



# LAND USE REVIEW RESPONSE

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February 13, 2025

March 28, 2025 Second Response

Jacob Brown  
City of Salem – Community Development Planning Division  
555 Liberty Street SE  
Salem, OR 97301

PROJECT NAME	SITE ADDRESS	REF. NO.
1793 SILVERTON	1793 SILVERTON ROAD NE	24-124647-PLN

The following is our response to comments based on the initial completeness review of our land use application submission of December 12, 2024. This letter addresses Completeness Review Items provided on January 7, 2025.

All modifications to the drawings described in this response letter are dated February 7, 2025.

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## **COMPLETENESS REVIEW ITEMS**

### **SUBMITTAL REQUIREMENT:**

- *Land Use Application Signature – Please provide documentation demonstrating that Oliver Raab has the authority to sign on behalf of the property owner, ZEEB LEGACY, LLC.*

**RESPONSE:** The application has now been by Hunter Zeeb, the property owner.

- *Please provide documentation demonstrating that Oliver Raab Hunter Zeeb has the authority to sign on behalf of the property owner, ZEEB LEGACY LLC. Please provide documentation (Articles of Organization) that Hunter Zeeb has authority to sign on behalf of the property owner.*

**RESPONSE:** A copy of the Operating Agreement is included with the current resubmittal materials, which includes a “ZEEB LEGACY, LLC MEMBER APPROVAL” page 18, confirms Hunter Zeeb’s authority to sign for the LLC.

- *Recorded Deed – Please submit a copy of the recorded deed/land sales contract for the subject property.*

**RESPONSE:** A copy of the property deed is provided as part of the resubmittal materials.

### **ADDRESSED**

- *Site Plan – Pursuant to SRC 220.005(e)(1)(A)(vii) the site plan shall include Silverton Road NE and the required 48’ Wide special setback.*

*In addition, the alignment and width of the access easement does not appear to be accurately represented. Based on Past permitting of the site, the landscaped island is outside of the accessway and aligns along the eastern edge. Furthermore, recorded plats of the site show that the easement is 26 feet in width.*

**RESPONSE:** The revised Site Plan now shows the 48' wide special setback and also shows the existing 26' wide access easement that aligns with the recorded plat.

### **ADDRESSED**

- *Development Site –  
The taxlots 073W14AD04501 (1815 Silverton Road NE), 073W14AD04502 (1805 Silverton Road NE, and 073W14AD04500 (1793 Silverton Road NE) meet the definition of development site under SRC 111.01 and therefore development site standards apply across the three parcels. When development site standards are identified below, the standards apply across the three parcels and conformance will need to be demonstrated for all three parcels.*

**RESPONSE:** The definition of a "development site" under SRC 111.01 states: "Development site means an individual lot or multiple contiguous lots accommodating a single development or a complex." This definition does not seem to apply to the three referenced properties, as each of the lots was developed prior to the current owner's acquisition of 1793 Silverton Road parcel (acquired in 2021), and the existing developments on these neighboring properties were constructed at different times and under different ownerships. The only relationship between these taxlots is the shared access easement, which is insufficient to classify them as a "development site." Furthermore, the subject property is not under the same ownership as 1805 and 1815 Silverton Road. These properties were acquired at different times and by different owners. Each property has its own utility connections and building addresses. The existing and historic uses of these properties are self-contained and were not intended to be part of a larger development complex.

The subject property, Tax Lot 073W14AD04500 (1793 Silverton Road NE), was purchased in 2021. It is developed with an 8,409 square foot building, originally constructed in 1943 with an addition in 1949, and features non-conforming site conditions. Since the purchase, the building has been remodeled to meet applicable building code requirements and to accommodate multiple tenant spaces. Site work associated with the remodel and tenant improvements included the repair, grinding, and inlaying of existing asphalt parking areas, restriping of parking, and the addition of landscaping along the street and the west property line. The structure on the subject property could be considered a "complex" as it contains multiple tenant spaces but would not include the neighboring properties.

This consolidated land use review seeks to show how the limited improvements made to the site, which were not included in the most recent land use reviews associated tenant improvement work / occupancy permits, is more aligned with the current development code.

### **ADDRESSED**

- *Stormwater Management and/or Design Exception –  
It is unclear from the submitted plans whether or not the proposal meets the definition of a large project pursuant to SRC 70.005. The applicant shall submit a written finding regarding the definition of the large project and new/replaced impervious surfaces pursuant to SRC 70.005. If the proposal meets the definition of a large project the applicant shall provide a storm drainage system that provides treatment and flow control as required by the PWDS.*

*Replaced impervious surface does not include repair or maintenance activities on surfaces taken to prevent decline, lapse, or cessation in the use of the existing impervious surfaces as long as no additional hydrological impact results from the repair or maintenance activity.*

*By way of illustration but not limitation, hydrologic impacts can include changes in the routing of drainage water flows, changes in drainage water points of discharge, in drainage water flow rates, changes in the duration of drainage water flows, or changes in drainage water flow volumes.*

*Specifically, it appears a portion of the existing area was removed and replaced. The applicant should clarify the extent of the removal and replacement work, and address the hydrologic impact, if any, from that activity.*

**RESPONSE:** Improvements both structurally and site related made to taxlot 073W14AD04500 were limited to this taxlot and did not occur in conjunction with work that has occurred on neighboring taxlots 073W14AD04501 (1815 Silverton Road NE) and 073W14AD04502 (1805 Silverton Road NE) and therefore does not meet the definition of a large project under SRC 70.005.

The property, purchased in 2021, did undergo upgrades, and the existing off-street parking area required repair/grind & inlay work; however, there was no hydrologic impact from that work.

### **ADDRESSED**

- *Class 2 Driveway Approach Permit*  
*The proposed driveway approach will be subject to the Class 2 Driveway Approach requirements described in SRC 804.025. The applicant shall submit the applicable application and fee.*

*It appears the driveway was widened to approximately 43 feet without a permit. The existing driveway will need to be replaced meeting Public Works Design Standards (PWDS), not to exceed 40 feet in width. The failing asphalt patch in Silverton Road NE along the driveway will need to be replaced with the driveway approach.*

**RESPONSE:** The existing driveway approach was not modified as part of the work done on this development site or the neighboring property (1805 Silverton Road NE). However, the applicant acknowledges that the current driveway does not meet the PWDS requirements for driveway width, which is 40 feet. Public Works has confirmed that a driveway approach permit will not be required for the existing driveway, as this section of Silverton Road NE is part of a CIP project. The scope of this public project includes not only repairing the street pavement but also replacing the sidewalk and driveway approach. As a result, the applicant/owner is no longer required to obtain a separate driveway approach permit. The property owner understands that the City of Salem will reduce the driveway width to 40 feet to bring it into compliance with the City's PWDS requirements.

### **ADDRESSED**

### **ADVISORY COMMENTS**

#### **523.010(d)(3) Development Site Landscaping –**

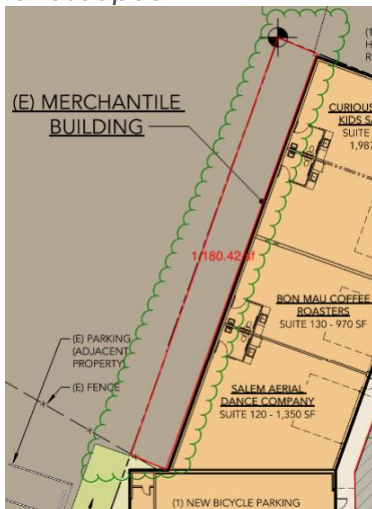
- *Per SRC 523.010(d)(3), the CG zone requires a minimum of 15 percent of the development site be landscaped to a Type A standard. Per Marion County Assessor records, the development site measures approximately 96,695 square feet in size across the three parcels. As such, a minimum of 14,504 square feet of the development site is required to be landscaped.*

*A Class 2 Adjustment may be supported if the overall site landscaping is brought closer to the 15% standard. Please note any landscaping within the special setback does not*

count towards the development site landscaping. Upon request, the Class 2 Adjustment fee will be added and will be required to be paid prior to deeming the application complete.

**RESPONSE:** The applicant and their consultants believe the project is limited to a single taxlot (073W14AD04500) which, according to the Marion County Assessor's Record, is 26, 281 square feet or 0.6 acres. This brings the 15% landscape requirement to 3,942.15 square feet. While the total amount of landscaping is less than you noted, a Class 2 adjustment is still necessary as site constraints and existing development conditions make it impractical to increase landscaping beyond what has recently been installed on this property. Please see the updated narrative provided with the resubmittal materials for the formal request. The applicant is aware that fees associated with additional land use reviews will be assessed to this project and that those fees must be paid as part of the Completeness Review.

- **3/3/2025-** Fee has been added. The findings have been provided; however, the findings for development site landscaping adjustment do clearly demonstrate how the standard is equally or better met. The proposal findings cite that additional landscaping cannot be added to site without impacting another standard's conformance or reduce the number of parking spaces provided on site. Based on the plans, there appears to be a portion of the site along the northwestern section that can be landscaped and measures roughly 1,180 square feet. Please clarify the use of this area and how this area cannot be landscaped



**RESPONSE:** The applicant will pay the remaining land use application fees as needed. Please see the response to the secondary comment related to landscaping of *Perimeter Setbacks and Interior Landscaping*. The owner will add perimeter landscaping adjacent to the western property line and also will add interior landscape planters within the parking area to increase overall landscaping and to provide some form of interior landscaping.

#### Chapter 806 - Parking

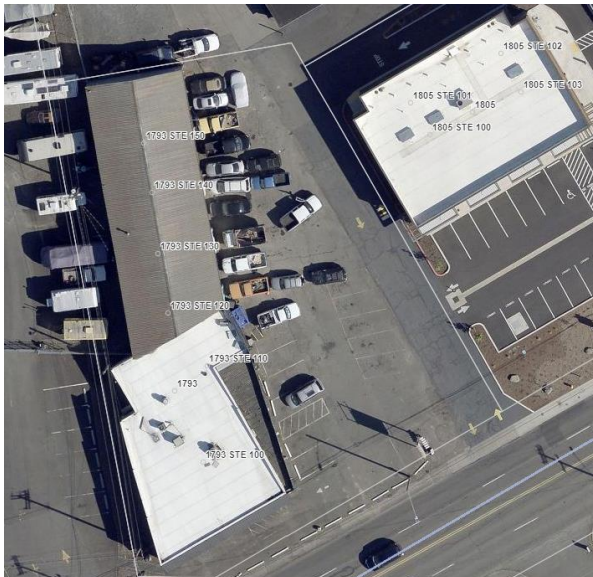
- **Vehicle Use Areas – Perimeter Setbacks & Adjustments –**  
Based on aerials of the site, the off-street parking area was recently resurfaced and reconfigured without permits or prior Site Plan Review. As such, current standards of 806 apply to the parking area. The applicant's written statement identifies three adjustments to the following standards:
  - SRC 806.035(c)(2) – Perimeter Setbacks and Landscaping Abutting Streets

- SRC 806.035(c)(3) – Perimeter Setbacks and Landscaping Abutting Interior Side and Rear Property Lines
- SRC 806.035(d)(2) – Minimum Percentage of Interior Landscaping Required

The findings for the perimeter setbacks and landscaping identify that the standard is not applicable as justification for adjustment. The standard is applicable, and applicant shall demonstrate how intent of the standard is equally or better met through a revised written statement and any supportive materials necessary to demonstrate that the criteria is met. Staff could potentially be supportive of the adjustments if the intent of the setback which is to provide separation between vehicle use areas and break up the mass of paved surfaces with landscaping can be demonstrated through the existing and/or proposed landscaping on the site. Please note that the perimeter setbacks are not required along the flag lot accessway or driveways.

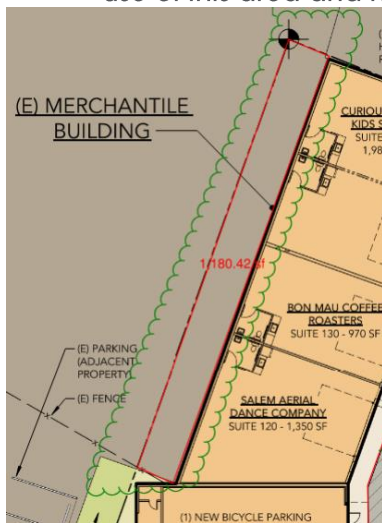
The adjustment sought for the 5% minimum required landscaping is not equally or better met by the proposed development. The parking area was resurfaced and reconfigured without prior approval so the standard is triggered and required to be met or the adjustment criteria to be clearly met by proposing landscaping that equally.

**RESPONSE:** The property owner made repairs that included grinding and inlaying asphalt over the existing surface; however, the asphalt was not removed and replaced, and no grading was done. The amount of existing asphalt was reduced to create a landscape strip between the street property line and the building. Increasing the size of the new landscape strip or adding landscape beds within the parking area would negatively impact the development by reducing the available parking (currently limited to 20 spaces), which is well below the maximum allowed (41 spaces), and impacting vehicle maneuvering areas. The requested Class 2 adjustments for perimeter and interior landscaping are still necessary. The narrative has been revised to include the required argument. Additionally, it is the applicants understanding that the City of Salem does not prefer for the site to be brought back to those previous conditions (see below 2021 aerial) as the degree of non-conformance would be greater than that of the current conditions.



- **3/3/2025-** The findings have been updated; however, the findings for interior parking adjustment do clearly demonstrate how the standard is equally or better met. The proposal findings cite that additional landscaping cannot be added to site without impacting another standard's conformance or reduce the number of parking spaces

provided on site. Based on the revised plans, there appears to be additional area dedicated to the turnaround area not required by code and other surfaced areas within the surfaced parking area not used for parking spaces or within an area where a setback is sought to be eliminated. As currently proposed, it is unclear how the criteria is met while there are areas that appear to be able to be landscaped without impacting the number of off-street parking spaces and overall configuration of the parking area. There appears to be a portion of the site along the northwestern section that can be landscaped and measures roughly 1,180 square feet. Please clarify the use of this area and how this area cannot be landscaped.



**RESPONSE:** Additional landscaping, along the western edge of the subject property and within the off-street parking areas is proposed. This will bring the total amount of landscaping on-site up to 3,184 square feet. The “interior landscaping” which currently does not exist, will add approximately 369 square feet, which does show an effort to reduce the amount of non-conformance within the existing off-street parking area. While the added landscape will add landscaping, it still falls below the minimum amounts the Code is seeking so the requested adjustments related to overall landscaping and interior landscaping still apply.

It is important to note that the northern interior landscape bed will not be irrigated through an inground irrigation system, the property owner will instead hand water this bed to ensure the plantings are maintained as required.

- **Vehicle Turnaround**

The area shown below terminates in a dead end. Per SRC 806.035(f), where a drive aisle terminates at a dead-end, a turnaround is required. Please revise the plans to provide a turnaround or reconfigure the parking area.

**RESPONSE:** A vehicle turnaround has been added in the location you identified, please refer to the revised Site Plan for confirmation of compliance with the standard.

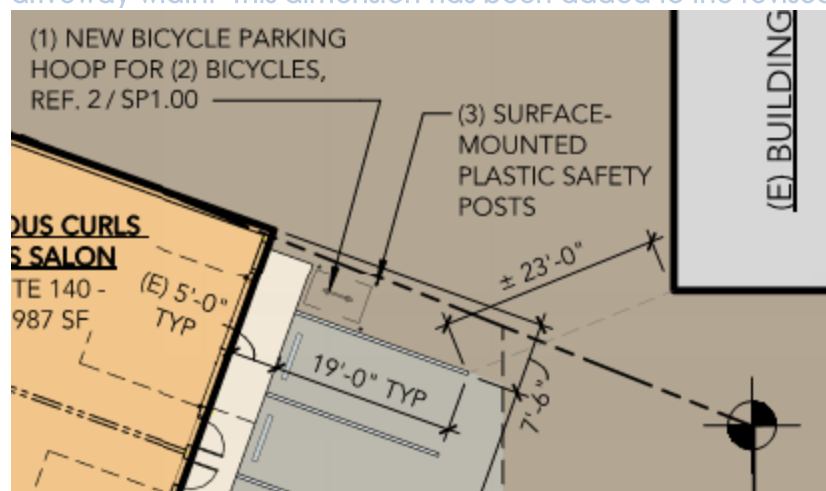
### ADDRESSED

- **Driveway Width**

SRC 806.040(d) requires a minimum width of 22 feet for two-way driveways. The proposed parking space narrows the width of driveway used to access northern property to less than 2 feet. Please revise the plans to allow a 22-foot-wide driveway to allow access to northern property.

**RESPONSE:** The width of the maneuvering area in this location 23-feet meeting the standard for

driveway width. This dimension has been added to the revised Site Plan as well.



### ADDRESSED

#### Chapter 800 – General Standards

- **Special Setback -**

*The property is subject to a special setback equal to 48-feet from the centerline of Silverton Road NE, per SRC 800.040. Setbacks for the proposed development shall be measured from the setback line. The applicant shall show the Special setback on the site plan to ensure setback requirements can be met.*

**RESPONSE:** The 48-foot special setback dimension has been added to the revised Site Plan. It is understood that required setbacks are to be measured from this setback. It is worth noting that the site is fully developed, and has been since the 1940's and the improvements that have been made did not move the existing building or off-street parking areas, they just reduced the size of the off-street parking area and removed those off-street parking spaces that were abutting or even in the ROW (as shown in the aerial from 2021).

### ADDRESSED

- **Solid Waste Area -**

*If proposed, please provide details of the solid waste collection area meeting the standards of SRC 800.055.*

**RESPONSE:** A solid waste area is not provided nor is one required. Building tenants utilize small bins, less than 1 cubic yard, which are kept within their units.

### ADDRESSED

- **Pedestrian Connections -**

*The previous surfacing of the site without prior site plan review approval triggers pedestrian connections to be provided.*

*Per SRC 800.065(a)(1) a pedestrian connection with a minimum width of 5 feet shall be provided between the primary building entrance of each building on the development site and each adjacent street. As indicated above, the development site includes 1805 and 1815 Silverton Road NE requiring a pedestrian connection to be extended to the edge of the subject property.*

**RESPONSE:** A 5-foot wide pedestrian connection from the public sidewalk to the on-site pedestrian walk (also 5-feet wide) connects building entries to the ROW meeting the standard. The on-site walkway also extends to the north property line (1815 Silverton Road) where future development is in the early planning stages. As previously note, it is our belief the property is not part of a larger “development site” as a result the connection between this building and 1805 Silverton Road building is not required.

**ADDRESSED**

*Adjustments to Development Standards*

- *Written Statement (ADJ)*  
*The Class 2 Adjustment requests do not provide enough evidence as to how the intent of the standard is being equally or better met by the proposed development.*  
*Please revise the written statement for the adjustment requests to include how each adjustment equally or better meets the intent of the requested standard, as outline in SRC 250.005(d)(2).*

**RESPONSE:** The written statement (Narrative) has been revised to capture the needed adjustments and reflect the proposed/existing improvements on the updated Site Plan. We believe that this will provide Planning with the information needed to allow approval so that the, pedestrian connection, parking reconfiguration and bike parking installation can occur and tenants can obtain necessary approvals related to occupancy.

**ADDRESSED**

*Chapter 804 – Driveway Approaches*

- *Driveway Spacing*  
*The proposed driveway approach to Silverton Road NE does not meet the spacing standards in SRC 804.030(c) due to the proximity of the adjacent driveways/streets in the vicinity. A Class 2 Adjustment is required in coordination with the Class 2 Driveway Approach Permit. The applicant shall provide findings for how the proposed driveway meets the criteria in SRC 804.025(d) and SRC 250.005(d)(2).*

**RESPONSE:** There are no changes proposed for the existing driveway, and Public Works has indicated that they no longer require a driveway approach permit for this project, nor do they require an adjustment to the spacing standards as the conditions are existing and unchanged.

**ADDRESSED**

Thank you,

Gretchen Stone  
Land Use Coordinator

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