

NOTICE OF DECISION

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



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

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE NO.: SPR-ADJ24-31

APPLICATION NO.: 24-114744-PLN

NOTICE OF DECISION DATE: December 3, 2024

REQUEST: A consolidated application for a Class 3 Site Plan Review for development of a new building and expansion of an existing general manufacturing, retail sales, and eating and drinking establishment use (Don Froylan Creamery) with two Class 2 Adjustments requests to:

- 1) To increase the street abutting maximum setback along Portland Road NE from 30 feet to 47 feet (SRC 535.015(c));
- 2) To increase the street abutting maximum setback along Rose Garden Street NE from 30 feet to 119 feet (SRC 535.015(c));

The subject property is 1.34 acres in size, zoned MU-III (Mixed Use-III), and located at the 3310 Portland Road NE (Marion County Assessor's Map and Tax lot: 073W13BB/05100).

APPLICANT: Nick Wallace, Carlson Veit Junge Architects

LOCATION: 3310 Portland Rd NE, Salem OR 97301

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

FINDINGS: The findings are in the attached Decision dated December 3, 2024.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review and Class 2 Adjustment Case No. SPR-ADJ24-31 subject to the following conditions of approval:

- Condition 1:** At the time of building permit, the plans shall be modified to meet SRC 800.065(b)(1)(B) where the required pedestrian connection for the accessory building crosses a vehicle use area.
- Condition 2:** At the time of building permit, the applicant shall provide lighting along the existing and proposed pedestrian pathway.
- Condition 3:** The adjusted setback standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by December 19, 2028, or this approval shall be null and void.

Application Deemed Complete:	<u>October 18, 2024</u>
Notice of Decision Mailing Date:	<u>December 3, 2024</u>
Decision Effective Date:	<u>December 19, 2024</u>
State Mandate Date:	<u>February 15, 2025</u>

Case Manager: Jacob Brown, Planner II, jrbrown@cityofsalem.net, 503-540-2347

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Wednesday, December 18, 2024. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 220 and 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
CLASS 3 SITE PLAN REVIEW)
AND CLASS 2 ADJUSTMENT)
CASE NO. SPR-ADJ24-31)
3310 PORTLAND RD NE) DECEMBER 3, 2024

In the matter of the application for Class 3 Site Plan Review and Class 2 Adjustment, applications submitted by Carlson Veit Junge Architects, on behalf of property owner, Francisco Ochoa LLC, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: A proposal for a new expansion of an existing general manufacturing, retail sales, and eating and drinking establishment use (Don Froylan Creamery).

Request: A consolidated application for a Class 3 Site Plan Review for development of a new building and expansion of an existing general manufacturing, retail sales, and eating and drinking establishment use (Don Froylan Creamery) with two Class 2 Adjustments requests to:

- 1) To increase the street abutting maximum setback along Portland Road NE from 30 feet to 47 feet (SRC 535.015(c));
- 2) To increase the street abutting maximum setback along Rose Garden Street NE from 30 feet to 119 feet (SRC 535.015(c));

The subject property is 1.34 acres in size, zoned MU-III (Mixed Use-III), and located at 3310 Portland Road NE (Marion County Assessor's Map and Tax lot: 073W13BB/05100).

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

PROCEDURAL FINDINGS

1. Background

On July 15, 2024, a consolidated application for a Class 3 Site Plan Review and Class 2 Adjustment was filed for the proposed development. After additional information was provided, the applications were deemed complete for processing on October 18, 2024. The 120-day state mandated decision deadline for this consolidated application is February 15, 2025.

The applicant's development plans are included as **Attachment B** and the applicant's written statement addressing the approval criteria can be found in the record, accessible online as indicated below.

SUBSTANTIVE FINDINGS

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24 114744.

3. Neighborhood Association and Public Comments

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

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On August 21, 2024, the applicant contacted the neighborhood association to provide details about the proposal in accordance with the requirements of the SRC.

Neighborhood Association Comment: Notice of the application was provided to the Northgate Neighborhood Association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments have been received from Northgate Neighborhood Association.

Homeowners Association: The subject property is not located within a Homeowners Association.

Public Comment: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and two public comments were received indicating support for the application.

4. City Department Comments

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

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

Fire Department: Reviewed the proposal and indicated that the addition may require changes to the existing Fire Department access and water supply. Comments will be provided at the time of building permit plan review.

5. Public Agency Comments

Salem Electric: Reviewed the proposal and indicated Salem Electric will provide electric services according to the rates and policies at the time of construction.

DECISION CRITERIA FINDINGS

6. Analysis of Class 3 Site Plan Review Approval Criteria

Salem Revised Code (SRC) 220.005(f)(3) provides that an application for a Class 3 Site Plan Review shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

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

Finding: The proposal is subject to the development standards of the MU-III (Mixed Use-III) zone under SRC Chapter 535. The proposal includes an addition to the main building, a new accessory building and mechanical equipment, and various site improvements. Two Class 2 Adjustments are requested to the maximum setback for the building abutting a street along Portland Road NE and Rose Garden Road NE respectively. Findings for the requested adjustments can be found in Section 7 of this report.

Use and Development Standards – MU-III (Mixed Use-III) Zone:

SRC 535.010 – Uses:

Table 535-1 lists permitted uses in the MU-III Zone.

Finding: The existing use of the property is composed and classified as *Retail Sales, Eating and Drinking Establishment*, and *General Manufacturing*.

The MU-III zone restricts *General Manufacturing* uses to a maximum floor area of 10,000 square feet provided that retail sales of the products manufactured is provided on-site. The existing floor area of *General Manufacturing* use is 4,808 square feet. Following the new addition, the floor area of the *General Manufacturing* use will measure 9,708 square feet. The detached accessory 2,630-square-foot building is indicated to be utilized for finalized products and the 2,822-square-foot second story to the addition will be used for employee facilities and storage for the *Retail Sales* use. The cumulative floor area of *Retail Sales* and *Eating and Drinking Establishment* uses is 8,005 and 1,770 square feet respectively.

SRC 535.015(a) – Lot Standards:

The minimum lot area for all uses is 10,000 square feet with a minimum lot width of 50 feet, a minimum street frontage of 16 feet, and a minimum depth of 80 feet.

Finding: The development is located on one unit of land which is not proposed to be modified as part of this application.

SRC 535.015(b) – Dwelling Unit Density:

Development within the MU-III that is exclusively residential shall have a minimum density of 15 dwelling units per acre.

Finding: The proposal is not for residential uses; therefore, this standard is not applicable.

SRC 535.015(c) – Setbacks:

Setbacks within the MU-III zone shall be provided as set forth in Table 535-3 and Table 535-4.
Abutting Street

North, East: Adjacent to the north is right-of-way for Portland Road Street SE and adjacent to the east is Rose Garden Road NE. Buildings abutting a street require a minimum setback of five feet and maximum setback of 30 feet, provided the maximum setback area is used for a combination of landscaping and pedestrian amenities and up to the first 10 feet of the setback area can be used exclusively for pedestrian amenities and at least 50 percent of the remaining setback area is landscaped. Accessory structures require a minimum five-foot setback. Vehicle use areas require a minimum six-to-ten-foot setback per Chapter 806.

Finding: The proposal is for the expansion to an existing building along the northwest corner of the site and the development of a new accessory storage building in the southeast corner of the site. The expansion measures 4,900 square-feet in size and setback of 29.5 to 47 feet from the property line abutting Portland Road NE. Along Rose Garden Street NE, the expansion is setback 119 feet from the street abutting property line. The area between the expansion and Portland Road NE is occupied by an existing green stormwater area and pedestrian path. The area between the expansion and Rose Garden Street NE is occupied by an existing vehicle use area. As the building jogs outside of the maximum 30-foot setback, the applicant has sought two Class 2 Adjustments to increase the maximum setback along both Portland Road NE and Rose Garden Street NE, addressed in Section 7 of this report.

The proposed accessory storage building will be setback 85-feet from the street abutting property line along Rose Garden Street NE. There are no proposed off-street parking areas adjacent to Portland Road NE and Rose Garden Street

Interior Side and Rear

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

Finding: The main building expansion is setback from the western and southern property lines by approximately nine and 119 feet, respectively. The accessory storage building is proposed to be setback five feet from the southern property line and 80.5 feet from the western property line. The new off-street parking area located in the southwest corner of the site is setback a minimum of five feet from the western and southern property lines.

SRC 540.010(c) – Lot Coverage, Height:

Per Table 543-5, the maximum lot coverage for buildings and accessory structures for all uses is 60 percent. The maximum height for buildings and accessory structures for all uses other than medical centers/hospitals is 70 feet.

Finding: As proposed, the development will cover 16,830 square feet of the 48,025-square-foot lot resulting in a lot coverage of 35%. The new expansion measures 30.5 feet in height with the accessory storage building proposed to be 14 feet. The standard is met by the proposal.

SRC 535.015(e) – Landscaping:

- (1) *Setbacks.* Except setback areas abutting a street that provide pedestrian amenities, setbacks shall be landscaped. For all developments other than those for exclusively residential uses, landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) *Vehicle Use Areas.* Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.
- (3) *Development Site.* A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicular use areas, may count toward meeting this requirement.
- (4) *Gasoline stations.* In addition to the landscaping requirements set forth in this section, gasoline stations shall be required to provide a minimum of one plant unit per 16 square feet of landscaped area.

Finding: The development site is 1.34 acres in size (48,025 square feet), requiring a minimum 7,204 square feet of landscaping ($48,025 \times 0.15 = 7,203.7$), or 360 plant units ($7,203.7 / 20 = 360.2$), 40 percent of which must be trees, or 144 plant units ($360 \times 0.4 = 144$). The development site includes existing and proposed landscaped setback areas for the vehicle use areas and around the building perimeter totaling 8,849 square feet, or 18 percent. The applicant's preliminary landscaping plans indicate existing and proposed landscaping exceeding the minimum plant units required. No changes are proposed to the existing setbacks.

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

SRC 535.015(g) – Pedestrian-oriented design

Development within the MU-III zone, excluding development requiring historic design review and multiple family development, shall conform to the pedestrian-oriented design standards set forth in this section. Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

- (1) *Off-street parking location.* New off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. New off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.
- (2) *Drive through location.* New drive throughs shall be located behind or beside buildings and structures.
- (3) *Outdoor storage.* Outdoor storage of merchandise located within 50 feet of the right-of-way shall be screened with landscaping or a site-obscuring fence or wall.
- (4) *Building entrances.* For buildings within the maximum setback abutting a street, a primary building entrance for each building facade facing a street shall be facing the street. If a building has frontage on more than one street, a single primary building entrance on the ground floor may be provided at the corner of the building where the streets intersect.
- (5) *Ground-floor windows.* For buildings within the maximum setback abutting a street, ground floor building facades facing that street shall include transparent windows on a minimum of 50 percent of the ground floor facade. The windows shall not be mirrored or

treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.

Finding: The new off-street parking area is located within the southwest corner of the site which is positioned behind both the main building and proposed accessory storage building. For the portion of the new addition within the maximum setback, the applicant has proposed vertical windows with a length of six feet and will occupy 22 feet of the of 41 linear frontage of the new addition's façade. As proposed, the window coverage exceeds the minimum 50% requirement therefore the standard is met.

General Development Standards SRC 800

SRC 800.055(a) – Applicability.

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

Finding: The proposed development does not include a new solid waste service area; therefore, this standard does not apply.

SRC 800.065 – Pedestrian Access.

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

Finding: The proposed development includes development exceeding 200 square feet in size; therefore, the pedestrian access standards of this section apply.

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

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

Finding: The development plans indicate an existing and new five-foot-wide pedestrian connection network from the existing building and accessory building's primary entrances to Portland Road NE and Rose Garden Street NE.

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

Finding: There is no existing or planned transit stop along the street frontage of the development site; therefore, this standard is not applicable.

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

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

Finding: The applicant has proposed a pedestrian connection between the primary building and new accessory building; therefore, the standard is met.

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

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

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

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

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

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

Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided.

Finding: The development site does not share a vehicular connection to an abutting property; therefore, this standard is not applicable.

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

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

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

Finding: There is not a planned path or trail that passes through the development site; therefore, this standard is not applicable.

SRC 800.065(b) – Design and materials

Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza.

(1) Walkways shall conform to the following:

- (A) Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards and shall be a minimum of five feet in width.
- (B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving

material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.

(C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping, or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.

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

Finding: The proposed pedestrian connection from the primary building to Portland Road NE and Rose Garden Street NE is an existing paved and raised connection. The proposed new connection from the existing network to the accessory building is raised and paved; however, a portion of the connection crosses the vehicle use area. The portion that crosses the vehicle use area does not provide a visually differentiated material, elevation, or other physical method for that portion. As such, the following is conditioned.

Condition 1: At the time of building permit, the plans shall be modified to meet SRC 800.065(b)(1)(B) where the required pedestrian connection for the accessory building crosses a vehicle use area.

SRC 800.065(c) – Lighting.

The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.

Finding: The applicant's plans do not demonstrate conformance with the required lighting for the pedestrian paths, therefore the following condition applies:

Condition 2: At the time of building permit, the applicant shall provide lighting along the existing and proposed pedestrian pathway.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.015 – Amount Off-Street Parking.

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

Finding: The proposal includes the development of a new off-street parking area intended for the existing uses of the site. The site is composed of an 8,005-square-foot *Retail Sales*, 1,770-square-foot *Eating and Drinking Establishment*, and 9,708-square-foot *General Manufacturing* use. Per Table 806-1, a *Retail Sales* use is allowed one parking space per 175 square feet of gross building floor area which would allow 40 spaces. An *Eating and Drinking Establishment* use is allowed one parking space per 200 square feet of gross building floor area which would allow 10 spaces. Finally, a *General Manufacturing* use is allowed one space per 1,000 square feet which would allow 10 spaces. There are an existing 22 spaces on the site and applicant is

proposing to add eight spaces within the southwest corner of the site. The proposed 30 spaces is well within the allowed number of spaces for the site; therefore, the standard is met.

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

Finding: There are 11 compact parking spaces proposed which composes 37 percent of the total 30 off-street parking spaces provided; therefore, the standard is met.

(c) *Carpool and Vanpool Parking.* New developments with 60 or more off-street parking spaces, and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.

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

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

Finding: The proposed development does not include any dwelling units; therefore, this standard is not applicable.

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

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

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

Finding: The off-street parking and vehicle use area development standards of SRC Chapter 806 are applicable to this proposal.

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

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

Finding: The proposed off-street parking area will be in compliance with the minimum setback requirements of SRC Chapters 535 and 806.

(d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-4.

Finding: The proposed new off-street parking area measures 3,000 square feet in size which is less than the 8,000-square-foot threshold for requiring a minimum of five percent of the parking area interior to be landscaped.

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

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

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

- (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
- (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-6. The turnaround shall conform to the minimum dimensions set forth in Table 806-7.

Finding: As shown on the development plans, the new off-street parking area provides through-access from aisle leading to Rose Garden Street NE, allowing vehicles to enter and exit the street in a forward motion with no backing or maneuvering within the street. The proposal meets the standard.

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

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

Driveway Standards

SRC 806.040 – Driveway development standards for uses or activities other than single family, two family, three family, or four family.

- (a) *Access.* The off-street parking and vehicle use area shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available, or a loop to the single point of access. The driveway approaches to the driveways shall conform to SRC Chapter 804.
- (b) *Location.* Driveways shall not be located within required setbacks, except where the driveway provides access to the street, alley, or abutting property; or where the driveway is a shared driveway located over the common lot line and providing access to two or more uses.
- (c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for driveways abutting streets, and abutting interior front, side, and rear property lines.
- (d) *Dimensions.* Driveways shall conform to the minimum width set forth in Table 806-8.

Finding: The proposal does not include any changes to the existing driveways; therefore, these standards are not applicable.

Bicycle Parking

SRC 806.045 – General Applicability.

Bicycle parking shall be provided and maintained for each proposed new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity. When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

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

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

SRC 806.055 – Amount of Bicycle Parking.

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

Finding: The site is composed of an 8,005-square-foot *Retail Sales*, 1,770-square-foot *Eating and Drinking Establishment*, and 9,708-square-foot *General Manufacturing* use. Per Table 806-9, a *Retail Sales* use is required to provide the greater of either four or one bicycle space per 10,000 square feet resulting in a minimum of four spaces based on the use area.. An *Eating and Drinking Establishment* use is required to provide the greater of either four or one bicycle space per 1,000 square feet resulting in a minimum of four spaces based on the use area. Finally, a *General Manufacturing* use is required to provide the greater of either four or one bicycle space per 3,500 square feet resulting in a minimum of four spaces based on the use area. As such, the applicant is required to provide a minimum of 12 spaces on the development site. According to the applicant's site plan, 12 bicycle spaces shall be provided in the northeast corner of the site; therefore, the standard is met.

SRC 806.060 – Bicycle Parking Development Standards

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

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

Finding: The development plans indicate 12 short-term bicycle parking spaces located within 50 feet from the primary entrance. The standard is met.

- (b) *Access.* Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers,

such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

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

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

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

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

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

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

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

Off-Street Loading Areas

SRC 806.065 – General Applicability.

Off-street loading areas shall be provided and maintained for each proposed new use or activity; 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; or any intensification, expansion, or enlargement of a use or activity.

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

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

SRC 806.075 – Amount of Off-Street Loading.

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

Finding: Per Table 806-11, the use categories proposed require a minimum of two off-street loading space. The applicant is proposing two off-street loading areas meeting the standards of SRC 806.075. The proposal meets the standard.

Landscaping

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

Finding: The required setbacks are shown to be landscaped to Type A landscaping standard.

SRC Chapter 200 - Urban Growth Management:

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

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

SRC 802 – Public Improvements:

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

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

Finding: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

SRC Chapter 71 – Stormwater:

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

Finding: A stormwater facility was constructed with the initial of the manufacturing facility (19-109160-CO). The applicant's engineer has indicated that the existing facility on-site was sized to accommodate the proposed impervious surfaces. At time of Building Permit, the applicant will be required to demonstrate that the existing treatment and detention basin on-site is adequate to serve the proposed development.

SRC 803 – Street and Right-of-way Improvements

▪ *Boundary Street Improvements*

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

Finding: Portland Road NE abuts the subject property and is classified as a major arterial street according to the Salem Transportation System Plan (TSP). Portland Road NE had adequate right-of-way width for a major arterial street according to SRC Table 803-1 (Right-of-way Width); however, has inadequate improvement width according to Table 803-2 (Pavement Width). Major arterial streets are required to have 68-feet of pavement width and the existing condition is 64-feet. Portland Road NE meets the criteria for an Alternative Street Standard pursuant to SRC 803.065(a)(2) because the street was fully developed to the standard in effect at the time of construction; therefore, additional improvements along Portland Road NE are not required.

Rose Garden Street NE abuts the subject property and is classified as a local street according to the Salem Transportation System Plan (TSP). Rose Garden Street NE meets applicable standards for a local street, including the minimum right-of-way width and pavement width standards established in SRC 803.025; therefore, additional improvements along Rose Garden Street NE are not required.

▪ *Street Trees*

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

Finding: Street trees were planted along the Portland Road NE and Rose Garden Street NE frontages to the maximum extent feasible with initial development of the manufacturing facility (SPR-DAP-DR19-16) that was complete in 2021. No additional street trees are required for this development.

SRC Chapter 804 – Driveway Approaches:

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

Finding: The development site is served by an existing driveway approach onto Rose Garden Street NE. The existing driveway approach serving the site meets applicable sections of SRC Chapter 804 and does not warrant modification.

SRC Chapter 805 – Vision Clearance:

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

Finding: The proposed building addition and accessory structure are not located in the vicinity of a required vision clearance area. The proposal does not cause a vision clearance obstruction per SRC Chapter 805.

Natural Resources

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

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

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

Finding: No trees are proposed for removal; therefore, this standard does not apply.

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

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

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

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

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

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

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

Finding: Existing driveway access onto Rose Garden Street NE provides for safe turning movements into and out of the property. Modifications to the existing driveway approach are not proposed or warranted per SRC Chapter 804 (Driveway Approaches). This criterion is met.

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

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

7. Analysis of Class 2 Adjustment Approval Criteria

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

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

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

Finding: The applicant is requesting two Class 2 Adjustments to:

- 1) To increase the street abutting maximum setback along Portland Road NE from 30 feet to 47 feet (SRC 535.015(c));
- 2) To increase the street abutting maximum setback along Rose Garden Street NE from 30 feet to 119 feet (SRC 535.015(c));

The proposal includes the development of a new expansion and accessory structure for an existing *General Manufacturing, Eating and Drinking Establishment, and Retail Sales* use. The

applicant is seeking a Class 2 Adjustment to increase the maximum setback from 30 feet to 47 and 119 along Portland Road NE and Rose Garden Street NE, respectively. Within the MU-III zone a maximum 30-foot setback is required for primary structures under SRC 535.015(c). The requested adjustments are for the *General Manufacturing* use portion of the expansion.

The setback standards of the MU-III zone are intended to bring new buildings closer to the street frontage while providing amenities to improve the pedestrian experience. The site was previously developed with the majority of the primary building located within the maximum setback along Portland Road NE. The proposed expansion facing Portland Road NE is about 64 feet in linear length with existing green stormwater infrastructure between the building and the street. Directly abutting the proposed expansion is an existing unenclosed utility area which serves the building and kitchen area. This utility area is unable to be relocated requiring the proposed expansion to jog around this area and moving the building outside of the maximum setback. The area outside of the maximum setback is approximately 23 feet in length. Along Rose Garden Street NE, the site was developed with a vehicle use area between the building and street locating the building outside of the maximum setback approximately 55 feet from the property line abutting the street.

Due to the indicated site constraints and existing development of the site, the expansions are unable to meet the maximum setback in the above identified area. However, the site provides existing and proposed landscaping between the increase setbacks to equally or better meet the intent of the standard. Furthermore, the proposed development requiring the adjustment are intended for manufacturing. Staff finds the proposal equally meets the intent of the standard.

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

Finding: The subject property is located within a MU-III (Mixed Use-III) zone; therefore, the criterion is not applicable.

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

Finding: Two separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code. Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

Condition 3: The adjusted setback standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

8. Conclusion

Based upon review of SRC Chapters 220 and 250, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

Final approval of Class 3 Site Plan Review and Class 2 Adjustment, Case No. SPR-ADJ24-31 is hereby **APPROVED** subject to SRC Chapters 220 and 250, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as **Attachment B**, and the following conditions of approval:

- Condition 1:** At the time of building permit, the plans shall be modified to meet SRC 800.065(b)(1)(B) where the required pedestrian connection for the accessory building crosses a vehicle use area.
- Condition 2:** At the time of building permit, the applicant shall provide lighting along the existing and proposed pedestrian pathway.
- Condition 3:** The adjusted setback standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

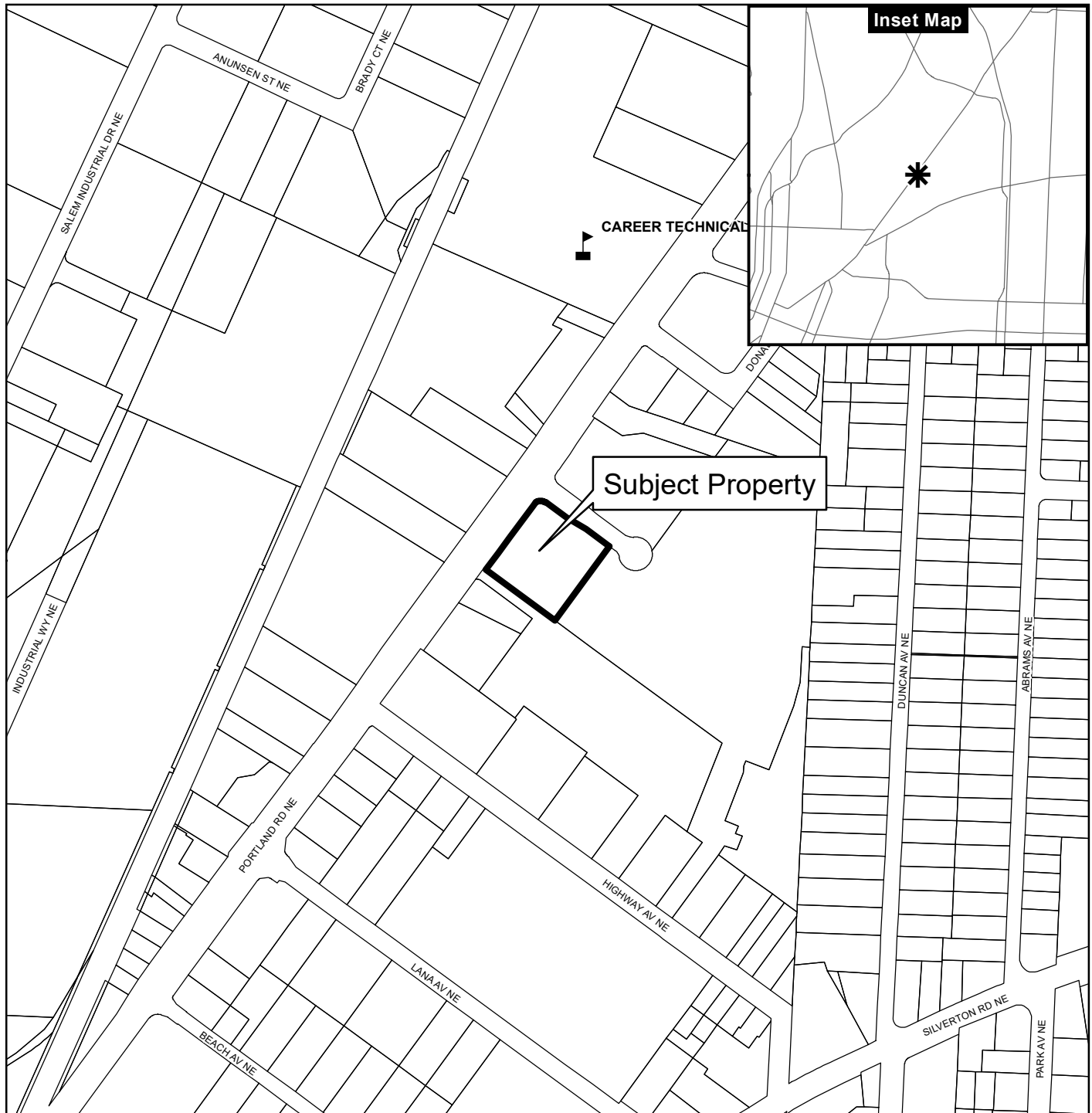


Jacob Brown, Planner II,
on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Proposed Development Plans
C. Development Services Memo

Vicinity Map

3310 Portland Road NE



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

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0 100 200 400 Feet



ZONING CODE SUMMARY

ZONE: MU-III MIXED USE III
TAX LOT: 073W13BB 05100
AREA: 1.33 AC









USES:
EATING AND DRINKING ESTABLISHMENTS: 1,770 SF
RETAIL SALES: 8,005 SF
GENERAL MANUFACTURING: 9,708 SF

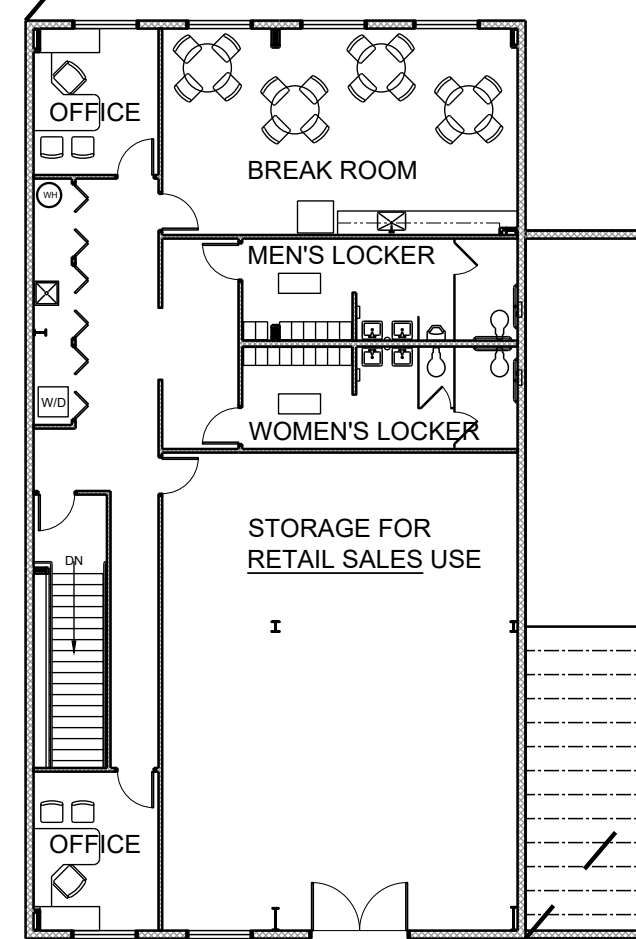
LOT COVERAGE	EXISTING	PROPOSED
BUILDINGS	9,152 SF	16,830 SF
CONCRETE & ASPHALT	26,625 SF	30,754 SF
LANDSCAPING	9,374 SF	10,315 SF
UNDEVELOPED	12,788 SF	0 SF

PARKING:
MAX ALLOWED: 30 SPACES
EXISTING: 22, INCL 2 ACCESSIBLE (1 VAN ACCESSIBLE)
PROPOSED: 30, INCL 2 ACCESSIBLE (1 VAN ACCESSIBLE)

BICYCLE PARKING:
REQUIRED:
EATING AND DRINKING ESTABLISHMENTS (1 PER 1,000 SF, MIN 4): 4 SPACES
RETAIL SALES (1 PER 10,000 SF, MIN 4): 4 SPACES
GENERAL MANUFACTURING (1 PER 10,000 SF, MIN 4): 4 SPACES
TOTAL: 12 SPACES
PROPOSED: 12 SPACES

LEGEND

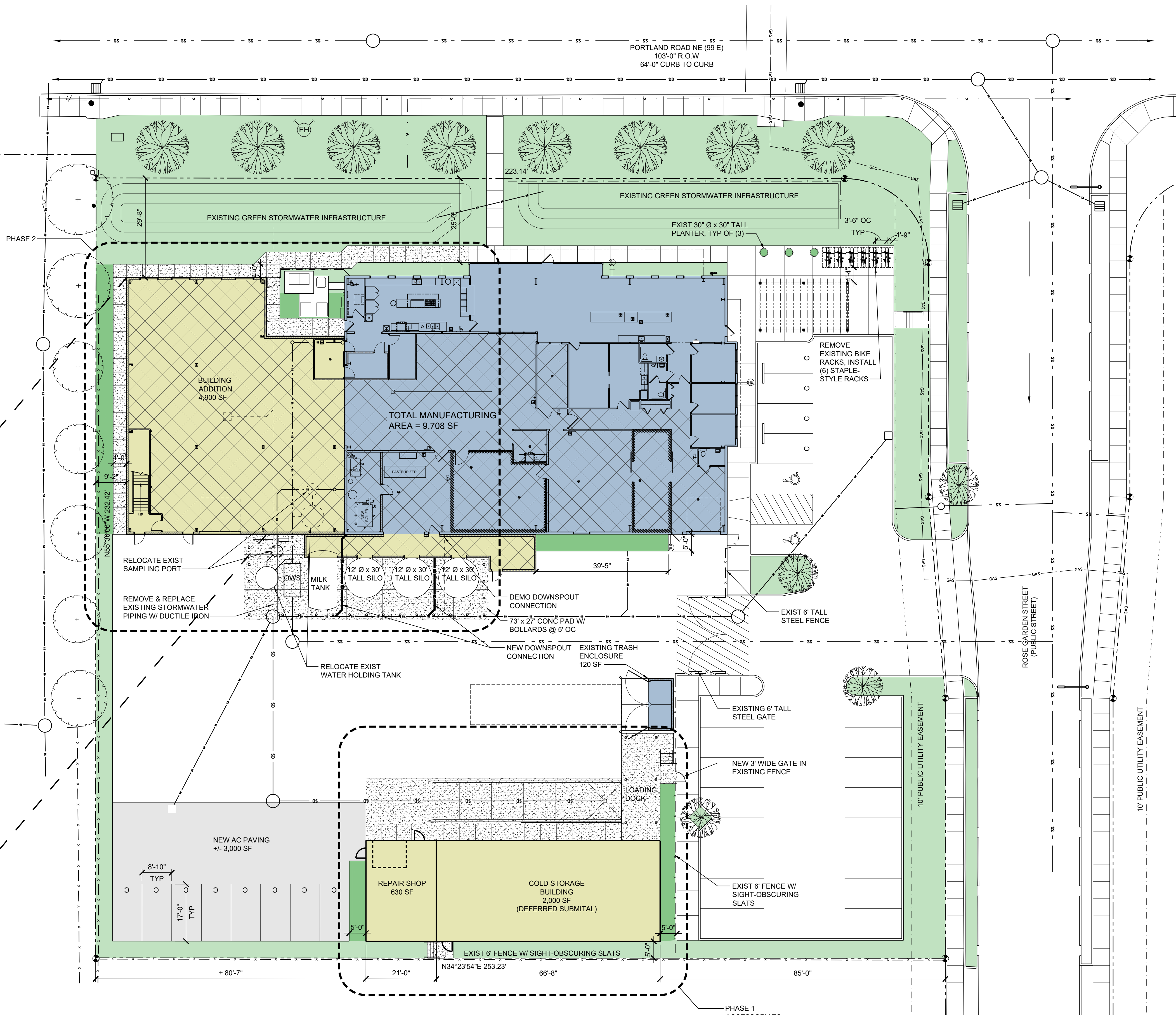
	EXIST BUILDING		NEW BUILDING
	EXIST CONCRETE AND ASPHALT		NEW CONCRETE
	EXIST LANDSCAPING		NEW ASPHALT
	NEW LANDSCAPING		
	MANUFACTURING AREA		



SECOND FLOOR PLAN

1/16" = 1'-0"

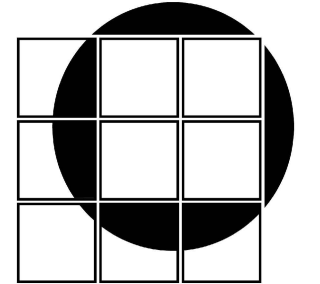
RETAIL SALES: 2,882 SF



SITE PLAN

1/16" = 1'-0"

CARLSON
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JUNGE
ARCHITECTS PC



ARCHITECTURE • INTERIOR DESIGN
3095 RIVER RD N. SALEM, OREGON 97303
WWW.CARLSONVEITJUNGE.COM • 503-390-0281

PRELIMINARY

NOT FOR CONSTRUCTION

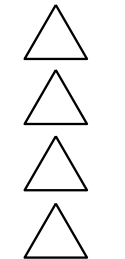
PRELIMINARY DATE:

08-21-2024

project:
DON FROYLAN CREAMERY
BUILDING ADDITION
3310 PORTLAND ROAD NE
SALEM, OR 97301

consultants:

revisions:



date:

project: 00924

dwg file: A-SP-00924

drawn by: NW, PK

checked by: NW

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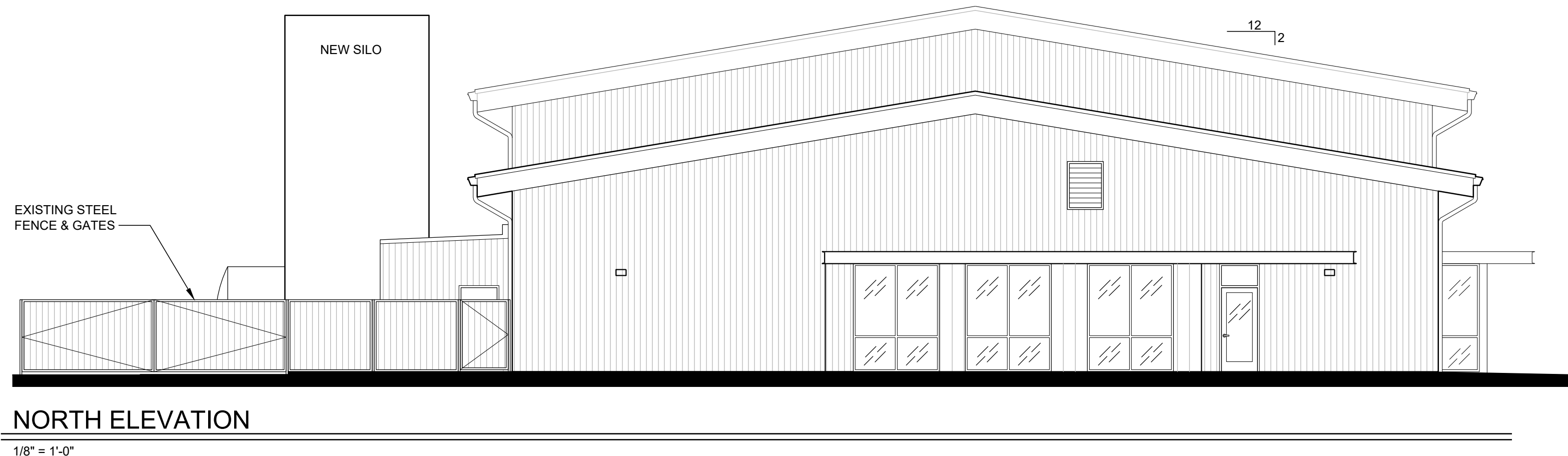
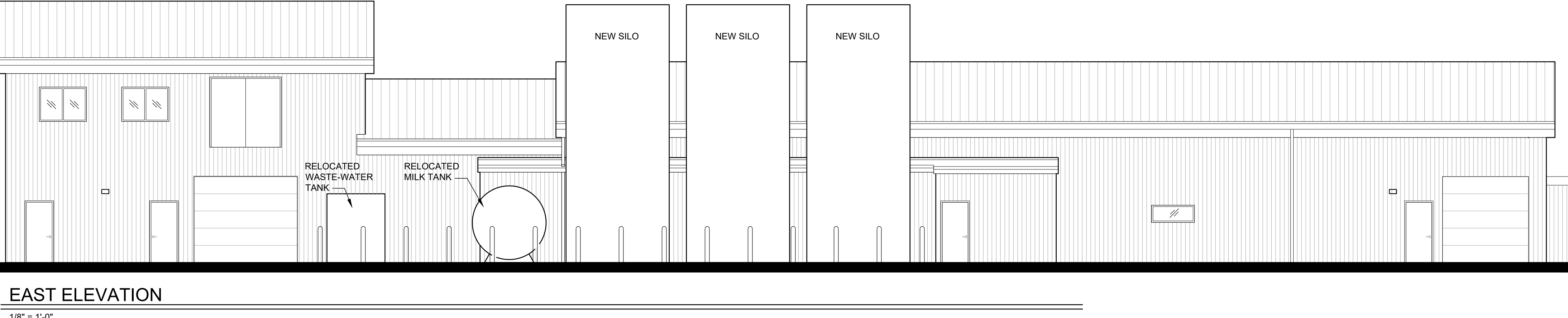
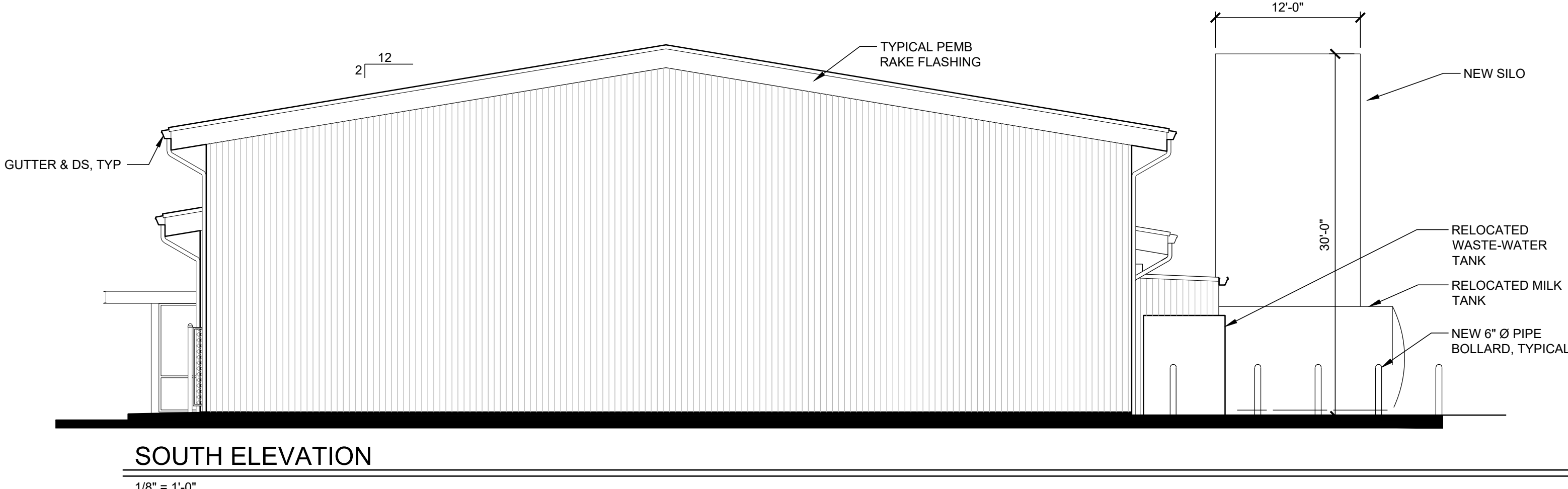
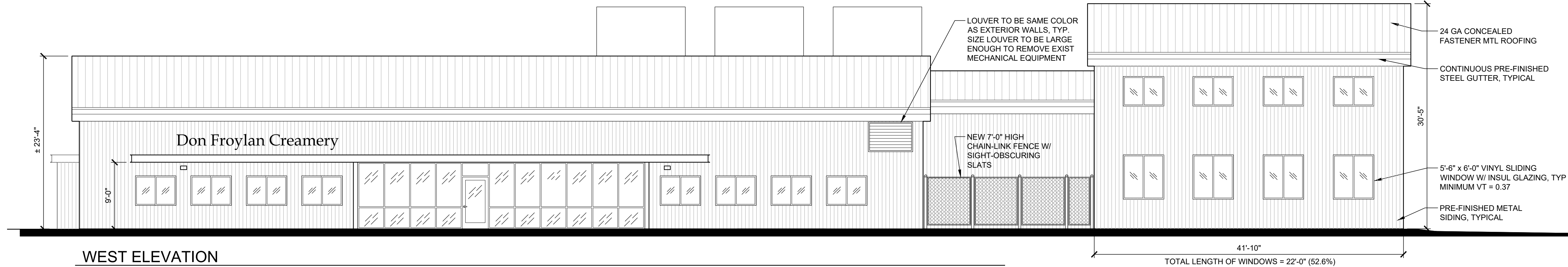
Carlson Veit Junge Architects PC

SITE PLAN

sheet:

A-101

of:



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JUNGE
ARCHITECTS PC

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WWW.CARLSONVEIT.COM • 503-390-0281

PRELIMINARY
NOT FOR CONSTRUCTION

PRELIMINARY DATE:
08-13-2024

project:
DON FROYLAN CREAMERY
BUILDING ADDITION
3310 PORTLAND ROAD NE
SALEM, OR 97301

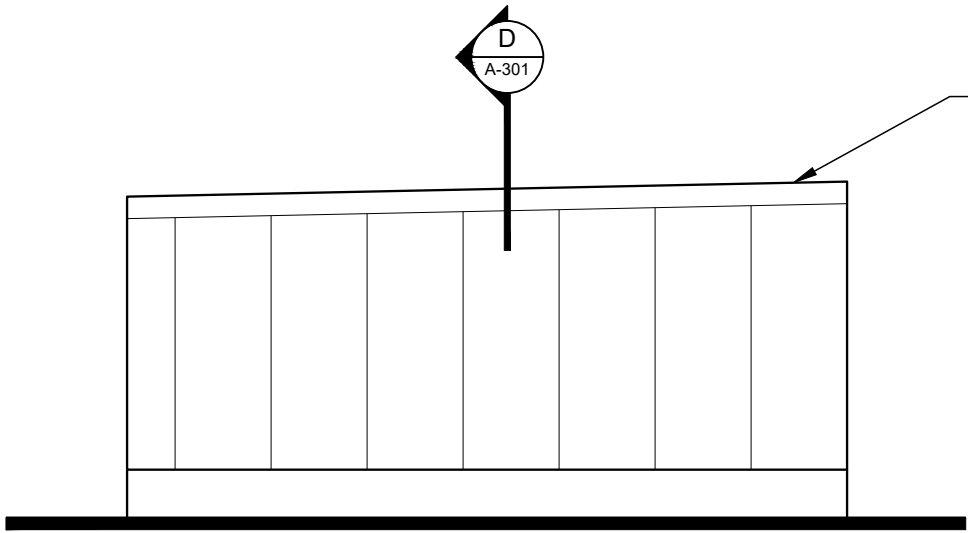
consultants:

revisions:
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date:
project: P0224
dwg file: A-201-P0224
drawn by: PK
checked by: NW
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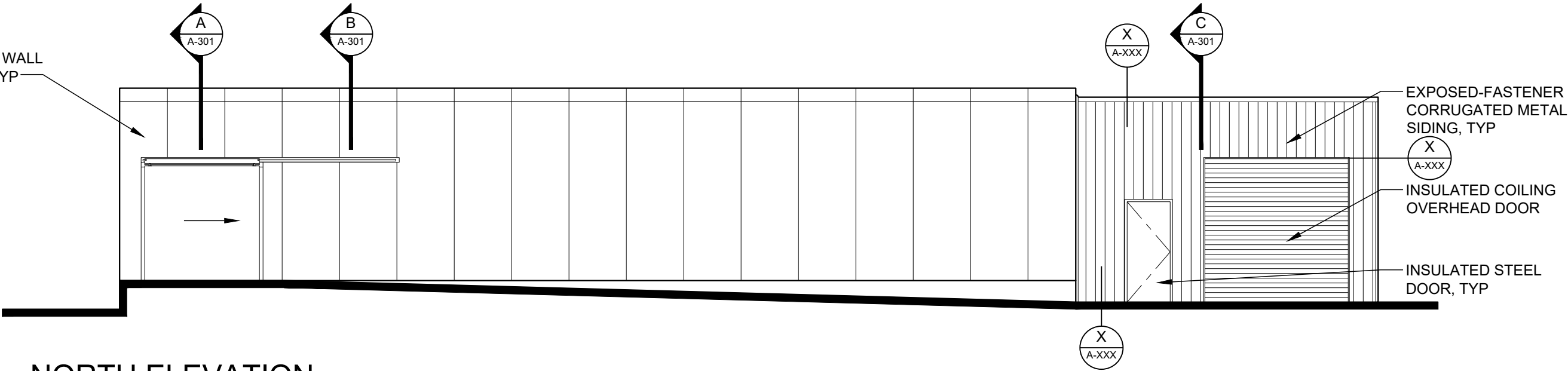
BUILDING
ELEVATIONS

sheet:
A-201
of:



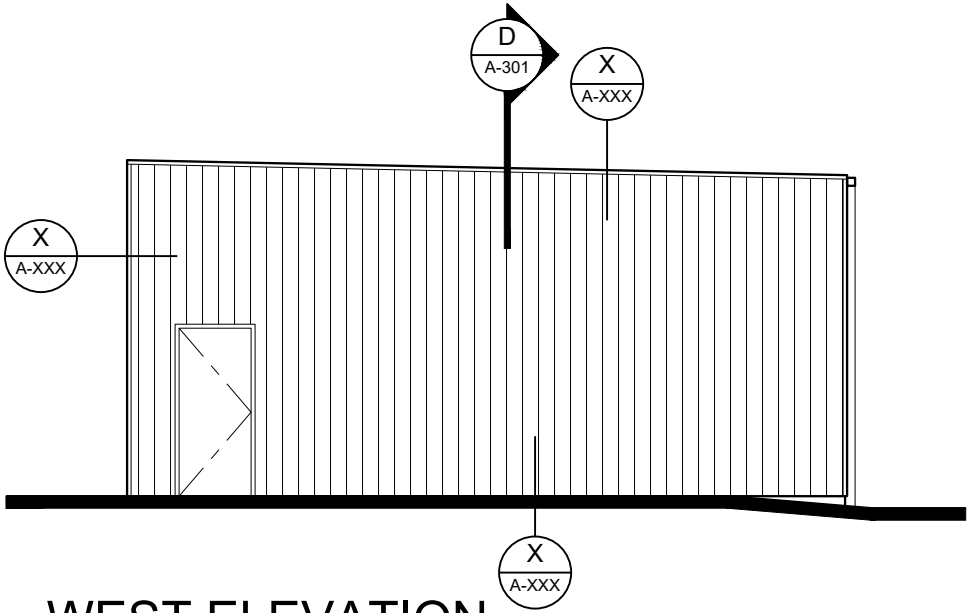
EAST ELEVATION

1/8" = 1'-0"



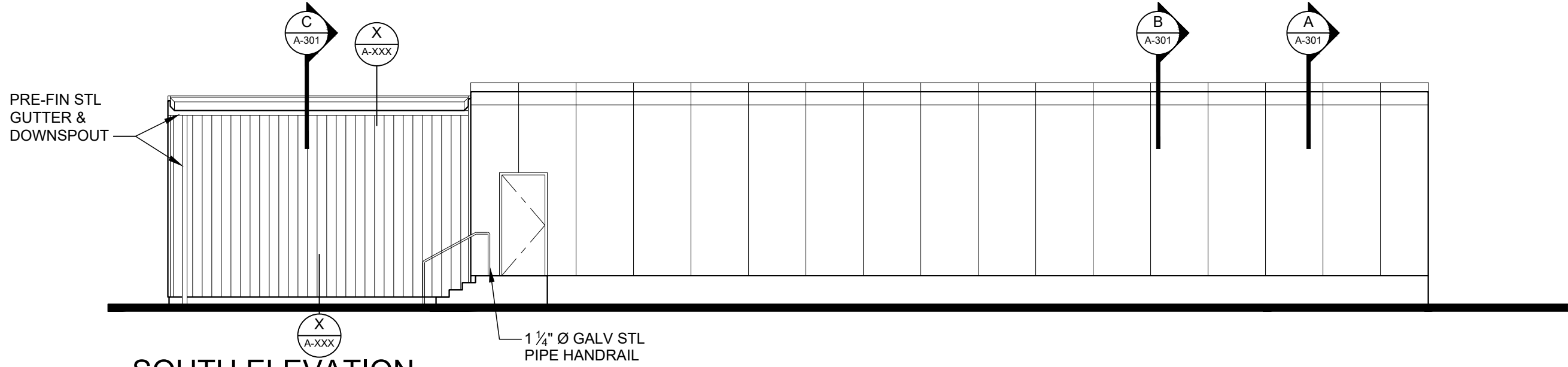
NORTH ELEVATION

1/8" = 1'-0"



WEST ELEVATION

1/8" = 1'-0"



SOUTH ELEVATION

1/8" = 1'-0"

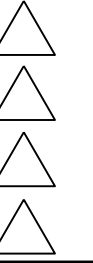
PRELIMINARY
NOT FOR CONSTRUCTION

PRELIMINARY DATE:
08-13-2024

project:
DON FROYLAN CREAMERY
COLD STORAGE BUILDING
3310 PORTLAND ROAD NE
SALEM, OR 97301

consultants:

revisions:



date:

project: 00924

dwg file: A-FP-00924A

drawn by: NW, PK

checked by: NW

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EXTERIOR
ELEVATIONS

sheet:

A-201

of:



MEMO

TO: Jacob Brown, Planner II
Community Planning and Development Department

FROM: Aaron Panko, Infrastructure Planner III
Community Planning and Development Department

DATE: November 26, 2024

SUBJECT: Infrastructure Memo
SPR-ADJ 24-31 (24-114744-PLN)
3310 Portland Road NE
Building Addition and Accessory Structure

PROPOSAL

A consolidated application for a Class 3 Site Plan Review for development of a new building and expansion of an existing general manufacturing, retail sales, and eating and drinking establishment use (Don Froylan Creamery) with two Class 2 Adjustments requests. The subject property is 1.34 acres in size, zoned MU-III (Mixed Use-III), and located at the 3310 Portland Road NE (Marion County Assessor Map and Tax lot: 073W13BB/05100).

SUMMARY OF FINDINGS

The proposed development meets applicable criteria related to public infrastructure.

EXISTING CONDITIONS – INFRASTRUCTURE

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

Streets			
Street Name		Right-of-way Width	Improvement Width
Portland Road NE (Major Arterial)	Standard:	96-feet	68-feet
	Existing Condition:	103-feet	64-feet
Rose Garden Street NE (Local)	Standard:	60-feet	30-feet
	Existing Condition:	50-60-feet	30-34-feet

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

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

Utilities & Parks	
Type	Existing Conditions
Water	Water Service Level: G-0
	An 8-inch water main is located in Portland Road NE.
	An 8-inch water main is located in Rose Garden Street NE.
Sanitary Sewer	A 10-inch sanitary sewer main is located in Portland Road NE.
	An 8-inch sanitary sewer main is located in Rose Garden Street NE.
Storm Drainage	A 12-inch storm main is located in Portland Road NE.

SITE PLAN REVIEW DECISION CRITERIA

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

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

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

SRC Chapter 200 - Urban Growth Management:

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

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

SRC Chapter 71 – Stormwater:

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

Finding: A stormwater facility was constructed with the initial of the manufacturing facility (19-109160-CO). The applicant's engineer has indicated that the existing facility on-site was sized to accommodate the proposed impervious surfaces. At time of Building Permit, the applicant will be required to demonstrate that the existing treatment and detention basin on-site is adequate to serve the proposed development.

SRC 802 – Public Improvements:

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

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

Finding: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

SRC 803 – Street and Right-of-way Improvements

- ***Boundary Street Improvements***

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

Finding: Portland Road NE abuts the subject property and is classified as a major arterial street according to the Salem Transportation System Plan (TSP). Portland Road NE had adequate right-of-way width for a major arterial street according to SRC Table 803-1 (Right-of-way Width); however, has inadequate improvement width according to Table 803-2 (Pavement Width). Major arterial streets are required to have 68-feet of pavement width and the existing condition is 64-feet. Portland Road NE meets the criteria for an Alternative Street Standard pursuant to SRC 803.065(a)(2) because the street was fully developed to the standard in effect at the time of construction; therefore, additional improvements along Portland Road NE are not required.

Rose Garden Street NE abuts the subject property and is classified as a local street according to the Salem Transportation System Plan (TSP). Rose Garden Street NE meets applicable standards for a local street, including the minimum right-of-way width and pavement width standards established in SRC 803.025; therefore, additional improvements along Rose Garden Street NE are not required.

- ***Street Trees***

Pursuant to SRC 803.035(k) and SRC 86.015(e), anyone undertaking development

along public streets shall plant new street trees to the maximum extent feasible.

Finding: Street trees were planted along the Portland Road NE and Rose Garden Street NE frontages to the maximum extent feasible with initial development of the manufacturing facility (SPR-DAP-DR19-16) that was complete in 2021. No additional street trees are required for this development.

SRC Chapter 804 – Driveway Approaches:

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

Finding: The development site is served by an existing driveway approach onto Rose Garden Street NE. The existing driveway approach serving the site meets applicable sections of SRC Chapter 804 and does not warrant modification.

SRC Chapter 805 – Vision Clearance:

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

Finding: The proposed building addition and accessory structure are not located in the vicinity of a required vision clearance area. The proposal does not cause a vision clearance obstruction per SRC Chapter 805.

Natural Resources:

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

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

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

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

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

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

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

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

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

Finding— Existing driveway access onto Rose Garden Street NE provides for safe turning movements into and out of the property. Modifications to the existing driveway approach are not proposed or warranted per SRC Chapter 804 (Driveway Approaches). This criterion is met.

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

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

Prepared by: Aaron Panko, Infrastructure Planner III
cc: File