

# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
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## DECISION OF THE PLANNING ADMINISTRATOR

### MODIFICATION OF CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE NO.: SPR-ADJ21-14MOD1

APPLICATION NO.: 24-108775-PLN

NOTICE OF DECISION DATE: December 13, 2024

**REQUEST:** A modification to the Class 3 Site Plan Review for consolidated case SPR-ADJ21-14, to reconfigure the landscaped areas on site, for property 0.47 acres in size, zoned IC (Industrial Commercial) and located at 2410 Mission Street SE (Marion County Assessor's Map and Tax Lot number: 073W35AA / 9300).

**APPLICANT:** Russell Schutte, Varitone Architecture

**LOCATION:** 2410 Mission St SE, Salem OR 97302

**CRITERIA:** Salem Revised Code (SRC) Chapters 220.010(d)(2) – Class 3 Site Plan Review Modification

**FINDINGS:** The findings are in the attached Decision dated December 13, 2024.

**DECISION:** The **Planning Administrator APPROVED** Class 3 Site Plan Review - Modification Case No. SPR-ADJ21-14MOD1 subject to the following conditions of approval:

**Condition 1:** Prior to permit issuance, the applicant shall revise the plans so that new landscaped areas are not proposed within the special setback, or obtain a Revokable License to encroach into the special setback.

**Condition 2:** At the time of building permit review, the applicant shall provide a full landscape plan demonstrating how the development site meets Type A landscaping, including all new and existing landscaped areas, by providing a minimum of one plant unit per 20 square feet, with 40 percent of the plant units being trees.

The rights granted by the attached decision must be exercised, or an extension granted, by December 31, 2026, or this approval shall be null and void.

Application Deemed Complete:	<u>October 18, 2024</u>
Notice of Decision Mailing Date:	<u>December 13, 2024</u>
Decision Effective Date:	<u>December 31, 2024</u>
State Mandate Date:	<u>February 15, 2025</u>

Case Manager: Jamie Donaldson, [jdonaldson@cityofsalem.net](mailto:jdonaldson@cityofsalem.net), 503-540-2328

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555

Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Monday, December 30, 2024. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 220. 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
MODIFICATION OF CLASS 3	)	
SITE PLAN REVIEW	)	
CASE NO. SPR-ADJ21-14MOD1	)	
2410 MISSION ST SE	)	DECEMBER 13, 2024

In the matter of the application for the Class 3 Site Plan Review Modification for previously approved Case No. SPR-ADJ21-14, submitted by Russell Schutte with Varitone Architecture, on behalf of the applicant and property owner, Copperstone Inc., 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 modification to site improvements approved under SPR-ADJ21-14.

**Request:** A modification to the Class 3 Site Plan Review for consolidated case SPR-ADJ21-14, to reconfigure the landscaped areas on site, for property 0.47 acres in size, zoned IC (Industrial Commercial) and located at 2410 Mission Street SE (Marion County Assessor's Map and Tax Lot number: 073W35AA / 9300).

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 13, 2021, a consolidated application for a Class 3 Site Plan Review and Class 2 Adjustments for reconfiguration of an existing parking lot with associated site improvements was approved under SPR-ADJ21-14 for an existing development on the subject property. On September 9, 2021, a building permit was issued for construction of the site improvements, with a permit deferral request for completion of the site landscaping.

On April 22, 2024, an application for a modification to the Class 3 Site Plan Review previously approved under SPR-ADJ21-14, was filed to reconfigure the landscaped areas on site for the proposed development. After additional information was provided, the application was deemed complete for processing at the request of the applicant on October 18, 2024. The 120-day state mandated decision deadline for this consolidated application is February 15, 2025.

The applicant's site plan with proposed modifications is included as **Attachment B** and the applicant's written statement addressing the approval criteria applications can be found in the record, accessible online as indicated below. The original decision is also accessible online, by entering the Case Number SPR-ADJ21-14.

## **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 for Land Use Actions without registering, and enter the application number listed here: 24 108775.

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

The subject property is located within the boundaries of the Southeast Salem Neighborhood Association (SESNA).

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 Table 300-2, the proposed Class 3 Site Plan Review Modification request does not require contact with neighborhood association prior to application.

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

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

Public Comment: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, no comments were received from the surrounding property owners and tenants.

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

Development Services Division - Reviewed the proposal and indicated no concerns.

Building and Safety Division - Reviewed the proposal and indicated no objections to it.

Fire Department - Reviewed the proposal and indicated that landscaping shall not obstruct or impede Fire Department access.

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

Oregon Department of Transportation (ODOT): Reviewed the proposal and indicated that the site is adjacent to Salem Highway, No. 072 (OR-22/OR-99EB), and is subject to state laws administered by ODOT. The site currently has one highway approach at MP7.44, which is presumed to be permitted. The applicant is not proposing any modifications and the proposal will not trigger a change of use. Ultimately, ODOT has no objections to the proposal.

### **DECISION CRITERIA FINDINGS**

#### **6. Analysis of a Modification of Class 3 Site Plan Review Approval Criteria**

Pursuant to Salem Revised Code (SRC) 220.010, a site plan review approval may be modified after its effective date if the proposed modification meets the criteria in this section. Proposed modifications that do not meet the criteria in this section require submittal of a new application for site plan review. Modification of a Class 3 site plan review approval is processed as a Type II procedure under SRC Chapter 300. 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 220.010(d)(2): Modification of a Class 3 Site Plan Review shall be granted if all of the following criteria are met:***

***(A) The proposed modification does not substantially change the original approval;***

**Finding:** The proposed modification is consistent with the original approval (SPR-ADJ21-14), which proposed a reconfiguration of an existing parking lot, additional landscaping, new pedestrian connections, and bicycle parking. Two adjustments were also approved to reduce the minimum off-street parking requirement and to reduce the minimum vehicle use area setback adjacent to a street. The modification requests to reconfigure some areas proposed for landscaping, mostly along the east side of the building, while still maintaining the original amount of landscaping proposed. The modification does not propose to change any portion of the building, required bike parking, or pedestrian paths. The reconfigured landscape area proposes to remove only one compact parking space, which does not provide the safest backup and maneuvering area, particularly with the proximity to the Mission Street Parkway and the special setback. Because the minimum parking standards are no longer in effect, removal of the unsafe parking space would effectively make the development more conforming with its removal, and does not substantially change the original approval.

The applicant has been issued a building permit for the proposed development, and has begun work on the interior improvements, as well as some exterior improvements, like pedestrian connections and the installation of bicycle racks. However, the applicant requested to defer the landscape review, and has since found some areas that could be reconfigured to better serve the development. One area is an 85-square-foot planter at the back of the building, that would better serve as an out-of-sight area to store the existing trash receptacles for the building. Additionally, the applicant has proposed to change the landscape planter area along the east side of the property from one large square planter to a long rectangular planter that runs along the east property line. The applicant has indicated that reshaping the landscaping in this area

is to better serve and access the building in emergencies, and includes removeable bollards to separate the parking area, but allow emergency access if necessary.

The original decision contained two conditions of approval which pertained to the preservation of the tree in the northwest corner of the property, and the applicability of the adjustments on future development. As this is a modification of that original decision and not a new proposal, the requested adjustments still apply to the proposed development, allowing a reduction in the minimum off-street parking requirement, and a reduction to the minimum setback abutting Mission Street SE. No changes are proposed to the site along Mission Street SE, and the applicant has indicated preservation of the tree in the northwest corner, as conditioned.

Since the deferred landscape plan is the final piece to be approved and installed, and the modified proposal maintains the same amount of landscape as previously approved, the proposed modification is consistent with the original approval. Furthermore, the proposed modification conforms to SRC Chapter 551 and all other applicable development standards of the Salem Revised Code as follows:

#### **Development Standards – IC (Industrial Commercial) Zone:**

##### *SRC 551.005(a) – Uses:*

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the CB zone are set forth in Table 551-1.

**Finding:** The modification does not propose to change the uses as approved under SPR-ADJ21-14, which were classified as *retail sales* and *general manufacturing* uses, and are outright permitted uses in the IC zone. This standard is met.

##### *SRC 551.010(a) – Lot Standards:*

Lots within the IC zone shall conform to the standards set forth in Table 551-2.

**Finding:** There is no minimum lot size, lot width or lot depth for all uses in the IC zone. The minimum street frontage requirement for retail use is 16 feet. The existing lot and building complies with the minimum lot standards of the IC zone, and no changes to the lot size or dimensions are proposed. This standard is met.

##### *SRC 551.010(b) – Setbacks:*

Setbacks within the IC zone shall be provided as set forth in Table 551-3 and Table 551-4.

#### *Abutting Street*

**North:** Adjacent to the northeast is right-of-way for Mission Street SE. There is a minimum five-foot setback for buildings, and a 6- to 10-foot setback for vehicle use areas abutting streets per SRC Chapter 806.

**Finding:** Mission Street SE has a special setback of 60-feet from centerline, which requires an approximately five-foot setback. The six to ten-foot setback for the vehicle use area shall be measured from the special setback line; however, the original decision approved an adjustment to reduce this setback for the vehicle use area from ten feet to zero feet.

Additionally, the proposed modification does not alter existing building setbacks and the existing building is in compliance with building setbacks of the IC zone.

### *Interior Property Lines*

**South/East/West:** Adjacent to the south, east, and west property lines are properties zoned IC. In the IC zone, there is no minimum building setback abutting IC zoned properties, and there is a five-foot vehicle use area setback.

**Finding:** The proposed development does not alter the setbacks approved under SPR-ADJ21-14 along any of the property lines, and only further expands the setback along the east boundary with a landscaped area running the length of the property line.

### *SRC 551.010(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.

**Finding:** There is no maximum lot coverage requirement for all uses in the IC zone and the maximum building height allowance is 70 feet. There are no changes to the existing building height, and the proposed development meets applicable lot coverage standards, as there is no maximum lot coverage standard in the IC zone. The proposal meets the standards.

### *SRC 551.010(d) – Landscaping:*

- (1) *Setbacks.* Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) *Vehicle Use Areas.* Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.
- (3) *Development Site.* A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicular use areas, may count toward meeting this requirement.

**Finding:** The subject property is 0.47 acres or 20,473 square feet in size. A minimum of 3,071 square feet of the development site shall be landscaped to the Type A standard ( $20,473 \times 0.15 = 3,070.95$ ). The applicant's original site plan indicated 3,176 square feet of landscaping (15.6%) was proposed. The applicant's modified site plan (**Attachment B**) indicates 3,277 square feet of landscaping (16%) is proposed; thereby providing slightly more than the minimum requirement and the previously approved amount, exceeding the standard.

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

## **General Development Standards SRC 800**

### *SRC 800.055(a) – Solid Waste Service Areas*

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:** No new solid waste service areas are proposed; therefore, this section is not applicable.

*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. For purposes of this section development means the construction of, or addition to, a building or accessory structure or the construction of, or alteration or addition to, an off-street parking or vehicle use area. Development does not include construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area.

When a development site is comprised of lots under separate ownership, the pedestrian access standards set forth in this section shall apply only to the lot, or lots, proposed for development, together with any additional contiguous lots within the development site that are under the same ownership as those proposed for development.

**Finding:** The proposal includes alteration to a vehicle use area with the reconfiguration of landscaped areas and removal of a compact parking space; therefore, the pedestrian access standards of SRC Chapter 800 apply. However, the development was found to meet the pedestrian requirements of this section with the original approval under SPR-ADJ21-14, and there are no changes proposed to any of the proposed pedestrian connections, or areas that would require an additional connection; therefore, there are no additional pedestrian access requirements for the proposed modification.

**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:** At the time the original application was submitted, the City had a standard for minimum parking requirements with each new use. Since then, code changes have removed the minimum parking requirements, and review for a maximum parking standard instead. In addition, a Class 2 Adjustment to reduce the minimum off-street parking requirement was approved with the original decision. Because the proposed modification removes one compact parking space when there is no longer a minimum standard, and the removal makes the site more conforming by removing a potentially unsafe parking space, the modification is still substantially conforming to the original approval. This standard is met.

(b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.



**Finding:** The maximum number of parking spaces that can be compact for a site with 14 parking spaces is 11 ( $14 \times 0.75 = 10.5$ ). With the removal of one compact parking space, the proposal includes ten compact parking spaces total for the site, thereby meeting the standard.

(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 5 percent of their total off-street parking spaces for carpool or vanpool parking.

**Finding:** The proposal includes less than 60 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 proposal 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 proposal includes alteration to a vehicle use area with the reconfiguration of landscaped areas and removal of a compact parking space; therefore, this section applies.

(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:** As indicated above, the changes to the configuration of the landscape planters and the adjacent vehicle use area are proposed to be in compliance with the minimum setback requirements of SRC Chapters 551 and 806. The original approval found the development site is in compliance with setbacks and landscaping requirements for the vehicle use areas abutting IC zoned properties to the east and west, and a Class 2 Adjustment was approved to eliminate the ten-foot vehicle use area setback adjacent to Mission Street SE to the north. There are no alterations to the setbacks approved under SPR-ADJ21-14 along any of the property lines; therefore, the proposed modification complies with all applicable location and

perimeter setback requirements. Perimeter landscaping will be further evaluated for compliance with the landscaping standards of SRC Chapter 807 at the time of building permit review.

- (d) *Interior Landscaping.* Interior landscaping shall be provided for off-street parking areas greater than 5,000 square feet in size, in amounts not less than those set forth in Table 806-4.

**Finding:** Interior landscaping is required for the vehicle use area for the development. The original proposal included 6,037 square feet off-street parking area, and required 302 square feet of landscaping ( $6,037 \times .05 = 301.85$ ). The plans indicate 508 square feet of interior landscaping is being provided. Additionally, creating a landscaped area in lieu of a compact parking space only removes a portion of the parking area in favor of more landscaping, thereby providing more interior parking lot landscape than previously approved, and exceeding the standard.

- (e) *Off-Street Parking Area Dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-5.

**Finding:** The proposed off-street parking spaces comply with the minimum aisle width and dimensional requirements for standard vehicle parking spaces established in Table 806-5.

- (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 806-8. The turnaround shall conform to the minimum dimensions set forth in Table 806-6.

**Finding:** This standard was not in effect at the time of the original application. While the proposed off-street parking areas do terminate at dead-ends, the modification proposes to remove a compact parking space that appears to be the most problematic for the site, and does not propose to change any other parking area. The initial plans proposed three compact parking spaces on the east side of the property, where the space furthest east could have cars backing up into Mission Street Parkway. The applicant has proposed more landscape area in lieu of the unsafe parking space, providing more back up room for the remaining spaces and making the site more conforming. However, a corner portion of the proposed landscape planter is proposed within the special setback, and should be revised to bring the planter back behind the special setback line. As such, the following condition applies:

**Condition 1:** Prior to permit issuance, the applicant shall revise the plans so that new landscaped areas are not proposed within the special setback, or obtain a Revokable License to encroach into the special setback.

The original proposal was designed to provide the safest vehicle maneuvering with the existing layout of the site, and met all applicable standards at the time of approval; therefore, this standard is met.

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

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

## **Bicycle Parking**

*SRC 806.045 – Bicycle Parking; When Required.*

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

**Finding:** The proposed modification does not include any change of use or activity, or any intensification, expansion, or enlargement of a use or activity. The original decision under SPR-ADJ21-14 reviewed the development for the required number of bicycle spaces, and found that the applicant's site plan met the requirement with the eight new bike parking spaces provided. This standard is met with the original decision, and further review of this section does not apply to the modification.

## **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 not less than those set forth in Table 806-11.

**Finding:** The proposed modification does not include any change of use or activity, or any intensification, expansion, or enlargement of a use or activity. This standard is met with the original approval under SPR-ADJ21-14, and there are no additional loading area requirements for the proposed modification. This standard is met.

## 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 applicant's original site plan indicated 3,176 square feet of landscaping (15.6%) was proposed, requiring a minimum of 157 plant units. The applicant's modified site plan (**Attachment B**) indicates 3,277 square feet of landscaping (16%) is proposed; thereby providing slightly more than the minimum requirement and the previously approved amount, requiring more plant units as well. The applicant's plans did not update the amount of plant units required for the site, which should be a minimum of 164 plant units ( $3,277 / 20 = 163.85$ ); of the required plant units, a minimum of 66 plant units shall be trees ( $164 \times 0.4 = 65.6$ ). To ensure that the required number of plant units will be provided at the time of building permit review, the following condition applies:

**Condition 2:** At the time of building permit review, the applicant shall provide a full landscape plan demonstrating how the development site meets Type A landscaping, including all new and existing landscaped areas, by providing a minimum of one plant unit per 20 square feet, with 40 percent of the plant units being trees.

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

## 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:** As indicated with the original decision SPR-ADJ21-14, Public Works reviewed the Flood Insurance Study and Flood Insurance Rate Maps and determined that the subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodplain. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including

elevation of new structures to a minimum of one foot above the base flood elevation. This application does not propose any new structure in the floodplain area; however, a floodplain development permit is required prior to construction.

*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:** Their initial review indicates that there is one significant tree located on the northwest corner of the site that is proposed to remain, and a condition of approval was included to ensure the protection of the existing significant tree during construction. No major construction is proposed in the surrounding area of the tree, and the applicant states appropriate actions will be taken to protect the significant tree while the new landscaping is put in place. With the Condition 1 of the original decision for SPR-ADJ21-14 still in place, the modification meets the standard.

*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:** As indicated with the original decision SPR-ADJ21-14, the subject property does not contain any wetland areas or hydric soils according to the Salem-Keizer Local Wetland Inventory (LWI).

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

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

With completion of all conditions of approval set forth herein and as required by the original decision of approval SPR-ADJ21-14, the subject property also meets all applicable standards of the following chapters of the UDC: *SRC 802 – Public Improvements, SRC 803 – Streets and Right-of-Way Improvements, SRC 804 – Driveway Approaches, and SRC 805 – Vision Clearance.*

***(B) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties;***

**Finding:** As indicated above in the findings above, the proposed modification does not change the majority of findings reviewed and approved with the original decision SPR-ADJ21-14, which found the development is in compliance with all applicable standards with the approval of the adjustments to reduce the minimum off-street parking requirement, and to reduce the minimum vehicle use area setback adjacent to a street. The modification does not propose to change any portion of the building, required bike parking, or pedestrian paths, and only proposes to reconfigure landscaped areas for better access and safety on site, including the removal of a potentially dangerous parking space, while still providing an equivalent amount of landscaping as the original approval. Therefore, the proposed modification does not result in significant changes to the physical appearance of the development, the use of the site, or the impacts on surrounding properties.

## **7. Effect on Expiration Period of Original Approval**

Pursuant to SRC 220.010(e) and SRC 250.010(e), when a Class 3 Site Plan Review or Class 2 Adjustment decision is modified, the effect of the modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

**Finding:** The original decision for the Class 3 Site Plan Review and Class 2 Adjustments, Case No. SPR-ADJ21-14, became effective on July 29, 2021, and established an expiration date for the Class 3 Site Plan Review on July 29, 2025, with an expiration date for the Class 2 Adjustments on July 29, 2023. Because development has commenced in compliance with the land use approval and a building permit has been issued, the land use decision remains valid until such time that all required building permits issued for the land use action have expired, pursuant to SRC 300.850. Furthermore, as established with recent code updates, if a Class 2 Adjustment application is consolidated with an application for Site Plan Review, then the expiration date for the adjustment becomes the same as the site plan review. Since the building permits have not been deemed expired and the original decision remains valid, and because additional extensions to this expiration period are still available for the Class 2 Adjustments under SRC 300.850, the expiration date for the modified Class 3 Site Plan Review and Class 2 Adjustments approval (SPR-ADJ21-14MOD1) shall be consolidated and extended by two years from the date of this modification approval, to December 13, 2026.

## **8. Conclusion**

Based upon review of SRC Chapters 220, 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 Modification Case No. SPR-ADJ21-14MOD1 is hereby **APPROVED** subject to SRC Chapters 220, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as **Attachment B**, the original conditions of approval for SPR-ADJ21-14, and the additional conditions of approval, as follows:

- Condition 1:** Prior to permit issuance, the applicant shall revise the plans so that new landscaped areas are not proposed within the special setback, or obtain a Revokable License to encroach into the special setback.
- Condition 2:** At the time of building permit review, the applicant shall provide a full landscape plan demonstrating how the development site meets Type A landscaping, including all new and existing landscaped areas, by providing a minimum of one plant unit per 20 square feet, with 40 percent of the plant units being trees.



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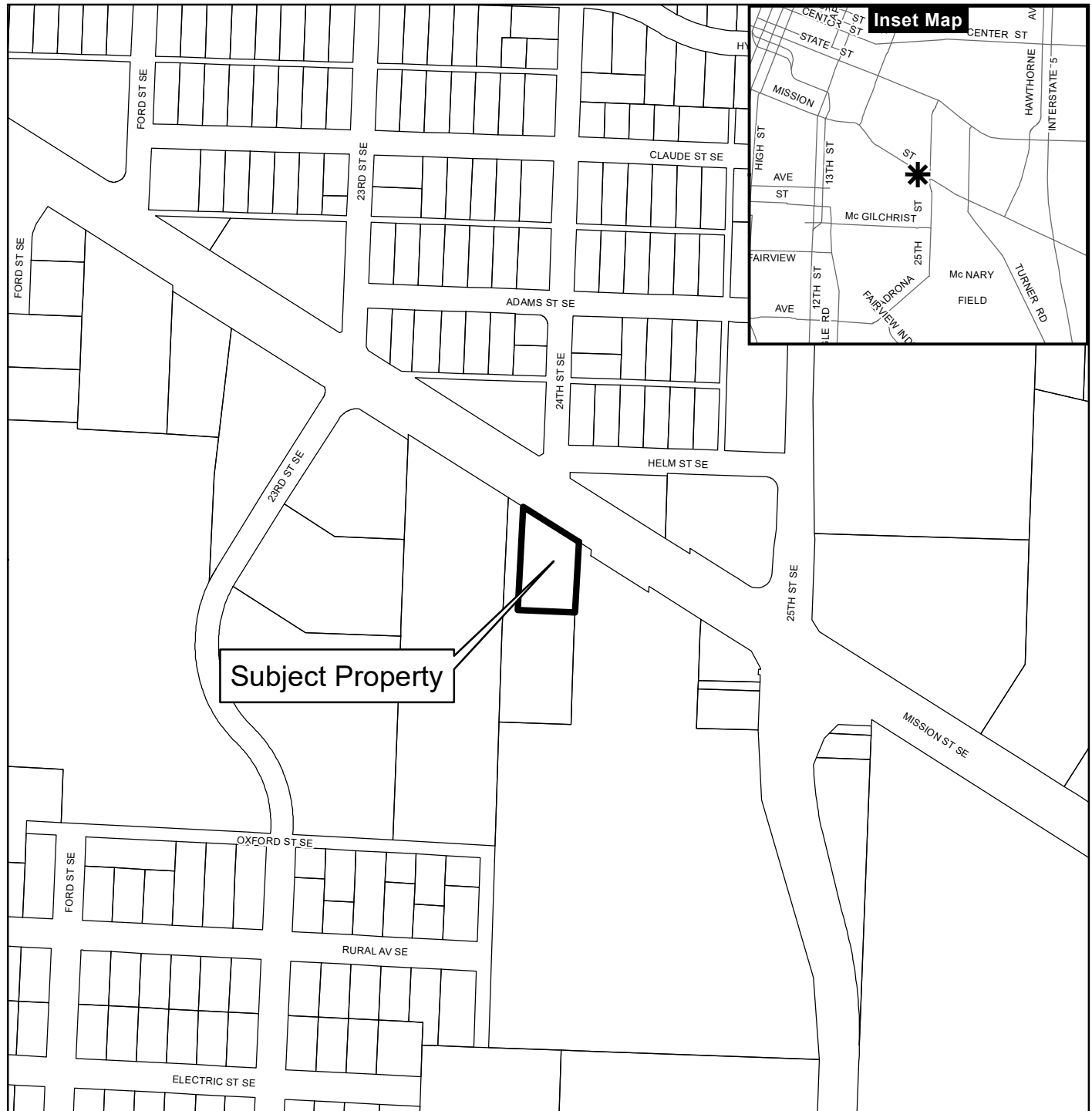
Jamie Donaldson, Planner III, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

Attachments: A. Vicinity Map  
B. Modified Site Plan

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

# Vicinity Map

## 2410 Mission Street SE



### Legend

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

- Parks

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0 100 200 400 Feet





#	Keynote Description
01-03	CUT AND CAP EXISTING PLUMBING , REPAIR AND PATCH PAVING AS REQUIRED
01-04	REMOVE EXISTING BOLLARDS. PATCH PAVEMENT AS REQUIRED
01-07	PEDESTRIAN PATH TO BE PAVED IN STAINED CONCRETE
01-08	SIDEWALK CONNECTION TO BUILDING PROVIDE RAP FORM SIDEWALK LEVEL TO PARKING PAVING LEVEL
01-09	AREA OF VISION CLEARANCE MAINTAINED
01-10	PROVIDE ADA PARKING SIGNAGE ON POST
01-12	NEW BUILDING ENTRANCE / EXIT
01-13	(E) TREE
01-22	MISSION STREET 60'-0" SETBACK LINE
01-23	AREA OF GROUND COVER
01-25	EVERGREEN TREE
01-27	PARKING SPACE THAT MAY BE USED FOR LOADING
01-28	NO PARKING AREA
01-29	MINIMUM 750 SQ FT OF GROUND COVER
01-30	EXISTING ENTRANCE TO BE DECOMMISSIONED. ALL EXIT SIGNS AND LIGHTS ARE TO BE REMOVED. NEW EXIT LIGHTS AND DIRECTION SIGNS ARE TO BE PLACED TO DIRECT OCCUPANTS TO THE NEW EAST ENTRANCE / EXIT
01-31	AREA OF ASPHALT AND COMPACT FILL TO BE REMOVED. REPLACE WITH FERTILE SOIL AND PREP AREA FOR PLANTING
01-32	NEW REMOVABLE BOLLARD WITH PARKING SIGN ATTACHED
01-33	(E) CATCH BASIN
02-01	(E) ADA LIFT
02-03	SAW CUT (E) SIDEWALK FOR (N) REQUIRED FOOTING. SEE STRUCTURAL DRAWINGS FOR DETAILS.
02-18	(E) POWER POLE TO REMAIN
02-19	(E) SIGN AND BOLLARDS TO REMAIN
03-01	NEW SIDEWALK TO CONNECT W/ EXISTING

