

NOTICE OF DECISION

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

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 2 SITE PLAN REVIEW

APPLICATION NO.: 25-105398-PLN

NOTICE OF DECISION DATE: March 24, 2025

REQUEST: A Class 2 Site Plan Review for interior and exterior improvements and a change of use to Retail Sales. The subject property is 13,939 square feet in size, zoned MU-III (Mixed Use III) located at 3170 Market Street NE (Marion County Assessors Map and Tax Lot number: 073W24AC / 3100).

APPLICANT: Adnan Kamati of behalf of the owner Mohit Mehmi

LOCATION: 3170 Market Street NE

FINDINGS: The findings are in the attached Decision dated March 24, 2025.

DECISION: The **Planning Administrator APPROVED** the application based upon the submitted materials and the findings as presented in the decision.

The rights granted by the attached decision, which are effective as of the date of this decision, must be exercised by March 24, 2029, or this approval shall be null and void.

Case Manager: Abigail Pedersen, Planner I, apedersen@cityofsalem.net, 503-540-2309

This decision is final; there is no local appeal process. Any person with standing may appeal this decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301, **not later than 21 days after MARCH 24, 2025**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The following items are submitted to the record: 1) All materials and evidence submitted by the applicant, including any applicable professional studies; and 2) All materials, evidence, and comments from City Departments and public agencies. The application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. To view the materials without registering, you may use the search function and enter the permit number listed here: 25 105398.

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
CLASS 2 SITE PLAN REVIEW)
25-105398-PLN)
3170 MARKET STREET SE) MARCH 24, 2025

In the matter of the application for a Class 2 Site Plan Review, the Planning Administrator, having received and reviewed the evidence and application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

A Class 2 Site Plan Review for interior and exterior improvements and a change of use to Retail Sales. The subject property is 13,939 square feet in size, zoned MU-III (Mixed Use III) located at 3170 Market Street NE (Marion County Assessors Map and Tax Lot number: 073W24AC / 3100).

PROCEDURAL FINDINGS

1. On March 6, 2025, an application for a Class 2 Site Plan Review was submitted for property located at 3170 Market Street.
2. The application was deemed complete on March 14, 2025.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed Class 2 Site Plan Review affects property located at the 3170 Market Street NE (**Attachment A**). The Class 2 Site Plan Review proposes a 195 square foot addition, to an existing building 1,100 square foot building for a Retail Sales use. They are proposing changes to the vehicle use area as well as adding landscaping, pedestrian connections and bicycle parking. The proposed development plans are included as **Attachment B**.

2. City Department Comments

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

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

Salem Fire Department – Reviewed the proposal and indicated no concerns.

DECISION CRITERIA FINDINGS

3. Analysis of Class 2 Site Plan Review Approval Criteria

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

Pursuant to SRC 220.005(b)(2), Class 2 Site Plan Review is required for any development that requires a building permit, other than development subject to Class 1 Site Plan Review, and that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

SRC 220.005(f)(2) provides that an application for Class 2 Site Plan Review shall be granted if:

(a) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.

Finding: Only clear and objective standards apply to the proposed development. Complete findings addressing the proposal's conformance with these standards are included within the findings addressing approval criterion SRC 220.005(f)(2)(B) below. This approval criterion is met.

(b) The application meets all the applicable standards of the UDC.

Finding: The proposal is for the alteration of an existing building and vehicle use areas as well as a change of use. The subject property is zoned MU-III (Mixed Use III); therefore, the proposed development is subject to the use and development standards of the MU-III (Mixed Use III) zone, SRC Chapter 535. The following is a summary of the applicable use and development standards of the MU-III zone.

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

SRC 535.010(a) – Uses:

The permitted, special, conditional, and prohibited uses in the MU-III zone are set forth in Table 535-1.

Finding: The proposal includes construction of a 195 square foot addition on an existing 1,100 square foot building on site for the operation of a Retail Sales use. Associated improvements to the off-street parking area, pedestrian access, and landscaping are also proposed. Retail Sales uses are permitted uses in the MU-III zone.

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.

- (1) Building 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 535.015(f).

- (2) 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 application establishes a Retail Sales use; therefore, this standard does not apply.

SRC 535.010(c) – Adaptive reuse of existing industrial buildings and structures:

In order to allow for greater flexibility in 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.

- (1) *Uses.* Any use within the industrial use classification that is a permitted, special, or conditional use within the General Industrial (IG) Zone shall be a permitted, special, or conditional use within an existing industrial building or structure within the area shown in Figure 535-1.
- (2) *Development standards; design review.* The exterior of the existing industrial building or structure may be altered, but shall not be enlarged. The exterior alteration shall comply with all applicable standards of the IG Zone. The exterior alteration shall not be subject to the development standards, or the design review guidelines or the design review standards, of this chapter.
- (3) *Termination.* Adaptive reuse of an existing industrial building or structure shall terminate as provided in this subsection. When the adaptive reuse of an existing industrial building or structure has terminated, the property shall thereafter only be used for uses allowed in the MU-III zone.
 - (A) Change of use to any use that is allowed in the MU-III zone shall terminate the adaptive reuse of the building or structure.
 - (B) Determination by the Building Official that the building or structure is derelict or dangerous, as defined in SRC [50.600](#) and [56.230](#), shall terminate the adaptive reuse of the building or structure.
 - (C) Substantial damage or destruction of the building or structure by any cause, to the extent that the cost of repair or restoration would exceed 60 percent of the building or structure replacement cost using new materials and conforming to the current building codes, shall terminate the adaptive reuse of the building or structure. Cost of repair or restoration, and replacement cost, shall be determined by the Building Official. The Building Official's determination is appealable as provided in SRC [20J.240](#) through [20J.430](#) for contested case proceedings.

Finding: The application establishes a Retail Sales use; therefore, this standard does not apply.

SRC 535.015(a) – Lot Standards:

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

Finding: There is no minimum lot size, lot width or lot depth for all uses in the MU-III zone. The minimum street frontage requirement for retail use is 16 feet. The existing lots comply with the minimum lot standards of the MU-III zone and no changes to the lot size or dimensions are proposed.

SRC 535.015(b) – Dwelling unit density:

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

Finding: The application establishes a Retail Sales use; therefore, this standard does not apply.

SRC 535.015(c) – Setbacks:

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

Abutting Street

North: The subject property is adjacent to Market Street NE to the north. There is a minimum five-foot setback for all buildings and maximum setback of 30-feet for new buildings. Vehicle use areas shall meet permitter setbacks and landscaping per SRC Chapter 806.

East: The subject property is adjacent to Savage Road NE to the east. There is a minimum five-foot setback for all buildings and maximum setback of 30-feet for new buildings. There is a Vehicle use areas shall meet permitter setbacks and landscaping per SRC Chapter 806.

Finding: The proposed addition is south of the existing building and is approximately 78 feet from Savage Road NE meeting the five-foot required setback. The existing building meets the minimum setbacks but do not meet the maximum setbacks and landscape and pedestrian amenities the building is existing non-conforming.

Interior Side and Rear

South: The subject property is adjacent to a MU-III zone to the south. There is no minimum setback for buildings and a minimum five-foot vehicle use area setback, landscaped to Type A standards, required adjacent to Mixed-Use zoned property.

West: The subject property is adjacent to a MU-III zone to the west. There is no minimum setback for buildings and a minimum five-foot vehicle use area setback, landscaped to Type A standards, required adjacent to Mixed-Use zoned property.

Finding: The proposed addition has no required setback to the property lines abutting the adjacent properties. The proposed site plan shows the vehicle use area five feet from the abutting properties and providing landscaping. Landscaping shall be reviewed for compliance with Type A standards upon building permit.

SRC 533.015(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 requirement for all uses in the MU-III zone and the maximum building height allowance is 70 feet. The applicant's building elevations indicate that the new portions of the building are less than 10 feet in height. This standard is met.

SRC 535.015(e) - Landscaping:

- (1) *Setbacks.* Setbacks, except setback areas abutting a street that provide pedestrian amenities, shall be landscaped to conform to the following standards:
 - (A) The required setback abutting a street for development that is exclusively residential shall meet the standard of a minimum of one plant unit per 16 square feet of landscaped area. Landscaping shall conform to the standards set forth in SRC chapter 807.
 - (B) For all other 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 [chapters 806](#) and 807.
- (3) *Development Site.* A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards 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. The landscaped area shall conform to the standards set forth in SRC chapter 807.

Finding: Since the proposed use is not residential setbacks shall be landscaped to the standards of 807. The proposed addition has no required setback to the property lines abutting the adjacent properties. Vehicle use areas shall be landscaped to type standards in 806 and 807. The development site is required to have a minimum of 15 percent be landscaped to Type A standards. The site plan shows the site is proposed to have a minimum of 15 percent be landscaped to type A standards. The landscaping shall be reviewed upon building permit.

SRC 535.015(f) - Development standards for continued uses

- (1) *Buildings.* 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; or
- (2) *Option to rebuild in same location.* 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 application establishes a Retail Sales use; therefore, this standard does not apply.

SRC 535.015(g) - Pedestrian-oriented design. Development within the MU-III zone, excluding development requiring historic design review and multiple family development, shall conform to the pedestrian-oriented design standards set forth in this section. Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

- (1) *Off-street parking location.* New off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. New

off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

- (2) *Drive through location.* New drive throughs shall be located behind or beside buildings and structures.
- (3) *Outdoor storage.* Outdoor storage of merchandise located within 50 feet of the right-of-way shall be screened with landscaping or a site-obscuring fence or wall.
- (4) *Building entrances:* For buildings within the maximum setback abutting a street, a primary building entrance for each building facade facing a street shall be facing the street. If a building has frontage on more than one street, a single primary building entrance on the ground floor may be provided at the corner of the building where the streets intersect.
- (5) *Ground-floor windows.* For buildings within the maximum setback abutting a street, ground floor building facades facing that street shall include transparent windows on a minimum of 50 percent of the ground floor facade. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.

Finding: The off-street parking location is existing therefore the location is allowed to continue. No drive throughs or outdoor storage is proposed. The building is existing and is outside of the maximum setback therefore the primary entrances and ground floor window regulations do not apply. These standards have been met.

General Development Standards (SRC Chapter 800)

SRC 800.055(a) – Applicability.

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

Finding: The proposed development does not includes a new solid waste service area. The standards of SRC 800.055 apply.

SRC 800.065 – Pedestrian Access.

Except where pedestrian access standards are provided elsewhere under the UDC, and unless otherwise provided in this section, all developments, other than development of single-family, two-family, three-family, and four-family uses, and multiple family uses subject to SRC chapter 702, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section. For purposes of this section development means the construction of, or addition to, a building or accessory structure or the construction of, or alteration or addition to, an off-street parking or vehicle use area. Development does not include construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area. Development also does not include the installation of electric vehicle charging stations in existing approved parking lots or vehicle use areas.

Finding: The proposal includes the alteration of an existing vehicle use area therefore these standards apply to the proosed development.

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

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

Finding: Direct pedestrian access is proposed to be provided from the building to Market Street NE and to Savage Road NE. This standard is met.

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

Finding: Direct pedestrian access is provided from the building to Market Street NE within 20 feet of the existing bus stop for Cherriots. This standard is met.

SRC 800.065(a)(2) – Pedestrian Connection Between Buildings on same Development Site
Where there is more than one building on a development site, a pedestrian connection(s), shall be provided to connect the primary building entrances of all of the buildings.

Finding: The proposed building is the only building on the development site; therefore, this standard is not applicable.

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

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

Finding: The proposed off-street parking area is less than 25,000 square feet in size and does not include four or more consecutive parallel 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; 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 are no planned paths or trails passing through the development site; therefore, this standard is not applicable.

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

Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided. A pedestrian connection is not required, however:

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

Finding: The development site does not include a vehicular connection to an abutting property; 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 pedestrian connections proposed measure at least five feet in width in all locations. The proposed site plan shows that the pedestrian connections that cross the driveways shall provided speed bumps. This standard has been met.

SRC 800.065(c) – Lighting.

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

Finding: The applicant has provided that shall be lighted to a level where the system can be used at night by employees, customers, and residents, meeting the standard.

Off-Street Parking, Loading, and Driveways (SRC Chapter 806)

SRC 806.015 – Amount Off-Street Parking.

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

Finding: The proposal includes the restriping of a vehicle use areas for a Retail Sales use. The building including the addition will be approximately 1,295 square feet. Retail sales permits one off-street parking space for every 200 square feet meaning a maximum of six parking spaces would be permitted ($1,295/200=6.4$). The proposed site plan shows three proposed parking spaces; therefore, this standard has been met.

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

Finding: No spaces are proposed to be compact; therefore, this standard is not applicable.

- (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 development has less than 60 off-street 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 development does not include residential uses; 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 does not include new pavement however the alteration of a vehicle display area to off-street parking creates a new off-street parking area; therefore, this section is applicable.

- (b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- (c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

Finding: The proposal includes a new off-street parking area on an existing paved area. The pavement is existing therefore it is not required to meet setbacks. The proposal includes providing a five-foot setback landscaped to type A standards. The parking is not proposed in the required five-foot setback. This standard has been met.

- (d) *Interior Landscaping.* Vehicle use areas greater than 5,000 square feet in size require interior landscaping. Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area.

Finding: The paved area is existing, and the area being converted to an off-street parking area is less than 5,000 square feet in size; therefore, this standard does not apply.

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

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

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

- (f) *Off-street parking area access and maneuvering.* In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:
 - (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
 - (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-7.

Finding: The proposed off-street parking spaces are designed to allow safe and convenient access through the new vehicle use area, there is adequate space to provide maneuvering as to not require turnaround areas.

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

Finding: The paving is existing; therefore, this standard does not apply.

- (h) *Surfacing.* Off-street parking and vehicle use areas shall be paved with a hard surface material; provided, however, up to two feet of the front of a parking space may be landscaped with ground cover plants (see Figure 806-10). Such two-foot landscaped area may count towards meeting interior off-street parking area landscaping requirements when provided abutting a landscape island or planter bay with a minimum width of five feet, but shall not count towards meeting perimeter setbacks and landscaping requirements. Paving is not required for:
- (1) Outdoor storage areas within the IG zone.
 - (2) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
 - (3) Gravel off-street parking areas, approved through a conditional use permit.

Finding: the off-street parking area is proposed on an existing paved area; therefore, this standard is met.

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

Finding: The paving is existing; therefore, this standard does not apply.

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

Finding: The proposed off-street parking spaces have proposed bumper guards for all three proposed parking spaces.

- (k) *Off-street parking area striping.* Off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6; provided, however, off-street parking area striping shall not be required for:
- (1) Vehicle storage areas.
 - (2) Vehicle sales display areas.
 - (3) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC [chapter 701](#).
 - (4) Gravel off-street parking areas, approved through a conditional use permit.

Finding: The proposed off-street parking spaces have proposed striping meeting the standard.

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

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

Finding: No signage is required; therefore, this standard does not apply.

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

Finding: Lighting was not included in this proposal; therefore, this standard does not apply.

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

Finding: The proposal does not include new off-street surface parking areas more than one-half acre; therefore, this standard does not apply.

Bicycle Parking

SRC 806.045 – General Applicability.

- (a) 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.

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

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

SRC 806.055 – Amount of Bicycle Parking.

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

Finding: The proposal is for a new Retail Sales use in a building approximately 1,295 square feet in size. Retail sales require the greater of four spaces or one per 10,000 square feet for first 50,000 square feet. Four bicycle parking spaces are required ($1,295/10,00 = .13 < 4$). The site plan is proposing four bicycle parking spaces meeting the standard.

SRC 806.060 - Bicycle Parking Development Standards.

Bicycle parking areas shall be developed and maintained as set forth in this section.

(a) Location.

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

Finding: The site plan indicates the proposed bicycle parking is within 50 feet of and clearly visible from 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 through the proposed pedestrian pathways, free of obstruction or barriers, in conformance with the requirements of SRC 806.060(b).

(c) Dimensions. All bicycle parking areas shall meet the following dimension requirements:

(1) Bicycle parking spaces. Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.

(2) Access aisles. Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Finding: Bicycle parking spaces shall be a minimum of six feet in length and one and half feet in width when the proposed bicycle racks are side-by-side. The proposed bicycle parking spaces are the length of each proposed stall is at least six feet, while the width is at least two feet wide. The applicant is also providing a four-foot-wide access aisle; therefore, the standard is met.

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

Finding: The proposed bicycle parking spaces are placed on a hard surface material; therefore, the standard is met.

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

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

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

Off-Street Loading Areas

SRC 806.065 – General Applicability.

- (a) 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.
- (b) *Applicability to nonconforming off-street loading area.* When off-street loading is required to be added to an existing off-street loading area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

SRC 806.070 – 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 use is Retail Sales in a building less than 5,000 square feet, which means no off-street loading area is required.

Landscaping (SRC Chapter 807)

A minimum of 15 percent of the area 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: Approximately 2,428 square feet of landscape area is proposed for the subject property, requiring a minimum of 121 plant units ($6,022 / 20 = 121.4$). Of the required plant units, a minimum of 49 plant units shall be trees ($121 \times 0.4 = 48.56$).

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

City Infrastructure Standards

SRC Chapter 200 – Urban Growth Management

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

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

SRC Chapter 71 – Stormwater

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

Finding: The applicant shall be required to design and construct a storm drainage system in compliance with SRC Chapter 71 and PWDS at the time of development. The application shall provide an evaluation of the connection to the approved point of meet current standards for its classification of street per the *Salem Transportation System Plan* for right-of-way width. The proposal will convert an existing structure to a Convenience Store and includes a 175-square-foot addition to the existing 1,105 sq. ft. structure. Pursuant to SRC 803.040(d)(3), the building addition does not result in enlargement of the structure in excess of 50-percent the gross building area. Therefore, boundary street improvements, including right-of-way dedication, are not required (Pursuant to SRC 803.040(d)(3)). As described above, the property is subject to a special setback equal to 48-feet from the centerline of Market Street NE to allow for future street widening. The existing street system is adequate to serve the proposed development.

SRC Chapter 802 – Public Improvements

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

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

Utilities	
Type	Existing Conditions
Water	Water Service Level: G-0
	A 10-inch water main is located in Market Street NE.
	A 6-inch water main is located in Savage Road NE.
Sanitary Sewer	A 10-inch sanitary sewer main is located in Market Street NE.
	An 8-inch sanitary sewer main is located in Savage Road NE.
Storm Drainage	18-inch storm mains are located in Market Street NE and Savage Road NE.

Finding: The water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development. At time of building permit review, 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. Construction plans shall be approved and secured per SRC Chapter 77 prior to building permit issuance, and the improvements shall be completed and accepted to the satisfaction of the Public Works Director prior to occupancy.

SRC Chapter 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 requirements for certain development.

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

Streets			
Street Name		Right-of-way Width	Improvement Width
Market Street NE (Major Arterial)	Standard:	96-feet	68-feet
	Existing Condition:	80-feet	68-feet
Savage Road NE (Collector)	Standard:	60-feet	34-feet
	Existing Condition:	64-feet	44-feet

Finding: The subject property abuts Market Street NE along the northern property boundary; this street is classified as a major arterial street according to the Salem Transportation System Plan (TSP). The existing condition of Market Street NE does not meet current standards for its classification of street per the Salem Transportation System Plan for right-of-way width. The proposal will convert an existing structure to a Convivence Store and includes a 175-square-foot addition to the existing 1,105 sq. ft. structure. Pursuant to SRC 803.040(d)(3), the building addition does not result in enlargement of the structure in excess of 50-percent the gross building area. Therefore, boundary street improvements, including right-of-way dedication, are not required (Pursuant to SRC 803.040(d)(3)). As described above, the property is subject to a special setback equal to 48-feet from the centerline of Market Street NE to allow for future street widening. The existing street system is adequate to serve the proposed development.

The subject property abuts Savage Road NE along the eastern property boundary; this street is classified as a collector street according to the Salem TSP. Savage Road NE meets the minimum right-of-way and improvement widths required by SRC Chapter 803. Additional improvements are not required along Savage Road NE.

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 Market Street NE and Savage Road NE. The applicant's plans show that one existing driveway approach onto market Street NE will be permanently closed as it will no longer serve the vehicle use area, which is planned to be replaced with landscaping. Per SRC 804.035(c)(1) driveway approaches are only permitted to provide access to a permitted vehicle use area. As the vehicle use area is being replaced with landscaping, the approach will no longer serve a vehicle use area and the driveway is required to be permanently closed, as shown on the applicant's plans.

SRC Chapter 805 – Vision Clearance

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

Finding: The proposal does not cause a vision clearance obstruction per SRC Chapter 805.

Natural Resources

SRC Chapter 601 – Floodplain

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

Finding: The 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.

4. Conclusion

Based on the conformance with the preceding requirements the Planning Administrator certifies that the proposed Class 2 Site Plan Review is in conformance with the UDC and the approval criteria provided in SRC 220.005(f)(2), provided compliance occurs with any applicable items noted above.

Please Note: Findings included in this decision by the direction of the Salem Fire Department are based on non-discretionary standards. Fire Code related findings are intended to inform the applicant of the clear and objective Fire Prevention Code standards of SRC Chapter 58 that will apply to this development proposal on application for building permit(s). Additional or different Fire Prevention Code standards may apply based on the actual building permit application submitted.

If a building permit application has not already been submitted for this project, please submit a copy of this decision with your building permit application for the work proposed.

IT IS HEREBY ORDERED

The proposed Class 2 Site Plan Review is consistent with the provisions of SRC Chapter 220 and is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code and the findings contained herein.



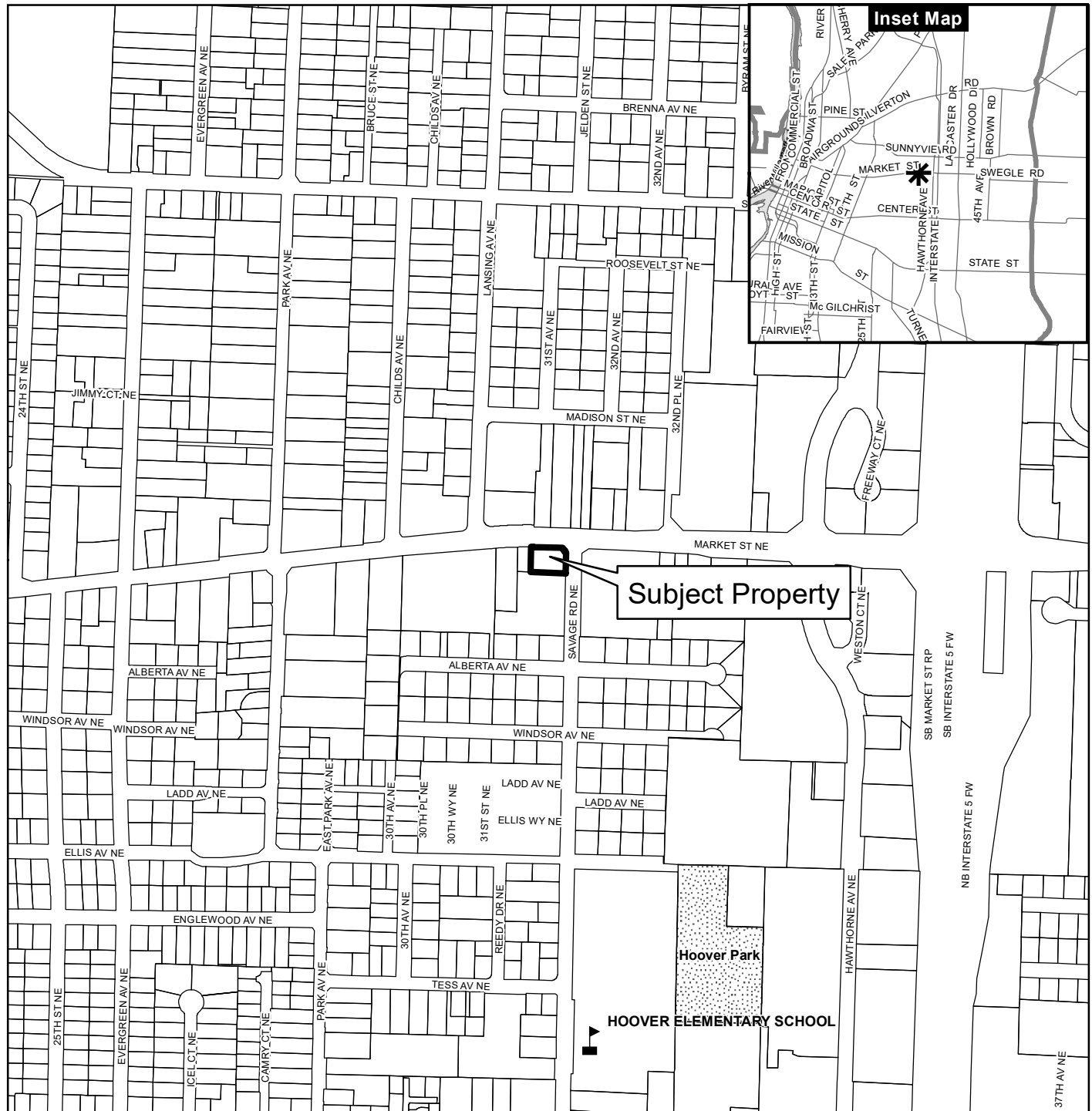
Abigail Pedersen, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

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

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\2025\25-105398-PLN Decision.arp.docx

Vicinity Map

3170 Market Street NE



Legend

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

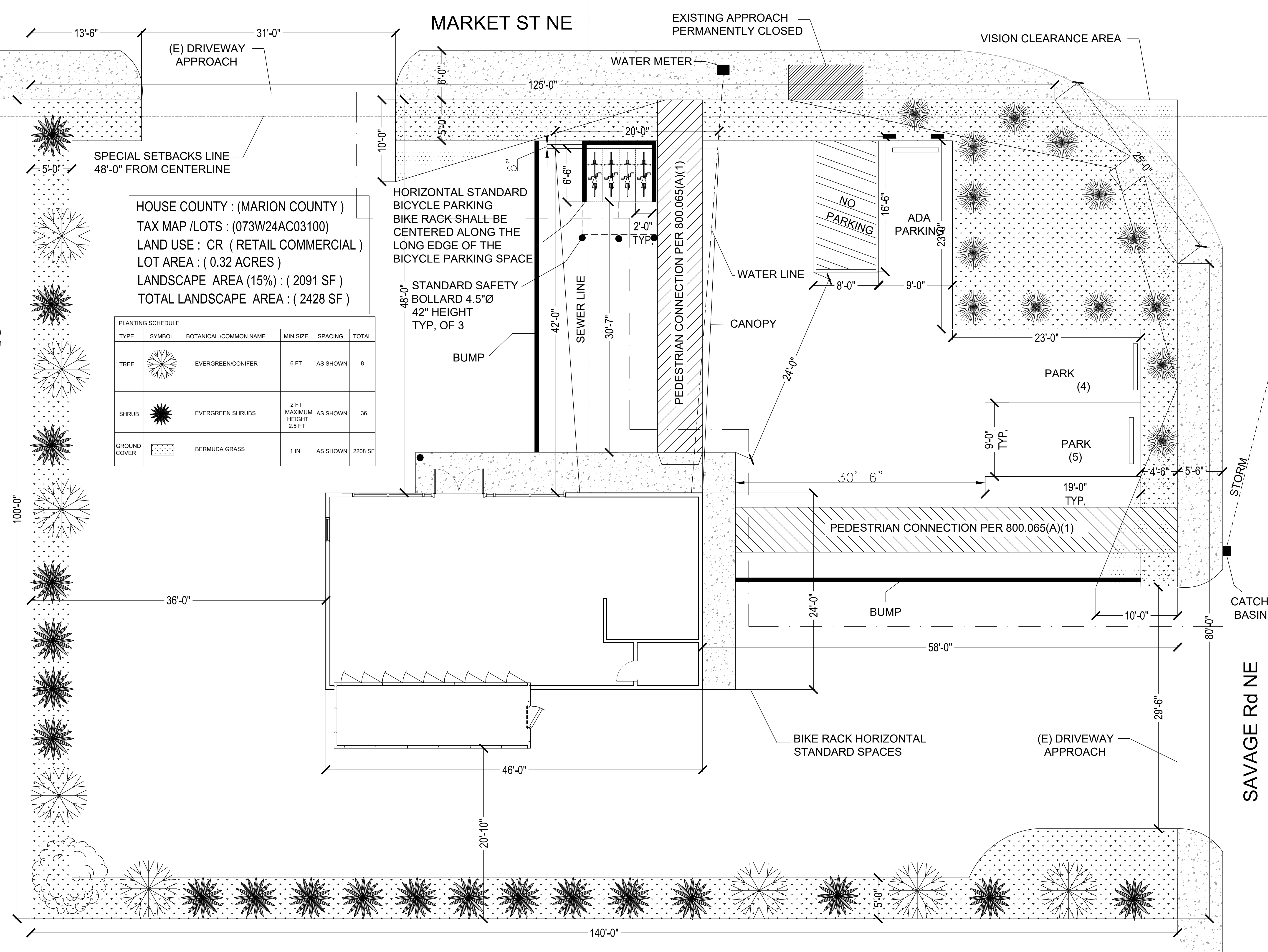
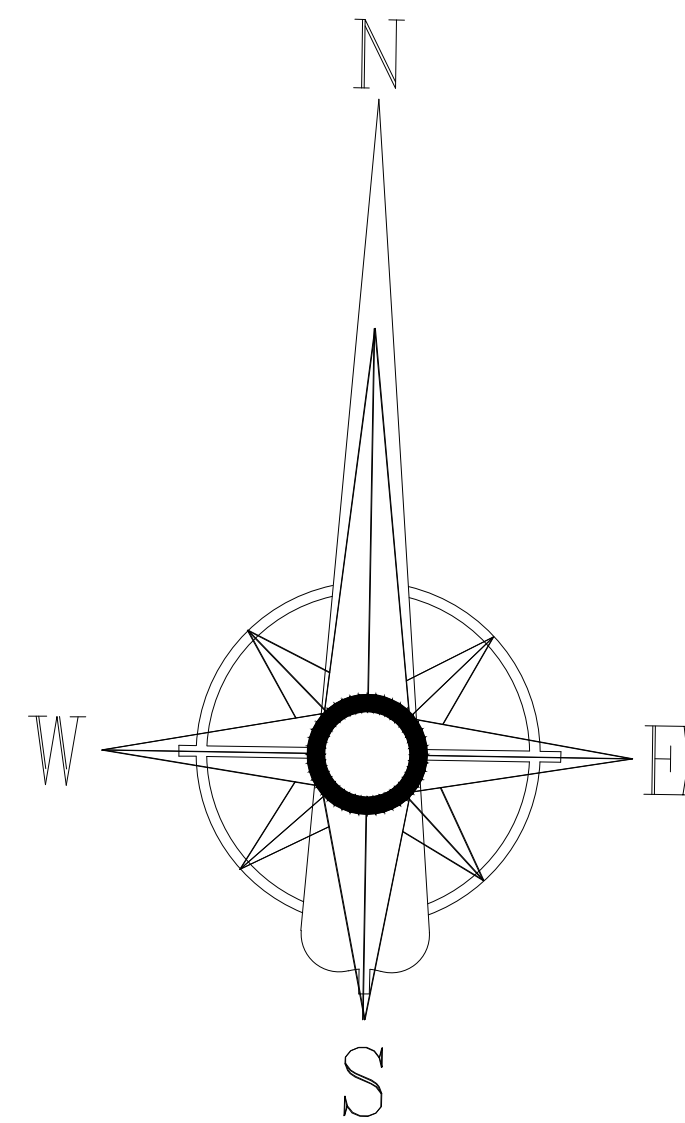
- Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet






1 SITE PLAN VIEW

Scale: 3/16" = 1'-0"



MEMO

TO: Abigail Pedersen, Planner I
Community Planning and Development Department

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

DATE: March 21, 2025

SUBJECT: **Infrastructure Memo**
CLASS 2 SITE PLAN REVIEW (25-105398-PLN)
3170 Market Street NE
Addition and Change of Use for Convivence Store

PROPOSAL

A Class 2 Site Plan Review for interior and exterior tenant improvements and a change of use to Retail Sales. The subject property is 13,939 square feet in size, zoned MU-III (Mixed Use III) located at 3170 Market Street NE (Marion County Assessors Map and Tax Lot number: 073W24AC / 3100).

SUMMARY OF FINDINGS

1. **Pursuant to SRC 800.040:** The property is subject to a special setback equal to 48-feet from the centerline of Market Street NE. Any new parking located within the special setback requires a Removal Agreement per SRC 800.040(e) at time of Building Permit.

CRITERIA AND FINDINGS

SRC 220.005 indicates 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)(2)(B): The application meets all applicable standards of the UDC (Unified Development Code)

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 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: The 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 802 (Public Improvements): Pursuant to SRC 802.015 all development shall be served by city utilities that are designed and constructed according to all applicable provisions of the Salem Revised Code (SRC) and the Public Works Design Standards (PWDS).

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

Utilities	
Type	Existing Conditions
Water	Water Service Level: G-0
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Finding: The water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development. At time of building permit review, 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. Construction plans shall be approved and secured per SRC Chapter 77 prior to building permit issuance, and the improvements shall be completed and accepted to the satisfaction of the Public Works Director prior to occupancy.

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

Finding: The applicant shall be required to design and construct a storm drainage system in compliance with SRC Chapter 71 and PWDS at the time of development. The application shall provide an evaluation of the connection to the approved point of

discharge for new areas of impervious surface per SRC 71.075.

SRC Chapter 800.040. (Special Setbacks): SRC 800.040 establishes special setbacks for the eventual widening of streets without creating nonconforming situations. SRC 800.040(e) allows parking areas within special setbacks with a removal agreement.

Finding: Market Street NE is classified as a major arterial street according to the Salem Transportation System Plan (TSP). Market Street NE has an existing 80-foot-wide right-of-way where 96-feet is required per SRC Table 803-1 (Right-of-way Width). The existing half-width right-of-way is 40-feet according to the Marion County Taxmaps. The property is subject to a special setback equal to 48-feet from centerline along Market Street NE per SRC 800.040(b). The applicant's preliminary site plan shows a special setback line along Market Street NE but does not specify where the special setback is being measured from. There is one new ADA parking space along Market Street NE that may be within the special setback. Per SRC 800.040(e), a removal agreement for this parking space would be required at time of Building Permit application.

Pursuant to SRC 800.040: The property is subject to a special setback equal to 48-feet from the centerline of Market Street NE. Any new parking located within the special setback requires a Removal Agreement per SRC 800.040(e) at time of Building Permit.

SRC Chapter 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 requirements for certain development.

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

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	Existing Condition:	80-feet	68-feet
Savage Road NE (Collector)	Standard:	60-feet	34-feet
	Existing Condition:	64-feet	44-feet

Finding: The subject property abuts Market Street NE along the northern property boundary; this street is classified as a major arterial street according to the Salem Transportation System Plan (TSP). The existing condition of Market Street NE does not

meet current standards for its classification of street per the *Salem Transportation System Plan* for right-of-way width. The proposal will convert an existing structure to a Convenience Store and includes a 175-square-foot addition to the existing 1,105 sq. ft. structure. Pursuant to SRC 803.040(d)(3), the building addition does not result in enlargement of the structure in excess of 50-percent the gross building area. Therefore, boundary street improvements, including right-of-way dedication, are not required (Pursuant to SRC 803.040(d)(3)). As described above, the property is subject to a special setback equal to 48-feet from the centerline of Market Street NE to allow for future street widening. The existing street system is adequate to serve the proposed development.

The subject property abuts Savage Road NE along the eastern property boundary; this street is classified as a collector street according to the Salem TSP. Savage Road NE meets the minimum right-of-way and improvement widths required by SRC Chapter 803. Additional improvements are not required along Savage Road NE.

SRC 804 (Driveway Approaches): Development standards for Driveway Approaches are established in SRC chapter 804 to ensure safe, orderly, and efficient movement of vehicles from the public way to private property.

Finding: The development site is served by an existing driveway approach onto Market Street NE and Savage Road NE. The applicant's plans show that one existing driveway approach onto market Street NE will be permanently closed as it will no longer serve the vehicle use area, which is planned to be replaced with landscaping. Per SRC 804.035(c)(1) driveway approaches are only permitted to provide access to a permitted vehicle use area. As the vehicle use area is being replaced with landscaping, the approach will no longer serve a vehicle use area and the driveway is required to be permanently closed, as shown on the applicant's plans.

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: The proposal does not cause a vision clearance obstruction per SRC Chapter 805.

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.

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