 6/30/2028

REVIEW

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS
3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
Phone: (503) 585-2474 Fax: (503) 585-3986
E-mail: westech@westech-eng.com

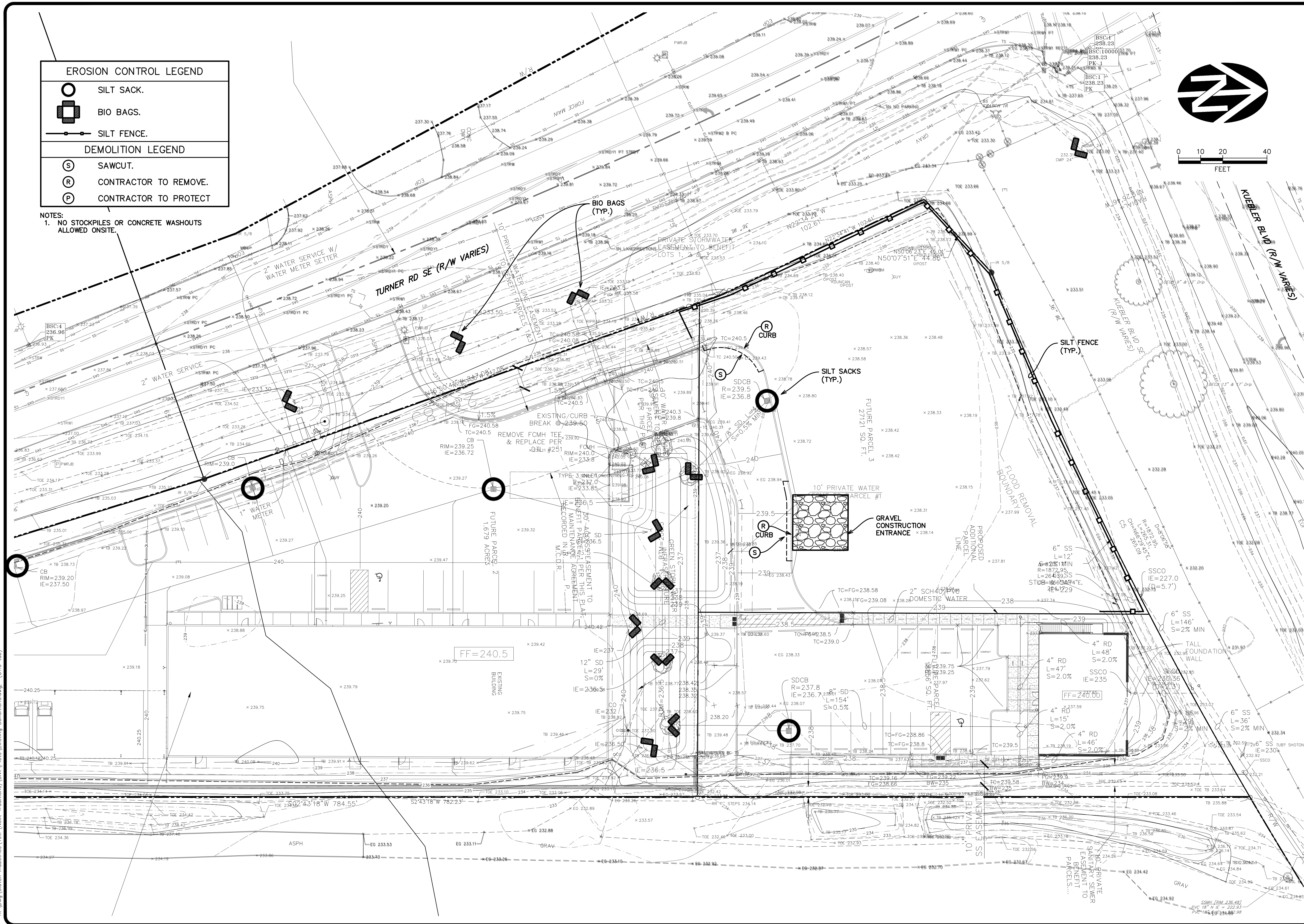
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YETI

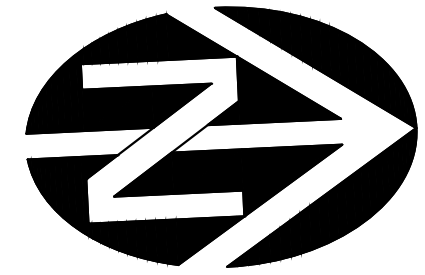
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AND LOCATION MAPS,
DRAWING INDEX

DRAWING
C0.0

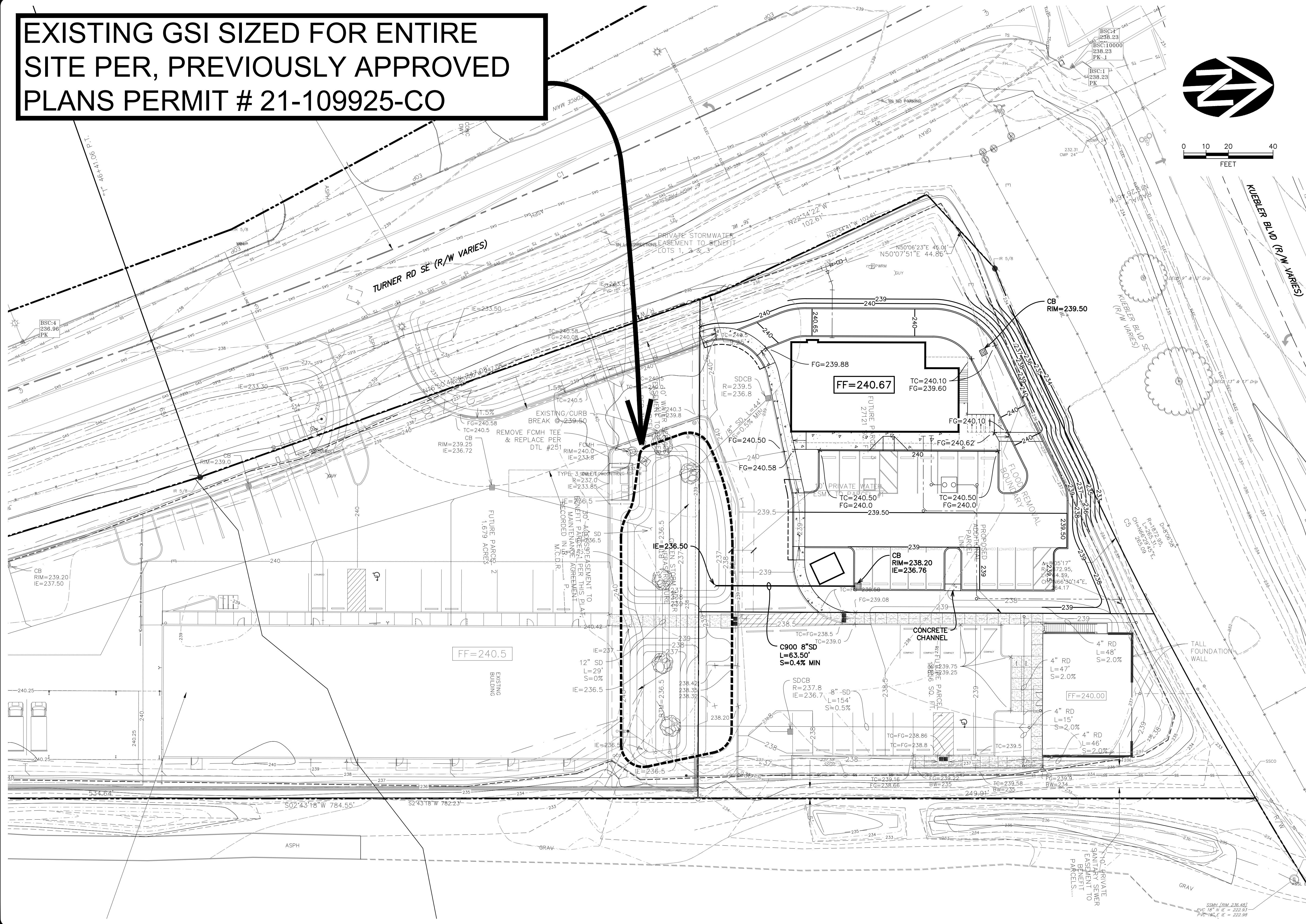
JOB NUMBER
3426.0000.0



EXISTING GSI SIZED FOR ENTIRE
SITE PER, PREVIOUSLY APPROVED
PLANS PERMIT # 21-109925-CO



0 10 20 40
FEET



REVISIONS		DATE	NO.	BY

VERIFY SCALE
BAR IS ONE INCH ON
ORIGINAL DRAWING
IF NOT ONE INCH ON
THIS DRAWING
SCALE ACCURACIES

1"
0

DSN. JW
DRN. JW
CKD. JW

DATE: NOV 2022

REGISTERED PROFESSIONAL
ENGINEER
NOV. 12, 2008
WILLIAM J. WELLS

RENEWS: 6/30/2028

WESTECH ENGINEERING, INC.
CONSULTING ENGINEERS AND PLANNERS

WE

3841 Fairview Industrial Dr. S.E., Suite 100, Salem, OR 97302
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E-mail: westech@westech-eng.com

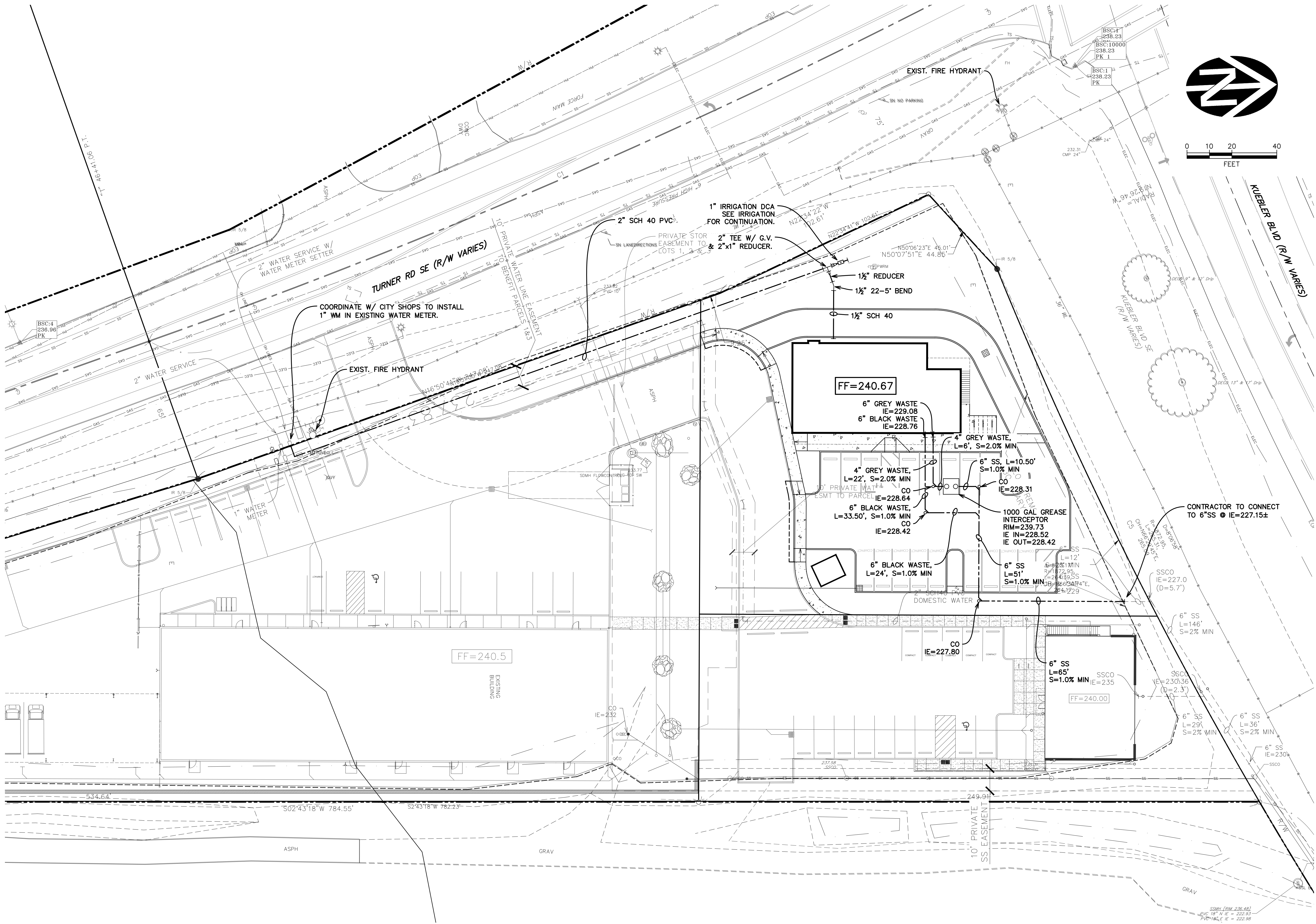
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YETI

GRADING AND DRAINAGE PLAN

DRAWING
C2.0

JOB NUMBER
3426.0000.0

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NO.	DATE	DESCRIPTION	BY
1	NOV 2022		JW

VERIFY SCALE
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ORIGINAL DRAWING
IF NOT ONE INCH ON
ORIGINAL DRAWING
SIZES ACCORDINGLY

DSN. JW
DRN. JH
CKD. JW

DATE: NOV 2022

REGISTERED PROFESSIONAL
ENGINEER
NOV. 12, 2008
WILLIAM J. WELLS
RENEWS: 6/30/2028

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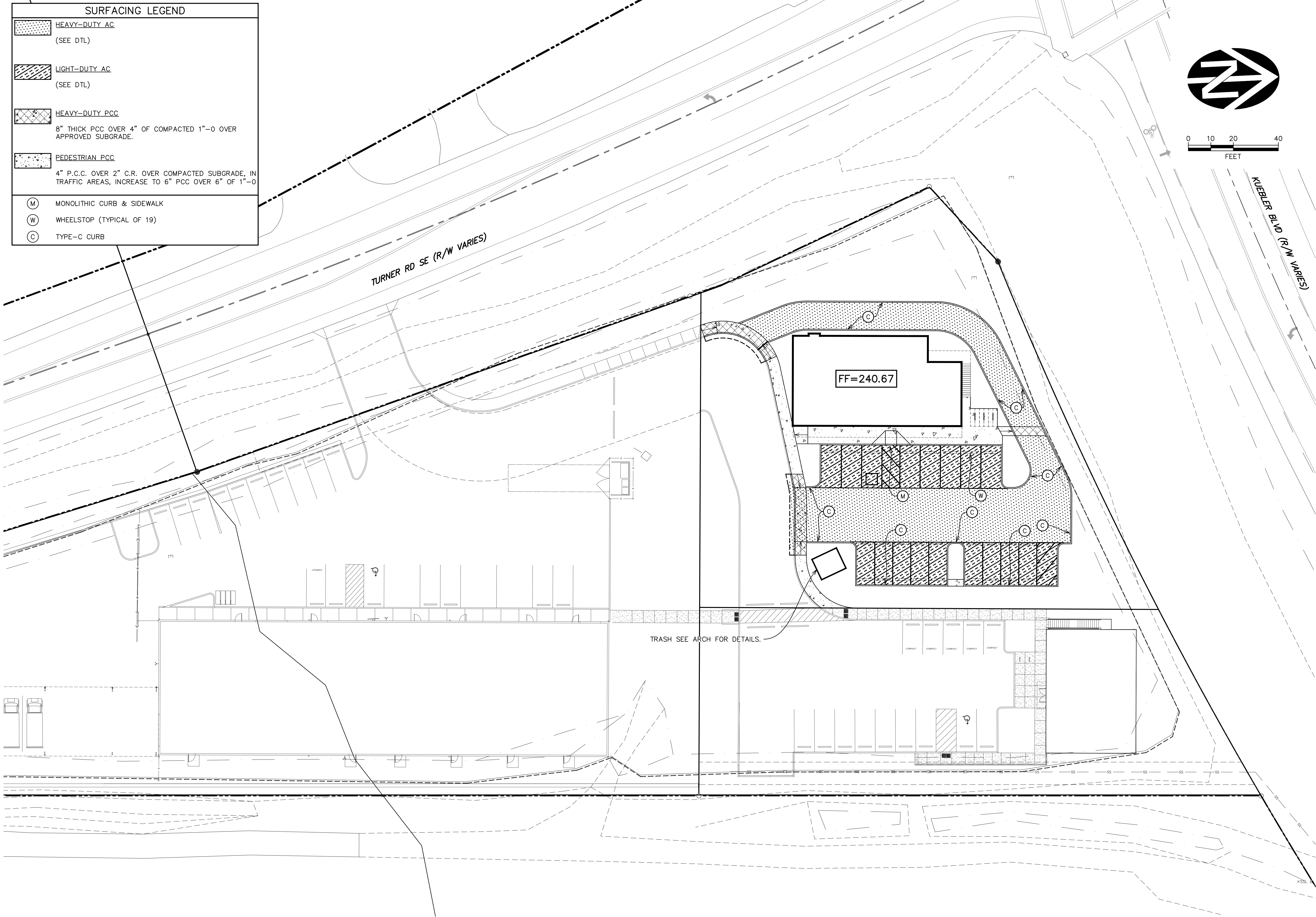
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YETI

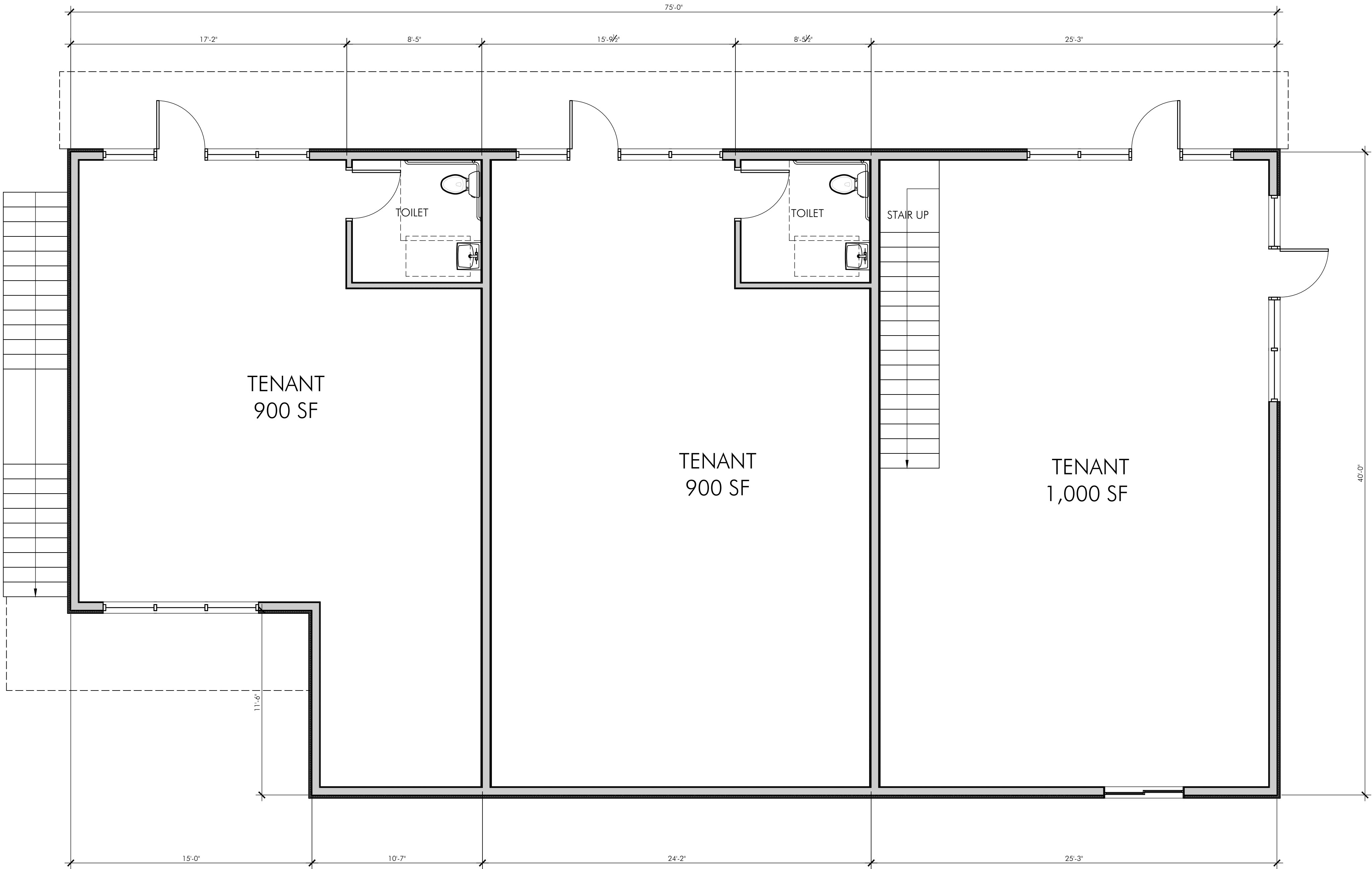
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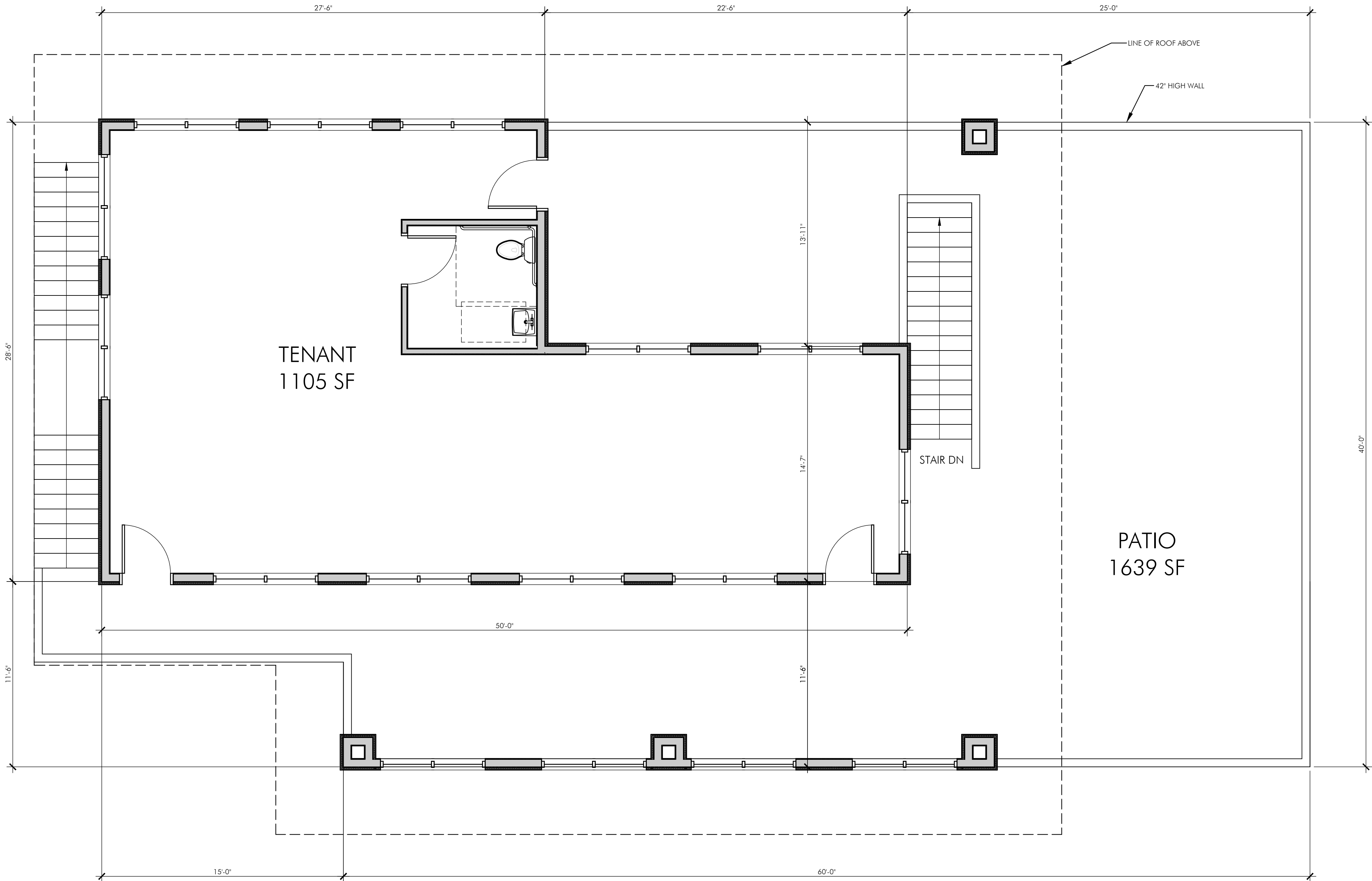
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C3.0

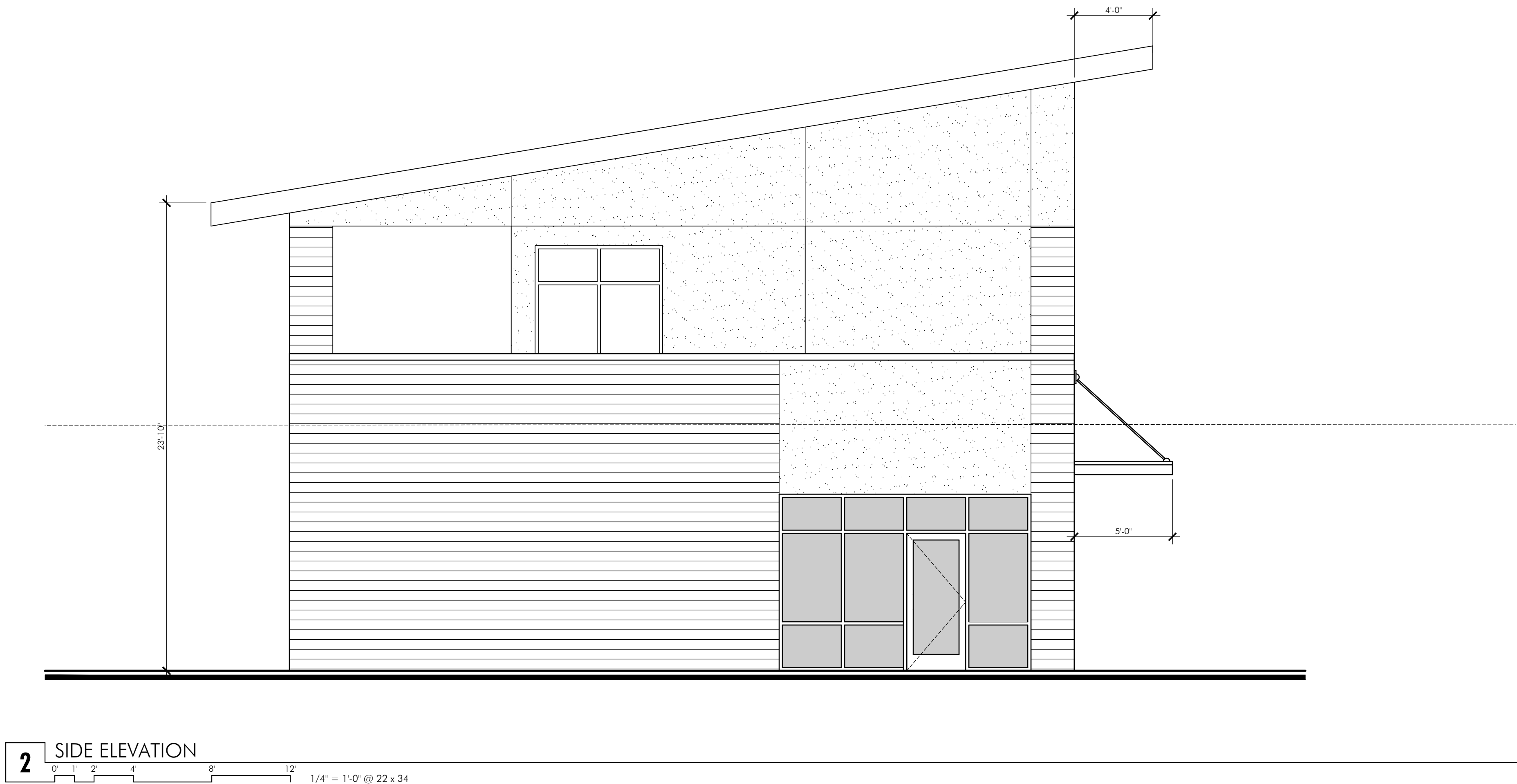
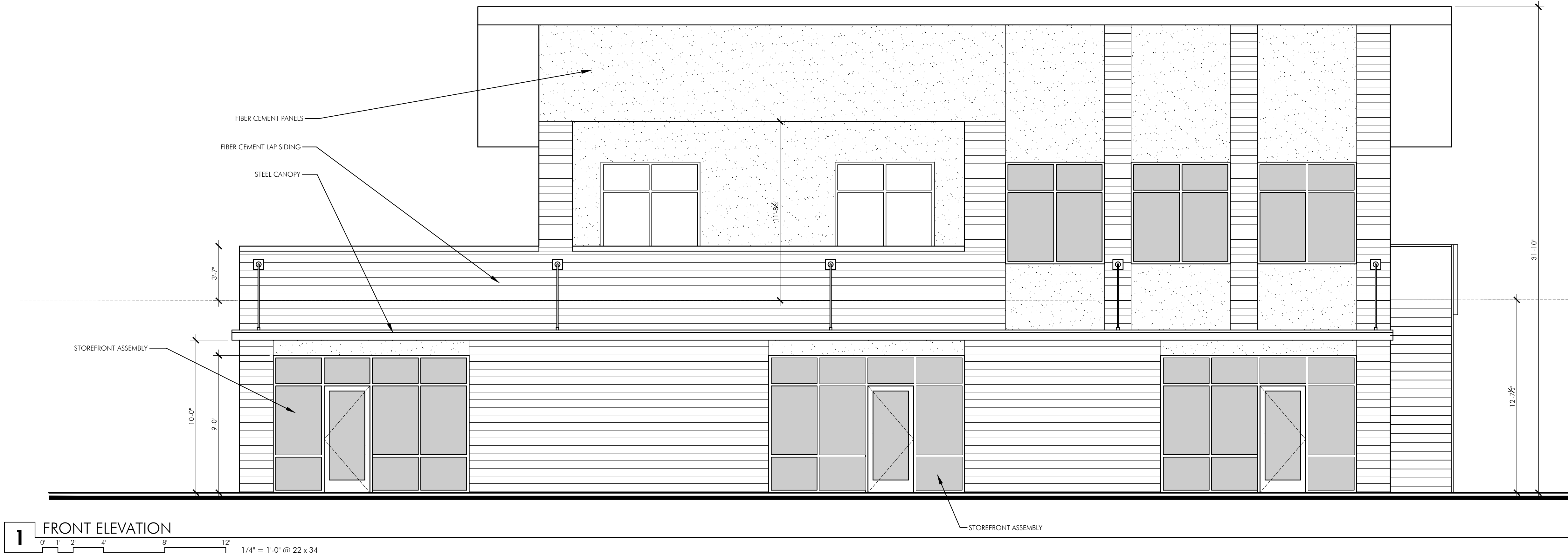
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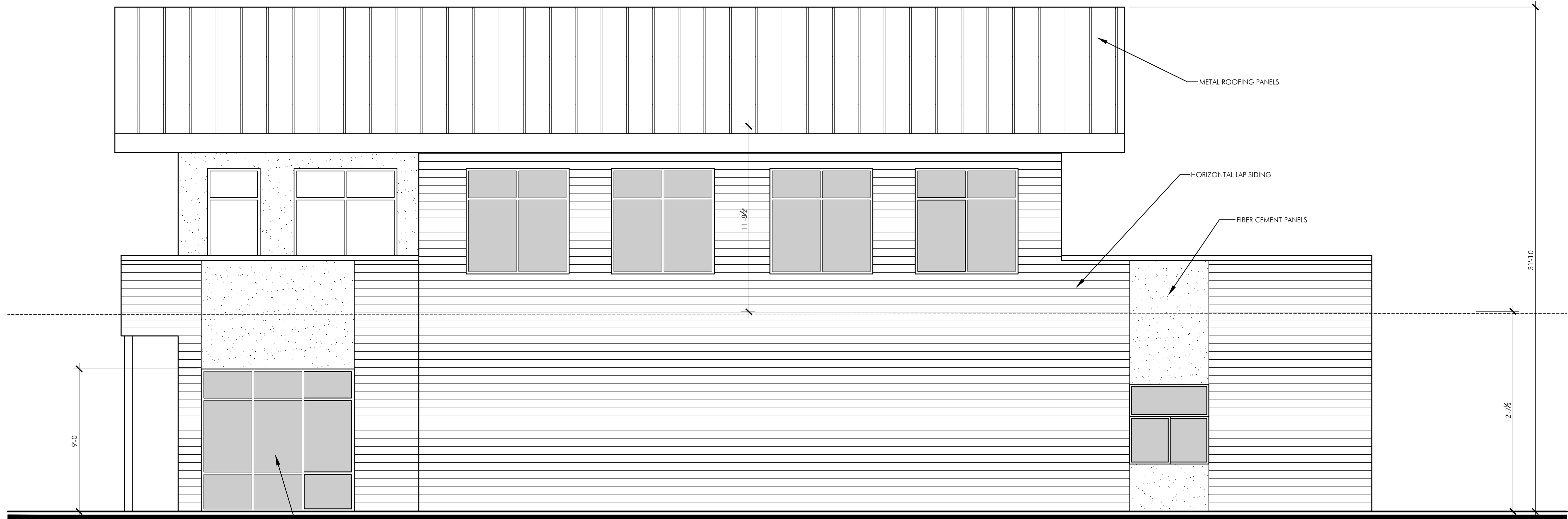
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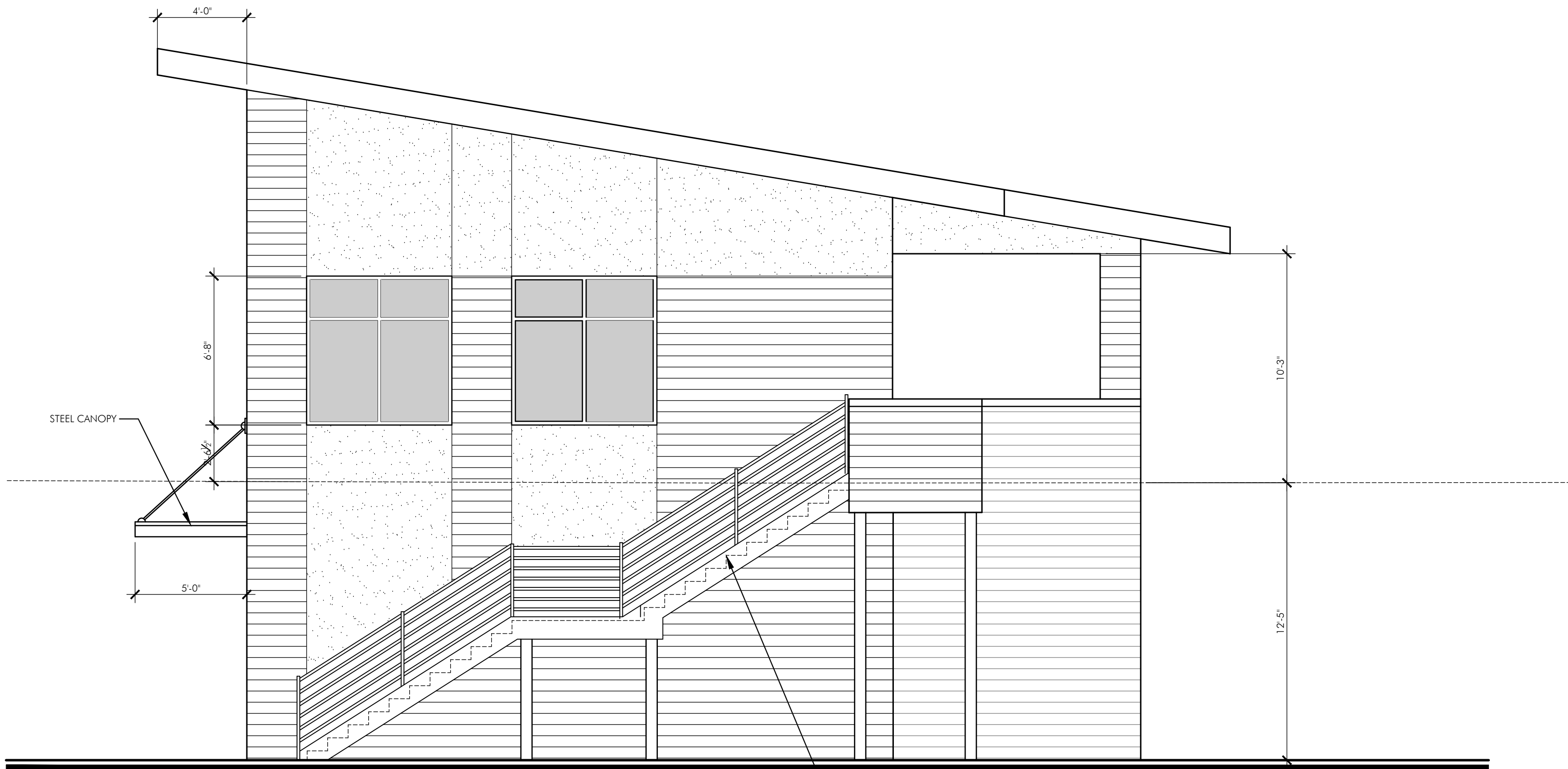




1 REAR ELEVATION

0' 1' 2' 4' 8' 12' 1/4" = 1'-0" @ 22 x 34

ALUMINUM STOREFRONT



2 SIDE ELEVATION

0' 1' 2' 4' 8' 12' 1/4" = 1'-0" @ 22 x 34

STEEL STAIR ASSEMBLY

Exhibit I – Stormwater Plan

