

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE NO.: SPR-ADJ25-02

APPLICATION NO.: 24-123196-PLN

NOTICE OF DECISION DATE: February 20, 2025

SUMMARY: Development of an additional drive-through bay to an existing car wash and a new coffee stand.

REQUEST: A Class 3 Site Plan Review for an addition to an existing car wash and development of a new coffee stand. The consolidated application includes two Class 2 Adjustments to:

- 1.) Exceed the maximum building setback abutting a street for the building addition, per SRC 535.015(c);
- 2.) To provide only landscaping within the first 10 feet of the setback for the coffee stand abutting the Judson Street side, per SRC 535.015(c).

The subject property is 0.42-acres in size, zoned MU-III (Mixed Use III) and located at 2390 Commercial Street SE (Marion County Assessors Map and Tax Lot Number 073W34CA / 3900).

APPLICANT: Ronald Ped, on behalf of RMH Properties LLC (Miriam and Richard Hoach)

LOCATION: 2390 COMMERCIAL ST SE

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

FINDINGS: The findings are in the attached Decision dated February 20, 2025.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review / Class 2 Adjustment Case No. SPR-ADJ25-02 subject to the following conditions of approval:

- Condition 1:** Prior to issuance of a building permit, the applicant shall submit a grading plan that details the limits and depth of disturbance of existing impervious surface required to accommodate the proposed development. If the new or replaced impervious surface exceeds 5,000 square feet, the applicant shall modify their plans to include Green Stormwater Infrastructure pursuant to SRC SRC 71.090.
- Condition 2:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code (SRC) Chapter 71* and *Public Works Design Standards (PWDS)*.

- Condition 3:** Prior to building permit, provide the right-of-way acquisition deeds necessary to determine whether the property is one unit of land or four separate platted lots. If it is determined the property is four separated platted lots, consolidation via replat will be required.
- Condition 4:** The development is subject to a special setback equal to 48-feet from the centerline of Commercial Street SE
- Condition 5:** The development is subject to a special setback equal to 30-feet from the centerline of Judson Street SE.
- Condition 6:** The development is subject to a special setback equal to 30-feet from the centerline of West Nob Hill Street SE.
- Condition 7:** At time of building permit, provide a lighting plan indicating on-site lighting meeting the standards of SRC 800.065(c) and SRC 800.060.
- Condition 8:** The adjusted setbacks, 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 March 8, 2029, or this approval shall be null and void.

Application Deemed Complete:	<u>January 21, 2025</u>
Notice of Decision Mailing Date:	<u>February 20, 2025</u>
Decision Effective Date:	<u>March 8, 2025</u>
State Mandate Date:	<u>May 21, 2025</u>

Case Manager: Peter Domine, pdomine@cityofsalem.net, (503) 540-2311

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. Friday, March 7, 2025. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 220, 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The 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.

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
CLASS 3 SITE PLAN REVIEW,)
CLASS 2 ADJUSTMENT,)
CASE NO. SPR-ADJ25-02)
2390 COMMERCIAL ST SE) FEBRUARY 20, 2025

In the matter of the applications for Class 3 Site Plan Review and Class 2 Adjustment submitted by the applicant, Ron Ped, on behalf of the property owner, RMH Properties, 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: Development of an additional drive-through bay to an existing car wash and a new coffee stand.

Request: A Class 3 Site Plan Review for an addition to an existing car wash and development of a new coffee stand. The consolidated application includes two Class 2 Adjustments to:

- 1) Exceed the maximum building setback abutting a street for the building addition, per SRC 535.015(c);
- 2) To provide only landscaping within the first 10 feet of the setback for the coffee stand abutting the Judson Street side, per SRC 535.015(c).

The subject property is 0.42-acres in size, zoned MU-III (Mixed Use III) and located at 2390 Commercial Street SE (Marion County Assessors Map and Tax Lot Number 073W34CA / 3900).

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 November 22, 2024, a consolidated application for Class 3 Site Plan Review and Class 2 Adjustments were received. After additional information was requested, the applications were deemed complete for processing on January 21, 2025. The 120-day state mandated decision deadline for this consolidated application is May 21, 2025.

The applicant's proposed site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria applications can be found in the record, accessible online as indicated below.

SUBSTANTIVE FINDINGS

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24-123196.

3. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the South Central Association of Neighbors (SCAN).

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 December 18, 2024, the applicant contacted the SCAN neighborhood association via email informing them of the proposed project.

Neighborhood Association Comment: Notice of the application was provided to SCAN 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. Comments received from the Neighborhood Association are summarized below.

Concerns for vehicle queuing into the development site and the proposed car wash and coffee kiosk. The comments express concerns for vehicle queuing to extend into the adjacent public rights-of-way.

Staff Response: The development site is served by two existing driveway approaches; one onto Commercial Street SE and one onto Judson Street SE. No changes to existing access are proposed and none are required per *SRC Chapter 804 – Driveway Approaches*. There are no standards within the Salem Revised Code which speak to vehicle queuing on-site. However, the applicant has provided a site plan that shows vehicle queuing space for both the additional car wash bay and the coffee kiosk. All vehicle queuing is expected to remain on-site. Obstructions to vehicle travel in the public right-of-way are a Traffic Violation Enforcement Issue.

The Neighborhood Association requests that the driveway approach onto Commercial Street be limited to right-turn and exit only; however, there are no standards which would require the applicant to reconfigure the driveway approach to be one-way. The Neighborhood Association also requests that signage be placed in the right-of-way that limits stopping in the travel lane along Judson Street SE, to ensure vehicle turning movements at the intersection are not blocked. However; there are no standards which would require the applicant to provide this type of signage in the right-of-way. The applicant has provided vehicle queuing space on-site. Any vehicle queuing in the public right-of-way would be subject to a Traffic Violation enforced by the Police Department.

Concerns regarding additional vehicle lights shining into neighboring residential properties.

Staff Response: The Neighborhood Association's comments reflect those of the public comment, addressed below. The Neighborhood Association requested a condition of approval to raise an existing sight-obscuring concrete wall along the rear of the property to screen the adjacent residential uses on West Nob Hill Street from lights of vehicles using the car wash. There are no applicable development standards or approval criteria to limit vehicle light shining beyond the property that would warrant raising the existing wall; however, exterior lighting on the building is regulated under SRC 800.060. The applicant's development plans do not indicate any additional exterior lighting on the proposed building addition. As addressed in the findings in this decision, lighting will be reviewed at the time of building permit. The applicant's preliminary landscaping plans include one additional tree at the rear (east) side of the development site, directly in line with the new car wash bay. In response to these concerns, the applicant has indicated they will provide additional landscape arborvitae along the walls at the rear of the property, which will help reduce excess light shining from the property into the adjacent residences. Required landscaping will also be reviewed at building permit.

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 one public comment was received, summarized below.

Concerns regarding lighting from inside the car wash shining out toward neighboring residential properties.

Staff Response: As addressed above, no new exterior lighting is proposed with the additional car wash bay. SRC 800.060 requires that exterior lighting shall not shine or reflect onto adjacent properties, or cause glare onto the public right-of-way; however, the code does not regulate interior light shining out of a building. There are no applicable development standards or approval criteria to limit the interior lights of the drive-through car wash. As addressed above, additional landscaping will help screen the car wash from view of the adjacent properties across West Nob Hill Street.

4. City Department Comments

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

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

Fire Department: Reviewed the proposal and indicated no concerns. Items including Fire Department access and water supply will be evaluated at time of building permit review.

5. Public Agency Comments

No comments were received from other public agencies.

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 includes the development of an additional bay for an existing drive-through car wash and a new drive-through coffee stand at the front corner of the property abutting the streets. The applicant has requested two Class 2 Adjustments to the setback requirements for the building addition and the new coffee stand, addressed in Section 7 of this decision. As described in the findings below and as conditioned, the application meets all of the applicable standards of the UDC as follows.

SRC 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 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: Pursuant to SRC 71.090, "large projects" are required to provide stormwater management through the use of Green Stormwater Infrastructure (GSI). Per SRC 70.005, "large projects" are defined as development projects which include 5,000 square feet or more of new or replaced impervious surfaces. The applicant provided a written statement indicating that the proposed development would not be considered a "large project" requiring GSI; however, a grading plan submitted with the building permit application shows the development will include over 5,000 square feet of new and replaced impervious surfaces (24-125119-BP). The removal and replacement of the asphalt surface appears to be necessary for regrading of the site to accommodate the new development; this would require GSI per SRC 71.090 and no area has been provided on the plans for stormwater management. It is recommended that the applicant submit a grading plan demonstrating the limits and depth of the disturbance to determine whether or not GSI is required. If GSI is required, the applicant shall modify the site plans to include GSI for stormwater management. In order to comply with SRC Chapter 71 relating to stormwater management, the following conditions shall apply.

Condition 1: Prior to issuance of a building permit, the applicant shall submit a grading plan that details the limits and depth of disturbance of existing impervious surface required to accommodate the proposed development. If the new or replaced impervious surface exceeds 5,000 square feet, the applicant shall modify their plans to include Green Stormwater Infrastructure pursuant to SRC SRC 71.090.

Condition 2: Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

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

SRC 535.010(a) – Uses

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the MU-III zone are set forth in Table 535-1.

Finding: The proposal includes the development of an additional bay to an existing car wash, which is classified as a *Motor Vehicle Services* use. Per Table 535-1, *Motor vehicle services* except for gasoline stations require a Conditional Use permit, except as a Continued Use, described below. The proposal also includes the development of a new drive-through coffee stand, which is classified as an *Eating and drinking establishment* use. Per Table 535-1, an *Eating and drinking establishment* is a permitted in the MU-III zone. This criterion is met.

SRC 535.010(b) – Continued uses

Existing, legally-established uses established prior to August 24, 2022, but which would otherwise be made nonconforming by this chapter, are hereby deemed continued uses. Buildings or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 535.010(f). Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for that use; provided, however, conversion of the building or structure to a conforming use shall thereafter prevent conversion back to the former continued use or any other continued use.

Finding: The existing car wash was developed and legally-established prior to August 24, 2022, and is considered a continued use; therefore, per SRC 535.010(f), the building housing the continued use may be structurally altered or enlarged, provided such alteration or enlargement conforms to the development standards in this chapter and to all other applicable provisions of the UDC.

SRC 535.010(c) – Adaptive Reuse of Existing Industrial Buildings and Structures:

The use of existing industrial buildings and structures within the area shown in Figure 535-1, the adaptive reuse of industrial buildings and structures existing on August 24, 2022, is allowed as set forth in this subsection.

Finding: The proposal does not include the use of existing industrial buildings or structures within the area shown in Figure 535-1; therefore, this standard is not applicable.

SRC 535.015(a) – Lot Standards

Lots within the MU-III zone shall conform to the standards set forth in Table 535-2.

Finding: Per Table 535-2, there is no minimum lot area, width, or depth for all uses, and any use other than single-family requires 16 feet of street frontage. The subject property is 0.42 acres in size and is a corner lot with more than 80 feet of street frontage along Commercial Street SE, 166 feet of frontage along Judson Street SE, and 99 feet of frontage along West Nob Hill Street. No changes are proposed to the existing lot configuration; however, submitted

deeds indicate the property is comprised of four discrete units of land, Lots 7, 8, 9, and 10 of Block 3 of the Walnut Grove Addition to Salem. As such, the proposed development in this decision is reviewed as if the property is one lot; however, to ensure there are no underlying property lines that would conflict with required setbacks, the following condition shall apply.

Condition 3: Prior to building permit, provide the right-of-way acquisition deeds necessary to determine whether the property is one unit of land or four separate platted lots. If it is determined the property is four separated platted lots, consolidation via replat will be required.

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

West, South, East: Adjacent to the west is right-of-way for Commercial Street SE, to the south, Judson Street SE, and to the east West Nob Hill Street SE. 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. The maximum setback does not apply to a new building if another building exists between a minimum of 50 percent of the street-facing façade of the new building and the street. Vehicle use areas require a minimum six-to-ten-foot setback per Chapter 806.

Finding: The proposal includes the development of an additional bay to an existing car wash and a new building for a drive-through coffee stand. There is a special setback along Commercial Street SE of 48 feet. The coffee stand is proposed to be near the front corner of the lot abutting Commercial Street and Judson Street and is setback two-and-a-half feet from the special setback abutting Commercial Street. There is a special setback along Judson Street SE of 30 feet. The applicant's development plans indicate the setback area abutting the streets will be used for an outdoor seating area; however, due to the notched corner abutting the streets and an existing freestanding sign, the applicant has requested a Class 2 Adjustment to the requirement to provide pedestrian amenities within the first ten feet of the setback and only provide landscaping along the Judson Street side. Findings for the adjustment are addressed in Section 7 of this decision.

The existing car wash is located behind the proposed coffee stand from Commercial Street; therefore, per Table 535-3, the maximum setback abutting Commercial Street is not applicable to this street. To the south, the proposed building addition is 46 feet from the special setback of Judson Street. Due to the pre-existing conditions of the car wash, the proposed building addition to the car wash will still exceed the maximum allowed setback. The applicant has

requested a Class 2 Adjustment to exceed the allowed maximum 30-foot setback of the MU-III zone, addressed in Section 7 of this decision.

To the east, the existing building is setback 33 feet, and the proposed addition is setback 54 feet from the special setback of West Nob Hill Street. Per Table 535-3, the setback abutting a street shall only apply to the street with the highest classification and no minimum or maximum setback is required abutting the other street. There is an existing 11-foot-wide landscaped setback, and no changes are proposed to this setback.

Interior Side and Rear

North: Adjacent to the north is property zoned MU-III. Per Table 535-4, 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: There is an existing five-foot landscaped setback between the existing vehicle use areas abutting the MU-III zoned property to the north. The proposed building addition is to the south side of the building and does not alter the setback to the MU-III zoned property to the north. These standards are met.

SRC 535.015(d) – Lot Coverage, Height

Buildings and accessory structures within the MU-III zone shall conform to the lot coverage and height standards set forth in Table 535-5.

Finding: There is no maximum lot coverage for buildings or accessory structures and the maximum height is 70 feet. The proposed height of the coffee stand is 12.5 feet tall, and the proposed additions to the existing car wash include a second story above the new bay which will continue the height of the existing 26-foot-tall building. The proposal meets the standards.

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 18,127 square feet, requiring a minimum 2,719 square feet of landscaping ($18,127 \times 0.15 = 2,719$), or 134 plant units ($2,719 / 20 = 134$), 40 percent of which must be trees ($134 \times 0.4 = 54.3$). The applicant's development plans indicate a proposed total of 3,435 square feet of new and existing landscaping, or 19 percent and 100 tree plant units. The proposal meets the standards.

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(f) – Continued Uses

Buildings housing a continued use and existing accessory structures may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to development standards in this chapter and to all other applicable provisions of the UDC. Any building or structure rebuilt shall be located on the same location on the lot as the original building or structure and may be enlarged, provided the enlargement does not increase the building or structure's nonconformity to development standards set forth in this chapter and all other applicable provisions of the UDC.

Finding: The existing car wash (*Motor vehicle services*) use is considered a Continued Use; therefore, the proposed building addition shall conform to the development standards of this chapter and to all other applicable provisions of the UDC. The proposed addition does not increase the building's nonconformity, and as described in the findings, the addition to the car wash and the proposed building for the coffee stand will bring the site closer to conformity with the MU-III zone.

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: No new off-street parking is proposed and the vehicle maneuvering areas for the drive-through coffee stand and existing car wash will be located behind and beside their respective buildings from Commercial Street. No outdoor storage of merchandise is proposed. The proposed new building for the coffee stand includes a primary entrance facing the street. The coffee stand has a street facing façade area of 266 square feet and window coverage of

135 square feet, or 50 percent ($135 / 266 = 0.50$). The proposed building for the coffee stand meets the standards. As addressed in the Class 2 Adjustment criteria in Section 7, the existing car wash and proposed addition are not within the maximum setback; therefore, these standards are not applicable to that building.

General Development Standards (SRC 800)

SRC 800.040 – Special Setbacks

SRC 800.040 establishes special setbacks in order to allow for eventual street widening without creating nonconforming situations.

Finding: As described in the Boundary Streets section of the decision, boundary street improvements, including right-of-way dedication is not required for the proposed development. The streets abutting the property do not meet the minimum right-of-way width standards for their classification according to Table 803-1 (Right-of-way Width). Therefore, special setbacks apply to the proposed development pursuant to SRC 800.040.

Commercial Street SE – According to the Salem Transportation System Plan (TSP), this street is classified as a Major Arterial Street. The ultimate right-of-way width required for a Major Arterial Street is 96-feet and the existing right-of-way width is 85-feet. Therefore, a special setback equal to 48-feet from the centerline of Commercial Street SE applies to the subject property:

Condition 4: The development is subject to a special setback equal to 48-feet from the centerline of Commercial Street SE.

Judson Street SE – According to the Salem Transportation System Plan (TSP), this street is classified as a Local Arterial Street. The ultimate right-of-way width required for a local street is 60-feet and the existing right-of-way width is 50-feet. Therefore, a special setback equal to 30-feet from the centerline of Judson Street SE applies to the subject property:

Condition 5: The development is subject to a special setback equal to 30-feet from the centerline of Judson Street SE.

West Nob Hill Street SE – According to the Salem Transportation System Plan (TSP), this street is classified as a Local Street. The ultimate right-of-way width required for a Local Street is 60-feet and the existing right-of-way width is 40-feet. Therefore, a special setback equal to 30-feet from the centerline of West Nob Hill Street SE applies to the subject property:

Condition 6: The development is subject to a special setback equal to 30-feet from the centerline of West Nob Hill Street SE.

SRC 800.055 – 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: The proposed development does not include a new solid waste, recycling, or compostable service area; therefore, these standards are not applicable.

SRC 800.060 – Exterior Lighting

Exterior lighting shall not shine or reflect onto adjacent properties, or cause glare onto the public right-of-way. Exterior light fixtures shall be located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, shall be either completely shielded from direct view, or no greater than five-foot candles in illumination.

Finding: The development plans do not indicate any proposed new exterior lighting on the building or site.

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 construction of a new building for a drive-through coffee stand and an addition to an existing building; 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 site is a corner lot with the proposed coffee stand located near the corner abutting Commercial Street and Judson Street. The building includes a paved patio area in front and to the side abutting the streets with direct pedestrian connection within 20 feet of the building's primary entrance to Commercial Street; therefore, per SRC 800.065(a)(1)(C), the single connection to one of the streets meets the standard. Per SRC 800.065(a)(1)(C)(ii), a pedestrian connection is not required between the car wash and street as it is a service building not primarily intended for human occupancy.

- (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: Commercial Street SE is a transit route, however, there is not an 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: With the addition of the proposed coffee stand, there will be two buildings on the development site. Per SRC 800.065(a)(2)(iii), the existing car wash is considered a service building and not primarily intended for human occupancy; therefore, a pedestrian connection is not required between the two buildings.

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 or four or more consecutive drive aisles; 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 coffee stand building to Commercial Street is paved with a hard surface material and is not adjacent to a vehicle use area. The proposal meets the standard.

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 development plans do not indicate any additional exterior lighting; however, to ensure the on-site pedestrian circulation system is lighted to a level where it can be used at night by employees or customers, the following condition shall apply.

Condition 7: At time of building permit, provide a lighting plan indicating on-site lighting meeting the standards of SRC 800.065(c) and SRC 800.060.

SRC 802 – Public Improvements

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

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: The subject property abuts Commercial Street NE, Judson Street SE, and West Nob Hill Street SE. The streets surrounding the property do not meet the standards for right-of-way

and/or improvement width according to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). Pursuant to SRC 803.040(d)(1) and SRC 803.040(d)(2) boundary street improvements are not triggered due to the size of the proposed building and building addition. The existing street system is adequate to serve the proposed development.

SRC 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 Commercial Street SE and an existing driveway approach onto Judson Street SE. The existing driveway approaches serving the site meet the applicable sections of SRC Chapter 804 and do not warrant modification.

SRC 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: As shown on the applicant's site plan, the proposal does not cause a vision clearance obstruction per SRC Chapter 805.

SRC 806 – Off Street Parking, Loading and Driveways

Off Street Parking

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 a new drive-through coffee stand on property with an existing drive-through car wash. Per Table 806-1, an *Eating and drinking establishment* use is allowed one parking space per 175 square feet of gross building floor area. The proposed building has a finished floor area of 299 square feet, allowing two off-street parking spaces ($299 / 175 = 1.7$). The existing car wash (a *Motor vehicle services* use) and building addition will have a finished floor area of 1,081 square feet, allowing two off-street parking space ($1,086 / 600 = 1.81$). There are no existing spaces on the site and the proposal includes one off-street parking space, less than the maximum. This standard is met.

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

Finding: There are no existing compact parking spaces, and no new compact parking spaces are proposed.

- (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 development does not include any changes to the existing off-street parking and vehicle use area; therefore, these standards are not applicable.

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 – 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 development proposal includes the construction of a new building for an *Eating and drinking establishment* and an addition to an existing *Motor vehicle services* use; therefore, the bicycle parking standards of this section apply.

SRC 806.050 – Proximity of Bicycle Parking.

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: Per Table 806-9, an *Eating and drinking establishment* requires the greater of four spaces or one space per 1,000 square feet of gross building floor area. The proposed building for the coffee stand is 299 square feet; therefore, four spaces are required. A *Motor vehicle services* use requires a minimum of one space per 9,000 square feet. The existing car wash and building addition will have a finished floor area of 1,081 square feet; therefore, no bicycle parking is required for the car wash ($1,081 / 9,000 = 0.12$). The applicant's development plans indicate four bicycle parking spaces (e.g., two staple-style racks) will be provided by the coffee stand, and an additional two spaces (e.g., one staple-style rack) will be provided by the car wash, totaling six spaces. This 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 site plan indicates the proposed short-term bicycle parking is located within 50 feet of a primary entrance; therefore, this 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 to 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: The development plans indicate the proposed bicycle parking spaces meet the dimensional and access standards of this section. These standards are met.

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

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 development plans indicate staple-style, in-ground mounted racks will be provided. These standards are met.

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, an *Eating and drinking establishment or Motor vehicle services* use less than 5,000 square feet does not require an off-street loading space; therefore, this section is not applicable.

SRC 807 – 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 development site is 18,127 square feet, requiring a minimum 2,719 square feet of landscaping ($18,127 \times 0.15 = 2,719$), or 134 plant units ($2,719 / 20 = 134$), 40 percent of which must be trees ($134 \times 0.4 = 54.3$). The applicant's development plans indicate a proposed total of 3,435 square feet of new and existing landscaping within required setbacks, including 100 plant units as trees, for a total of 19 percent of site landscaping. The proposal meets the standards.

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: 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 the following trees unless undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

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

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

Finding: There is one 41-inch *dbh* elm tree along the north setback; however, no work is proposed in this area of the site. There are no other protected trees identified on the subject property and no trees are proposed for removal.

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 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 810 – Landslide Hazards

A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

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

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

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

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

Finding: The development site is served by an existing driveway approach onto Commercial Street SE and an existing driveway approach onto Judson Street SE. The existing driveway accesses provide for safe turning movements into and out of the property and modifications are not warranted per SRC Chapter 804 (Driveway Approaches).

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, subject to the conditions of approval established in this decision. 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) Exceed the maximum building setback abutting a street for the building addition, per SRC 535.015(c); and
- (2) To provide only landscaping within the first 10 feet of the setback for the coffee stand abutting the Judson Street side, per SRC 535.015(c).

Exceed the maximum building setback abutting a street for the building addition, per SRC 535.015(c)

The applicant has requested a Class 2 Adjustment to SRC 535.015(c), Table 535-3 Setbacks. Setbacks within the MUIII zone shall be provided as set forth in Tables 535-3 and 535-4. In accordance with Table 535-3, the minimum building setback abutting a street is five feet and the maximum allowed setback abutting a street is 30 feet, with the qualification that the setback area is used for a combination of landscaping and pedestrian amenities meeting the standards listed within the table.

The proposal is for an addition to an existing building housing a *Motor vehicle services* use, which is classified as a *continued use*. Per 535.010(b), buildings or structures housing a continued use may be structurally altered or enlarged, provided such alteration or enlargement complies with the standards set forth in SRC 535.015(f). SRC 535.015(f) stipulates that buildings housing a continued use may be structurally altered or enlarged, provided such alteration or enlargement conforms to the development standards of this chapter and all other applicable provisions of the UDC. As such, the existing building is allowed to expand, provided it meets all other standards of the zone and UDC, including the maximum setback to the street.

The proposal also includes a new coffee stand located at the front corner of Commercial and Judson Streets. The proposed building for the coffee stand is between 50 percent of the street-facing façade of the car wash and Commercial Street; therefore, per Table 535-3, the maximum setback does not apply to this side. Because the lot is a corner lot, however, the maximum setback is also applicable to the Judson Street side. Given the location of the existing building, which is more than 67 feet from the property line abutting Judson Street, it is infeasible to build up to the setback. The proposed addition will bring the building to within 52 feet of the property line abutting Judson Street.

The setback standards of the MU-III zone are intended to bring new buildings closer to the street front while providing amenities to improve the pedestrian experience. With the proposed coffee stand and seating area at the front corner of the site, the applicant has demonstrated they are equally meeting the intent of the zoning standards by creating a more pedestrian-friendly development within the confines of the existing vehicle-oriented use on the property. Furthermore, the applicant has proposed nearly 42 percent of ground floor window coverage to the façade of the addition of the car wash facing Judson Street, creating greater visual interest from the street. As proposed, the building addition and overall site improvements bring the site closer to conformity with the development standards of the MU-III zone, equally meeting the intent of the standard, and is in compliance with this criterion.

To provide only landscaping within the first 10 feet of the setback for the coffee stand abutting the Judson Street side, per SRC 535.015(c)

The applicant has requested a second Class 2 Adjustment to the maximum setback abutting a street for the proposed coffee stand and Judson Street. The proposed building is located 19 feet from the property line abutting Judson Street and is within the maximum setback, which requires up to the first ten feet of the setback area be used exclusively for pedestrian amenities and at least 50 percent of the remaining be landscaped. Due to the notched corner of Commercial and Judson streets and the location of an existing freestanding sign and landscaping, it is infeasible to use the first ten feet of the setback area for a pedestrian amenity. As shown on the applicant's site plan, the front setback area abutting the Commercial Street side does provide a pedestrian plaza for outdoor seating, which does partially wrap around the corner toward the Judson Street side. With the proposed coffee stand and pedestrian plaza and seating area at the front corner of the site, the applicant has demonstrated they are equally meeting the intent of the zoning standards by creating a more pedestrian-friendly development within the confines of the existing vehicle-oriented use on the property. As proposed, the coffee stand and overall site improvements bring the site closer to conformity with the development standards of the MU-III zone, equally meeting the intent of the standard, and is in compliance with this criterion

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 an MU-III (Mixed Use) zone; therefore, this 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 8: The adjusted setbacks, 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.

10. Conclusion

Based upon review of SRC Chapters 220, 250, and 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-ADJ25-02 is hereby **APPROVED** subject to SRC Chapters 220, 250, and 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: Prior to issuance of a building permit, the applicant shall submit a grading plan that details the limits and depth of disturbance of existing impervious surface required to accommodate the proposed development. If the new or replaced impervious surface exceeds 5,000 square feet, the applicant shall modify their plans to include Green Stormwater Infrastructure pursuant to SRC SRC 71.090.

Condition 2: Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS)*.

Condition 3: Prior to building permit, provide the right-of-way acquisition deeds necessary to determine whether the property is one unit of land or four separate platted

lots. If it is determined the property is four separated platted lots, consolidation via replat will be required.

- Condition 4:** The development is subject to a special setback equal to 48-feet from the centerline of Commercial Street SE
- Condition 5:** The development is subject to a special setback equal to 30-feet from the centerline of Judson Street SE.
- Condition 6:** The development is subject to a special setback equal to 30-feet from the centerline of West Nob Hill Street SE.
- Condition 7:** At time of building permit, provide a lighting plan indicating on-site lighting meeting the standards of SRC 800.065(c) and SRC 800.060.
- Condition 8:** The adjusted setbacks, 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.

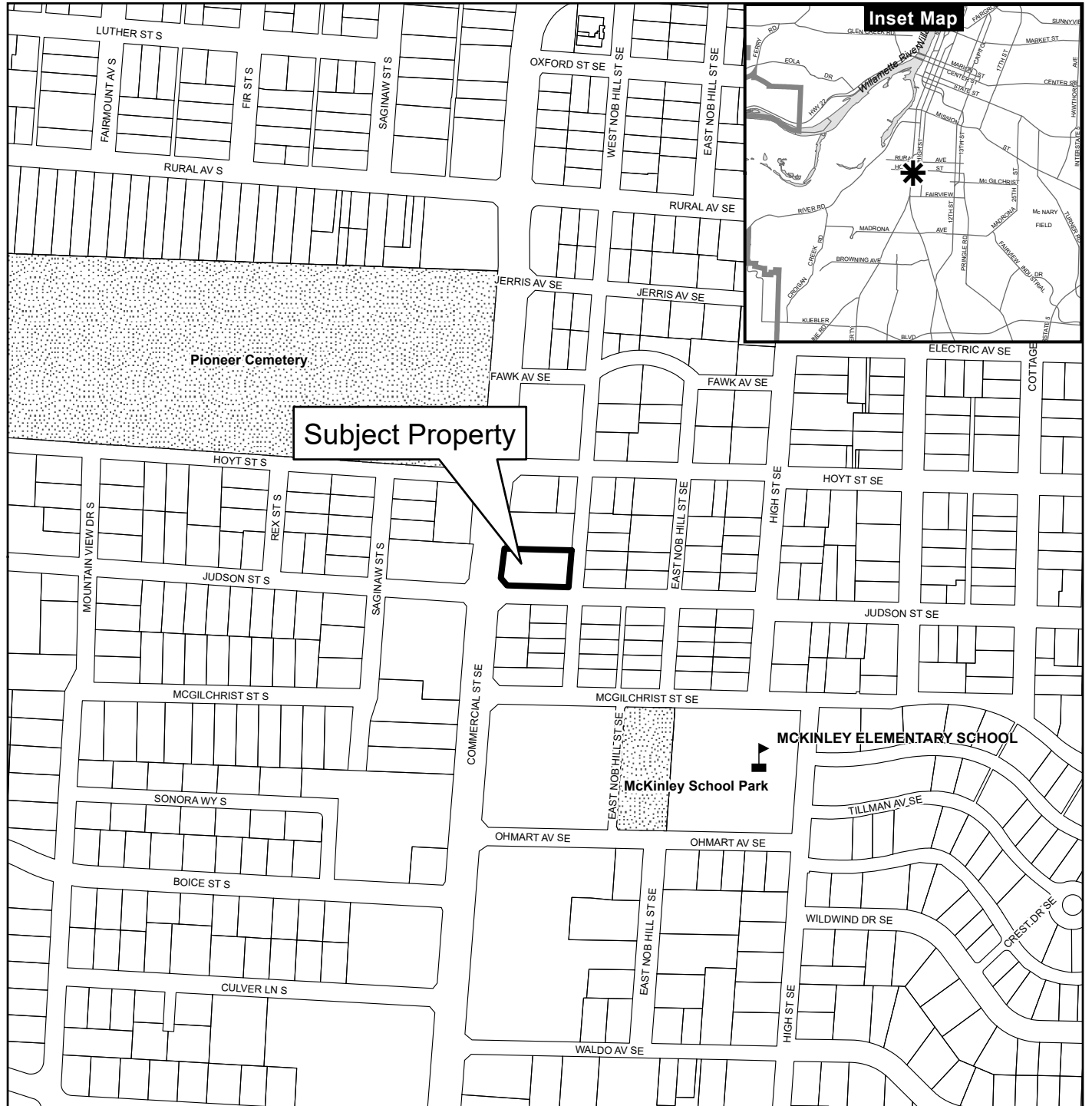


Peter Domine, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

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

Vicinity Map

2390 Commercial Street SE



Legend

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

Parks

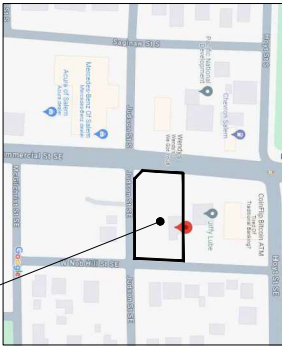
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Community Planning and Development

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0 100 200 400 Feet

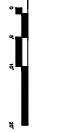


VICINITY MAP
SCALE: NOT TO SCALE



PROJECT LOCATION
2390 Commercial St SE,
Salem OR 97302

**PROPOSED
SITE PLAN**



**PROPOSED COFFEE KIOSK AND CAR WASH FOR
BIG RED CARWASH
2390 Commercial St SE, Salem OR 97302**

DRAWING INDEX

SPR1	PROPOSED SITE PLAN
SPR2	EXISTING CONDITIONS PLAN
SPR3	UTILITY PLAN
SPR4	PROPOSED LANDSCAPE PLAN
SPR5	BUILDING ELEVATIONS
SPR6	SITE CIRCULATION PLAN

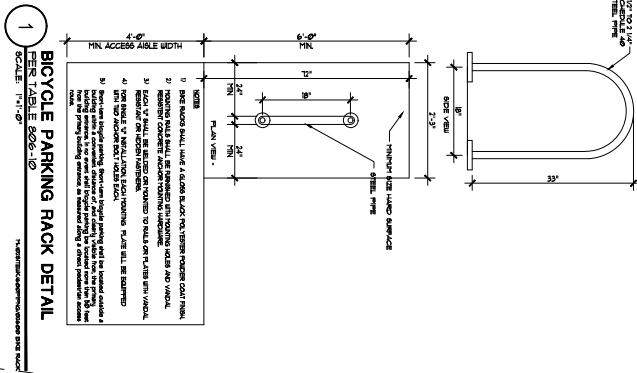
CODE SUMMARY

CODE:	2072	096C
OCG:	B	
CONST:	V-B	
ALLOW AREA:	9,000#	5,998# OK
SPRINKLERS:	NO	

SITE SUMMARY

2390 COTTERELL ST SE, SALEM OREGON 97302
 TAX ACCOUNT: 565624
 TAXLOT NUMBER: 0733AC09300
 ZONING: PL-III - MIXED USE III
 NEW BUILDING HEIGHT: 22'
 ACRES: 0.071 (±) 4.3 AC
EXISTING LANDSCAPE: 3435 SF
EXISTING BUILDING FOOTPRINT (1 BLDG): 1500 SF
NEW BUILDING FOOTPRINT (2 BLDGS): 1035 SF
 TOTAL BUILDING FOOTPRINT: 12371 SF
 HARD SURFACE: 12665 SF

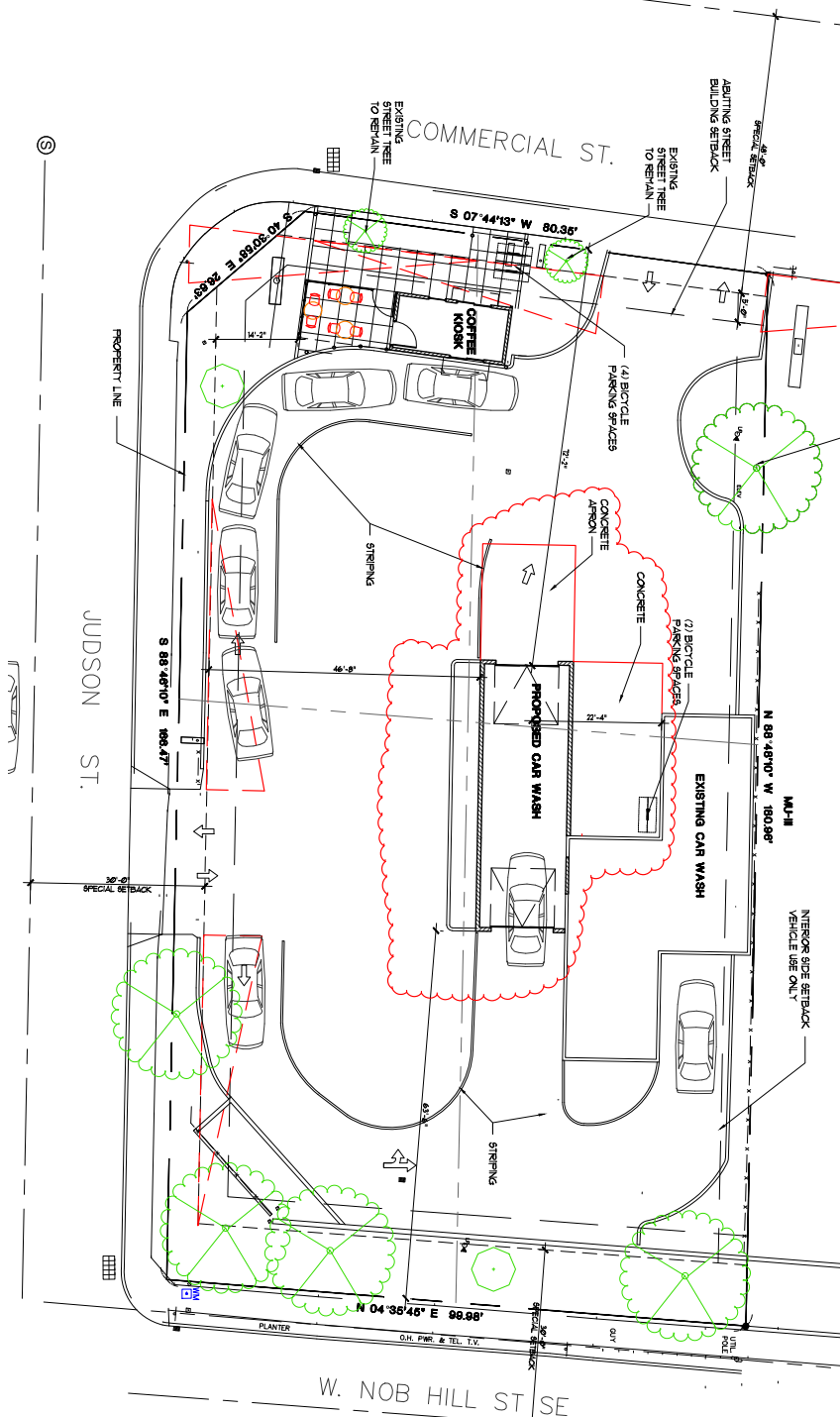
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 - 12.5%
 - 66%



BICYCLE PARKING RACK DETAIL
PER TABLE 806-10

THE OFFICIAL RECORD OF THE

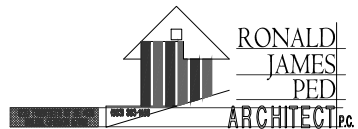
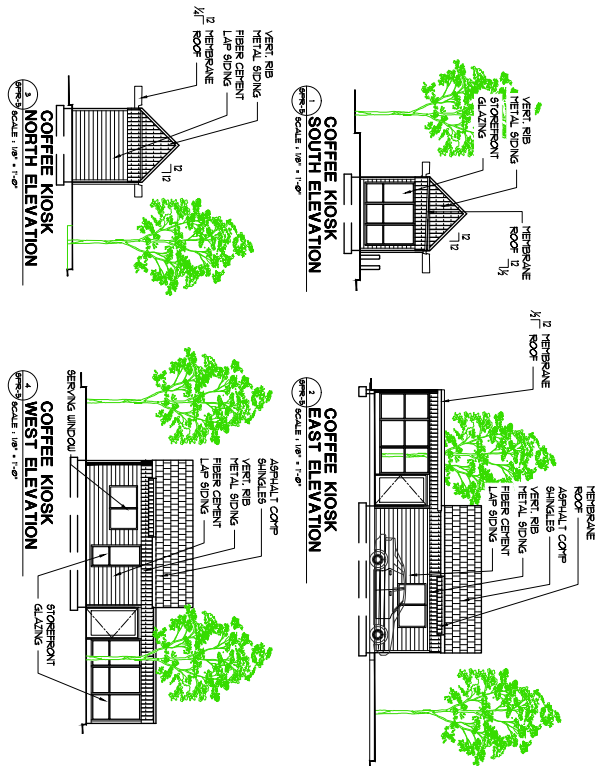
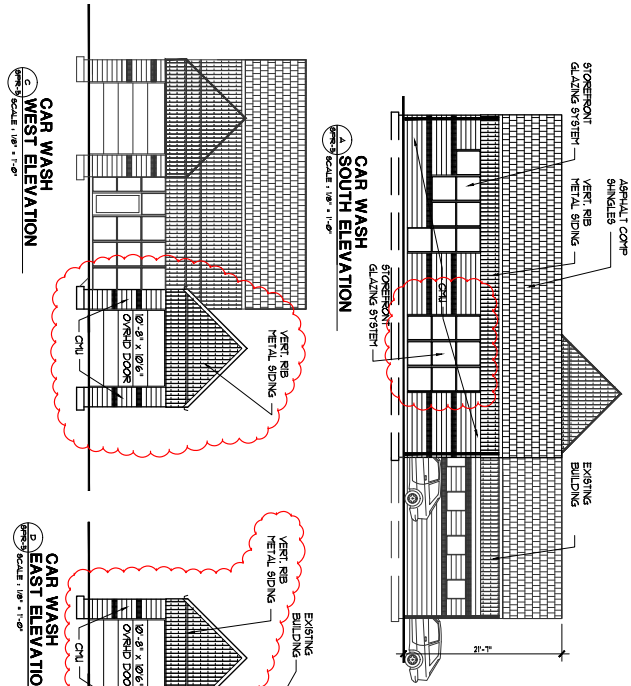
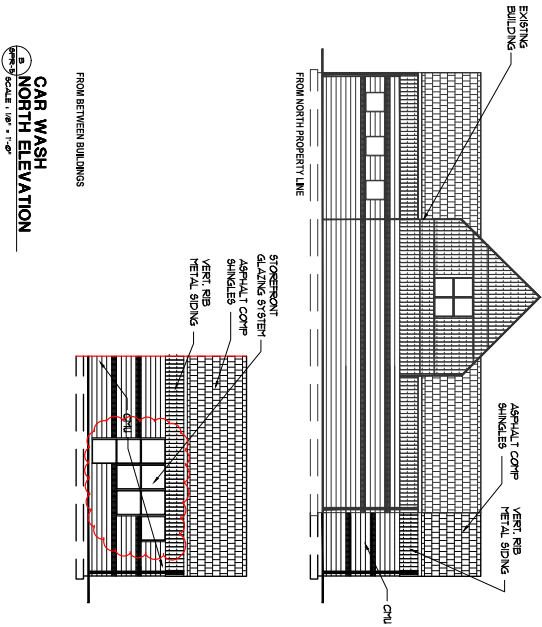
VISION CLEARANCE



DATE: 23 APR 2006
 TIME: 12:00
 JC# NO: 2367

NEW COFFEE KIOSK AND CAR WASH
BIG RED CAR WASH
 2390 COMMERCIAL ST SE, SALEM, OR 97302

RONALD
JAMES
PED
ARCHITECT P.C.





MEMO

TO: Peter Domine, Planner II
Community Planning and Development Department

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

DATE: February 13, 2025

SUBJECT: Infrastructure Memo
SPR-ADJ25-02 (24-123196-PLN)
2390 Commercial Street SE
Car Wash Addition and Coffee Stand

PROPOSAL

A Class 3 Site Plan Review for an addition to an existing car wash and development of a new coffee stand. The consolidated application includes two Class 2 Adjustments. The subject property is 0.42-acres in size, zoned MU-III (Mixed Use III) and located at 2390 Commercial Street SE (Marion County Assessors Map and Tax Lot Number 073W34CA / 3900).

RECOMMENDED CONDITIONS OF APPROVAL

1. Prior to issuance of a building permit, the applicant shall submit a grading plan that details the limits and depth of disturbance of existing impervious surface required to accommodate the proposed development. If the new or replaced impervious surface exceeds 5,000 square feet, the applicant shall modify their plans to include Green Stormwater Infrastructure pursuant to SRC SRC 71.090.
2. Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).
3. The development is subject to a special setback equal to 48-feet from the centerline of Commercial Street SE.
4. The development is subject to a special setback equal to 30-feet from the centerline of Judson Street SE.
5. The development is subject to a special setback equal to 30-feet from the centerline of West Nob Hill Street SE.

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).

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
Commercial St SE (Major Arterial)	Standard:	96-feet	68-feet
	Existing Condition:	85-feet	72-feet
Judson St SE (Local)	Standard:	60-feet	30-feet
	Existing Condition:	50-feet	34-feet
West Nob Hill St SE (Local)	Standard:	60-feet	30-feet
	Existing Condition:	40-feet	24-feet

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

Utilities & Parks	
Type	Existing Conditions
Water	Water Service Level: S-1
	A 12-inch water main is located in Commercial Street SE.
	A 10-inch water main is located in West Nob Hill Street SE.
Sanitary Sewer	A 10-inch sanitary sewer main is located in Judson Street SE.
	An 8-inch sanitary sewer main is located in West Nob Hill Street SE.
Storm Drainage	A 24-inch storm main is located in Commercial Street SE.
	An 8-inch storm main is located in Judson Street SE.

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: Pursuant to SRC 71.090, "large projects" are required to provide stormwater management through the use of Green Stormwater Infrastructure (GSI). Per SRC 70.005, "large projects" are defined as development projects which includes 5,000 square feet or more of new or replaced impervious surfaces. The applicant provided a written statement indicating that the proposed development would not be considered a "large project" requiring GSI; however, a grading plan submitted with the building permit application shows the development will include over 5,000 square feet of new and replaced impervious surfaces (24-125119-BP). The removal and replacement of the asphalt surface appears to be necessary for regrading of the site to accommodate the new development; this would require GSI per SRC 71.090 and no area has been provided on the plans for stormwater management. It is recommended that the applicant submit a grading plan demonstrating the limits and depth of the disturbance to determine whether or not GSI is required. If GSI is required, the applicant shall modify the site plans to include GSI for stormwater management. In order to comply with SRC Chapter 71 relating to stormwater management, the following conditions apply:

Condition: Prior to issuance of a building permit, the applicant shall submit a grading plan that details the limits and depth of disturbance of existing impervious surface required to accommodate the proposed development. If the new or replaced impervious surface exceeds 5,000 square feet, the applicant shall modify their plans to include Green Stormwater Infrastructure pursuant to SRC SRC 71.090.

Condition: Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

SRC 800 – General Development Standards:

▪ ***Special Setbacks:***

SRC 800.040 establishes special setbacks in order to allow for eventual street widening without creating nonconforming situations.

Finding: As described in the Boundary Streets section of the decision, boundary street improvements, including right-of-way dedication is not required for the proposed development. The streets abutting the property do not meet the minimum right-of-way width standards for their classification according to Table 803-1 (Right-of-way Width). Therefore, special setbacks apply to the proposed development pursuant to SRC 800.040.

Commercial Street SE – According to the Salem Transportation System Plan (TSP), this street is classified as a Major Arterial Street. The ultimate right-of-way width required for a Major Arterial Street is 96-feet and the existing right-of-way width is 85-feet. Therefore, a special setback equal to 48-feet from the centerline of Commercial Street SE applies to the subject property:

Condition: The development is subject to a special setback equal to 48-feet from the centerline of Commercial Street SE.

Judson Street SE – According to the Salem Transportation System Plan (TSP), this street is classified as a Local Arterial Street. The ultimate right-of-way width required for a local street is 60-feet and the existing right-of-way width is 50-feet. Therefore, a special setback equal to 30-feet from the centerline of Judson Street SE applies to the subject property:

Condition: The development is subject to a special setback equal to 30-feet from the centerline of Judson Street SE.

West Nob Hill Street SE – According to the Salem Transportation System Plan (TSP), this street is classified as a Local Street. The ultimate right-of-way width required for a Local Street is 60-feet and the existing right-of-way width is 40-feet. Therefore, a special setback equal to 30-feet from the centerline of West Nob Hill Street SE applies to the subject property:

Condition: The development is subject to a special setback equal to 30-feet from the centerline of West Nob Hill Street SE.

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: The subject property abuts Commercial Street NE, Judson Street SE, and West Nob Hill Street SE. The streets surrounding the property do not meet the standards for right-of-way and/or improvement width according to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). Pursuant to SRC 803.040(d)(1) and SRC 803.040(d)(2) boundary street improvements are not triggered due to the size of the proposed building and building addition. The existing street system is adequate to serve the proposed 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 Commercial Street SE and an existing driveway approach onto Judson Street SE. The existing driveway approaches serving the site meet the applicable sections of SRC Chapter 804 and do 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: As shown on the applicant's site plan, 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: The development site is served by an existing driveway approach onto Commercial Street SE and an existing driveway approach onto Judson Street SE. The existing driveway accesses provide for safe turning movements into and out of the property and modifications are not warranted per SRC Chapter 804 (Driveway Approaches).

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

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

RESPONSE TO COMMENTS

- 1. Vehicle Congestion and Site Access:** Comments received from the Neighborhood Association express concerns for vehicle queuing into the development site and the proposed car wash and coffee kiosk. The comments express concerns for vehicle queuing to extend into the adjacent public right-of-ways.

Staff Response: The development site is served by two existing driveway approaches; one onto Commercial Street SE and one onto Judson Street SE. No changes to existing access are proposed and none are required per *SRC Chapter 804 – Driveway Approaches*. There are no standards within the Salem Revised Code which speak to vehicle queuing on-site. However, the applicant has provided a site plan that shows vehicle queuing space for both the additional car wash bay and the coffee kiosk. All vehicle queuing is expected to remain on-site. Obstructions to vehicle travel in the public right-of-way are a Traffic Violation Enforcement Issue.

The Neighborhood Association requests that the driveway approach onto Commercial Street be limited to right-turn and exit only; however, there are no standards which would require the applicant to reconfigure the driveway approach to be one-way. The Neighborhood Association also requests that signage be placed in the right-of-way that limits stopping in the travel lane along Judson Street SE, to ensure vehicle turning movements at the intersection are not blocked. However; there are no standards which would require the applicant to provide this type of signage in the right-of-way. The applicant has provided vehicle queuing space on-site. Any vehicle queuing in the public right-of-way would be subject to a Traffic Violation enforced by the Police Department.

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