

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
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*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT / TREE AND VEGETATION REMOVAL PERMIT CASE NO.: SPR-ADJ-DAP-TRP25-10

APPLICATION NO.: 24-119871-PLN

NOTICE OF DECISION DATE: May 13, 2025

REQUEST: A Class 3 Site Plan Review for the development of a new fueling station and convenience store with associated site improvements. The consolidated application includes two Class 2 Driveway Approach Permits for new access onto Gaffin Rd SE and Macleay Rd SE, with three Class 2 Adjustments to:

- 1) Allow a driveway approach onto Macleay Rd SE where driveways are limited to the lower street classification, per SRC 804.035(c);
- 2) Reduce the minimum spacing of the driveway onto Macleay Rd SE from Cordon Rd SE from 370 feet to 325 feet, per SRC 804.035(d); and
- 3) Reduce the minimum spacing of the driveway onto Macleay Rd SE from Gaffin Rd SE from 370 feet to 215 feet, per SRC 804.035(d)

The consolidated application also includes one tree removal permit for a 27-inch dbh (diameter at breast height) oak tree. The subject property is zoned IC (Industrial Commercial) and located at the 5100 Block of Macleay Rd SE (Marion County Assessor's Map and Tax Lot 072W32D00 / 2400).

APPLICANT: BRAND Land Use, on behalf of 7 Star Salem LLC

LOCATION: 5100 Block of Macleay Rd SE, Salem OR 97317

CRITERIA: Salem Revised Code (SRC) Chapters 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustment; 804.025(d) – Class 2 Driveway Approach Permit; 808.030(d)(5) – Tree and Vegetation Removal Permit

FINDINGS: The findings are in the attached Decision dated May 13, 2025.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit, and Tree and Vegetation Removal Permit Case No. SPR-ADJ-DAP-TRP25-10 subject to the following conditions of approval:

Condition 1: At time of building permit, provide revised plan to ensure the setback abutting Gaffin Road SE and the drive aisle to the fueling station meets the standards of SRC 806.035(c).

Condition 2: At time of building permit review, provide a complete landscaping plan, meeting the minimum 15 percent landscaping standards of the IC zone and SRC 807.

- Condition 3:** At time of building permit review, provide detailed plans of the solid waste services area and enclosure meeting the standards of SRC 800.055.
- Condition 4:** At the time of building permit, provide a lighting plan demonstrating conformance with SRC 800.060 and SRC 800.065(c).
- Condition 5:** Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
- Condition 6:** 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 7:** Prior to issuance of a Certificate of Occupancy, design and construct a 12-inch water main along Macleay Road SE connecting the existing 12-inch water main at the intersection of Macleay Road SE and Gaffin Road SE to the existing 24-inch water main in Cordon Road SE.
- Condition 8:** Prior to issuance of a Certificate of Occupancy, dedicate an easement for the existing sewer main on the site to current standards in Public Works Design Standards Section 1.8 (Easements).
- Condition 9:** Prior to issuance of a Building Permit, the applicant shall submit a revised site plan which removes any conflict between private green stormwater infrastructure and City main easements, unless otherwise approved by the Director.
- Condition 10:** Prior to issuance of a Certificate of Occupancy, dedicate an Open Channel Drainage Easement along The West Middle Fork of the Little Pudding River on the subject property. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 11:** Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Macleay Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 12:** Construct a three-quarter street improvement along the frontage of Macleay Road SE, including construction of a dedicated center turn lane, to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Due to physical and geometric constraints at the intersection of Macleay Road SE and Cordon Road SE, the improvement shall include an exclusive southbound right-turn lane and a shared thru-left turn lane.
- Condition 13:** Convey land for dedication to equal a half-width right-of-way of 60 feet on the development side of Cordon Road SE.
- Condition 14:** Prior to issuance of a Certificate of Occupancy, construct a half-street improvement along the frontage of Cordon Road SE to Parkway street standards as specified in the City Street Design Standards and consistent with the

provisions of SRC Chapter 803, pay a fee in-lieu of construction if the criteria of SRC 200.405 are met, or request a deferral of construction improvements if the criteria of SRC 803.070 are met.

Condition 15: In order to comply with the Trip Cap established in Case No. CPC/ZC12-07, the Convivence Store building shall not exceed 5,500 square feet of gross floor area.

Condition 16: Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along the Macleay Road SE frontage.

Condition 17: The adjusted driveway approach standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

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

Class 3 Site Plan Review:	<u>May 29, 2029</u>
Class 2 Adjustment:	<u>May 29, 2029</u>
Class 2 Driveway Approach Permit:	<u>May 29, 2029</u>
Tree and Vegetation Removal Permit:	<u>May 29, 2027</u>

Application Deemed Complete:	<u>March 28, 2025</u>
Notice of Decision Mailing Date:	<u>May 13, 2025</u>
Decision Effective Date:	<u>May 29, 2025</u>
State Mandate Date:	<u>July 26, 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., Wednesday, May 28, 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 Chapters 220, 250, 804 and 808. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF)	FINDINGS & ORDER
CLASS 3 SITE PLAN REVIEW,)	
CLASS 2 ADJUSTMENT,)	
CLASS 2 DRIVEWAY APPROACH PERMIT,)	
AND TREE REMOVAL PERMIT)	
CASE NO. SPR-ADJ-DAP-TRP25-10)	
5100 BLOCK MACLEAY RD SE)	MAY 13, 2025

In the matter of the applications for Class 3 Site Plan Review, Class 2 Adjustments, Class 2 Driveway Approach Permit, and Tree Removal Permit, submitted by the applicant's representative, Britany Randall of BRAND Land Use., on behalf of the applicant and property owner, 7 Star Salem, 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 a new gas station and convenience store.

Request: A Class 3 Site Plan Review for the development of a new fueling station and convenience store with associated site improvements. The consolidated application includes two Class 2 Driveway Approach Permits for new access onto Gaffin Rd SE and Macleay Rd SE, with three Class 2 Adjustments to:

- 1) Allow a driveway approach onto Macleay Rd SE where driveways are limited to the lower street classification, per SRC 804.035(c);
- 2) Reduce the minimum spacing of the driveway onto Macleay Rd SE from Cordon Rd SE from 370 feet to 325 feet, per SRC 804.035(d); and
- 3) Reduce the minimum spacing of the driveway onto Macleay Rd SE from Gaffin Rd SE from 370 feet to 215 feet, per SRC 804.035(d)

The consolidated application also includes one tree removal permit for a 27-inch dbh (diameter at breast height) oak tree. The subject property is zoned IC (Industrial Commercial) and located at the 5100 Block of Macleay Rd SE (Marion County Assessor's Map and Tax Lot 072W32D00 / 2400).

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 October 1, 2024, an application for Class 3 Site Plan Review, Class 2 Adjustments and Class 2 Driveway Approach Permit was filed for the proposed development. After additional information was provided, the applications were deemed complete for processing on March 28, 2025. The 120-day state mandated decision deadline for this consolidated application is July 26, 2025.

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

SUBSTANTIVE FINDINGS

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 24 119871.

3. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Southeast Mill Creek (SEMCA) Neighborhood Association.

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On September 25, 2024, the applicant's representative contacted the neighborhood association to provide details about the proposal in accordance with the requirements of the SRC.

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

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

Public Comment: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, one comment was received from a member of the public. The comment expressed general opposition to a gas station and convenience store at the proposed location due to the proximity of a similar development further down Gaffin Road and Cordon Road.

Staff Response: The proposed fueling station and convenience store are permitted uses in the underlying zone, and proximity to similar development is not a land use approval criterion for the requested land use applications.

4. City Department Comments

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

Building and Safety: Reviewed the proposal and indicated accessible route requirements shall be met. Accessibility will be reviewed at time of building permit submittal.

Fire Department: Reviewed the proposal and indicated Fire Department access and water supply are required per the Oregon Fire Code. Above ground storage tanks may be regulated by SRC chapter 58.

Staff Response: The applicant is responsible for addressing these comments during the building permit process. The configuration of the buildings and parking area may be modified, if necessary, to meet the Building and Safety Department and Fire Department standards, provided that the modifications meet all applicable development standards and conditions of approval.

5. Public Agency Comments

Portland General Electric: PGE reviewed the proposal and provided comments regarding the provision of electric utilities, which are available in the record. The applicant is advised to contact PGE prior to submission of building permits.

DECISION CRITERIA FINDINGS

6. Analysis of Class 3 Site Plan Review Approval Criteria

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

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

Finding: The proposal is for development of a gas station and convenience store and associated improvements including an off-street parking area, pedestrian access, and landscaping. The subject property is 1.54 acres in size, currently vacant, and zoned IC (Industrial Commercial); therefore, the proposed development is subject to the use and development standards of the IC (Industrial Commercial) zone, SRC Chapter 551. The proposal also includes two Class 2 Driveway Approach Permits with three Class 2 Adjustments are requested to the driveway approach development standards, and one Tree Removal Permit for a 27-inch dbh (diameter at breast height) oak tree. As summarized in the findings below and as conditioned, the proposed development conforms to SRC Chapter 551 and all other applicable development standards of the UDC and Salem Revised Code as follows.

ZONING AND DEVELOPMENT STANDARDS

SRC Chapter 551 – IC (Industrial Commercial) Zone

SRC 551.005(a) – Uses

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

Finding: The proposal is to establish a new *motor vehicle services* for the gas station and *retail sales* use for a convenience store, both of which are outright permitted uses in the IC zone. This standard is met.

SRC 551.010(a) – Lot Standards

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

Finding: There is no minimum lot size, lot width or lot depth for all uses in the IC zone. The minimum street frontage requirement for all uses is 16 feet. The existing lot has more than 16 feet of frontage on Cordon Road SE, Macleay Road SE, and Gaffin Road SE. The lot complies with the minimum lot standards of the IC zone, and no changes to the lot size or dimensions are proposed. This standard is met.

SRC 551.010(b) – Setbacks

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

Abutting Street/Alley

North / East / West: Adjacent to the north is right-of-way for Macleay Road SE; to the east, Cordon Road SE, and to the west, Gaffin Road SE. Buildings and accessory structures abutting a street require a minimum five-foot setback. Vehicle use areas adjacent to a street require a minimum six-to-ten-foot setback per SRC Chapter 806.

Finding: The proposed building is setback over 100 feet from both Macleay Rd; 18 feet from Cordon Rd; and more than 70 feet from Gaffin Rd, exceeding the minimum standard. The proposed fueling area includes a 3,600 square foot canopy, which is also setback 25 feet from Macleay, more than 250 feet from Cordon Rd, and more than 50 feet from Gaffin Rd. All vehicle use areas, including parking and drive aisles, are at least ten feet from the property lines abutting the streets except at the south end of the drive aisle for the fueling station abutting Gaffin Rd. The site plan indicates the setback tapers to approximately eight feet. To ensure the setback complies with the standards of this section, the following condition shall apply.

Condition 1: At time of building permit, provide revised plan to ensure the setback abutting Gaffin Road SE and the drive aisle to the fueling station meets the standards of SRC 806.035(c).

Interior Property Lines

South: Adjacent to the south is property zoned IC (Industrial Commercial). In the IC zone, for property abutting IC zoned properties, there is no minimum setback for buildings and vehicle use areas require a minimum setback of five feet.

Finding: The proposed building is setback 30 feet from the property line and the vehicle use area is also setback more than five feet. These standards are met.

SRC 551.010(c) – Lot Coverage; Height

Buildings and accessory structures within the IC zone shall conform to the lot coverage and height standards set forth in Table 551-5.

Finding: There is no maximum lot coverage requirement for all uses in the IC zone and the maximum building height allowance is 70 feet. The development plans indicate the proposed building height is a maximum of 24 feet. The applicant's written statement indicates the canopy for the fueling station will be approximately 18 feet in height, in compliance with the maximum. As there is no maximum lot coverage standard in the IC zone, the proposed development meets applicable lot coverage standards. The proposal meets the standards.

SRC 551.010(d) – Landscaping

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

Finding: The subject property is approximately 66,955 square feet in size (approximately 1.54 acres). After required right-of-way dedication, addressed below, the site will be reduced to approximately 59,500 square feet, requiring a minimum 2,975 square feet of landscaping ($59,500 / 20 = 2,975$). The applicant's written statement indicates a complete landscaping plan will be provided at time of building permit review, meeting the minimum 15 percent. To ensure these standards are met, the following condition shall apply.

Condition 2: At time of building permit review, provide a complete landscaping plan, meeting the minimum 15 percent landscaping standards of the IC zone and SRC 807.

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

SRC Chapter 800 – General Development Standards

▪ ***Solid Waste Service Areas***

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 includes a new solid waste service area for a receptacle greater than one cubic yard. The standards of SRC 800.055 apply. The applicant's written

statement indicates complete plans meeting the standards of this section will be provided at time of building permit. To ensure full adherence with these standards will be met, the following condition shall apply.

Condition 3: At time of building permit review, provide detailed plans of the solid waste services area and enclosure meeting the standards of SRC 800.055.

SRC 800.055(b) – Solid Waste Receptacle Placement Standards

All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of 4 inches thick, or on an asphalt pad that is a minimum of 6 inches thick. The pad shall have a slope of no more than 3 percent and shall be designed to discharge stormwater runoff.

- (1) *Pad area.* In determining the total concrete pad area for any solid waste service area:
 - (A) The pad area shall extend a minimum of 1-foot beyond the sides and rear of the receptacle.
 - (B) The pad area shall extend a minimum 3 feet beyond the front of the receptacle.
 - (C) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

Finding: The proposed trash enclosure is located within the fully paved vehicle use area and thereby meets the pad area requirements. This standard is met.

- (2) *Minimum Separation.*
 - (A) A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.
 - (B) A minimum separation of 5 feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.

Finding: The applicant has provided construction details for the trash enclosure but do not show the separation of receptacles. As conditioned above, full adherence to these standards shall be met at time of building permit review.

- (3) *Vertical Clearance.*
 - (A) Receptacles 2 cubic yards or less in size shall be provided with a minimum of 8 feet of unobstructed overhead or vertical clearance for servicing.
 - (B) Receptacles greater than 2 cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for serving.

Finding: The applicant has provided construction details for the trash enclosure showing receptacles greater than two cubic yards in size, requiring a minimum of 14 feet of unobstructed overhead or vertical clearance. The plans indicate a covered enclosure with a vertical clearance of 11 feet, which does not meet the minimum clearance height. As conditioned above, full adherence to these standards shall be met at time of building permit review.

SRC 800.055(c) – Permanent Drop Box and Compactor Placement Standards

Permanent drop box and compactors shall meet the placement standards set forth in this section.

Finding: The proposal does not include permanent drop box or compactors. This standard does not apply to the proposed development.

SRC 800.055(d) – Solid Waste Service Area Screening Standards

- (1) Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property.
- (2) Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.

Finding: The applicant's development plans show the proposed solid waste service areas will be screened within an enclosure made of CMU blocking. The proposal meets the standard.

SRC 800.055(e) – Solid Waste Service Area Enclosure Standards

When enclosures are used for required screening or aesthetics, such enclosure shall conform to the following standards:

- (1) *Front Opening of Enclosure.* The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.

Finding: The applicant's development plans show an enclosure with a front gate opening of at least 12 feet in width; therefore, this standard is met.

- (2) *Measures to Prevent Damage to Enclosure.*

- (A) Enclosures constructed of wood or chain-link fencing material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts.
- (B) Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.

Finding: The applicant's development plans show the proposed solid waste service areas will be within an enclosure made of CMU blocking and will only provide a four-inch bumper curb along the interior wall of the enclosure. As conditioned above, further conformance with the standard will be verified at the time of building permit review.

- (3) *Enclosure Gates.* Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. For any enclosure opening with an unobstructed width of 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.

Finding: The applicant's development plans show an enclosure with a front opening of 12 feet in width. The plans indicate gate openings of only 72 degrees, which does not meet the

minimum 120 degrees. In addition, the construction details indicate restrainers used for the gates, but it does not clarify that they can be used in both the open and closed positions. As conditioned above, full adherence to these standards shall be met at the time of building permit review.

SRC 800.055(f) – Solid Waste Service Area Vehicle Access

(1) Vehicle Operation Area.

(A) A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Vehicle operation areas shall be made available in front of every receptacle.

Finding: The proposed site plan shows a vehicle operation area perpendicular to the enclosure and extending into vehicle maneuvering area, with a minimum length of 45 feet and a width of 15 feet in front of the enclosure. The proposal meets the standard.

(B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:

- (i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);
- (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or
- (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.

Finding: The proposal includes receptacles greater than two cubic yards in size. This standard does not apply.

(C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.

Finding: The proposed site plan shows the vehicle operation area is coincident with the parking lot drive aisle and located away from the possible obstruction from vehicles accessing the fueling station; therefore, this standard is met.

(D) Vehicle operation areas shall have a minimum vertical clearance of 14 feet.

Finding: The construction details for the enclosure appear to show at least 14 feet of clearance for the front elevation; however, the side elevation does not appear to match the proposed 14-foot clearance, and the site plan indicates a clearance of only 11 feet. As conditioned above, these standards shall be met at time of building permit review.

(E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be

required to allow safe and convenient access for collection service.

Finding: The proposed site plan shows the vehicle operation area provides access in a direct approach; therefore, this standard does not apply.

- (2) Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.

Finding: The proposed location of the trash enclosure will not require waste collection service vehicles to back onto a public street; therefore, this standard is met.

- (3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Director, and shall be adequately designed, graded, and drained to the approval of the Director.
- (4) Signs. "No Parking" signs shall be placed in a prominent location on the enclosure, or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles.

Finding: The proposed trash enclosure is located within the fully paved vehicle use area, and includes a drain within the enclosure, thereby meeting the surfacing requirements. The applicant can demonstrate the required signage at the time of building permit review, as conditioned. The proposal meets the standard.

▪ ***Pedestrian Access***

SRC 800.065 – Applicability

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

Finding: The proposal includes development of a vacant parcel for a new fueling station and convenience store; therefore, the pedestrian access standards of SRC Chapter 800 apply.

SRC 800.065(a) – Pedestrian Connections Required

The on-site pedestrian circulation system shall provide pedestrian connectivity throughout the development site as follows:

(1) Connection Between Entrances and Streets

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

Finding: The development plans indicate a direct pedestrian connection from the building's primary entrance to Macleay Road SE, Cordon Road SE, and Gaffin Road SE. 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: There is not an existing or planned transit route to any of the adjacent streets; therefore, this standard is not applicable.

(2) *Connection Between Buildings on the same Development Site.*

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

Finding: The development site does not include more than one building; therefore, this standard is not applicable.

(3) *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 development does not include an off-street surface parking area greater than 25,000 square feet or including 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.

(4) *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.

- (5) *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 use classifications, use categories, and uses under SRC chapter 400 listed in (i) through (vi).

Finding: The development site does not include any vehicular connections 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 development plans indicate paved walkways adjacent to the vehicle use areas. The walkway adjacent to the parking spaces is more than eight feet in width and the abutting parking spaces include wheel stops to ensure vehicles do not overhang into the walkway. These standards are 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 development plans do not provide any lighting details; however, the applicant's written statement indicates lighting plans will be provided meeting the standards of SRC 800.060. To ensure the lighting meets the standards, the following condition shall apply.

Condition 4: At the time of building permit, provide a lighting plan demonstrating conformance with SRC 800.060 and SRC 800.065(c).

SRC Chapter 806 – Off-Street Parking, Loading, and Driveways

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: There are no minimum parking standards for any development within the City. The proposal includes two uses on the property including a 5,000 square foot building for a convenience store and a 3,600 square foot canopy for the fueling stations. Per Table 806-1, a *retail sales* use allows a maximum of one parking space per 200 square feet of gross floor area, or 25 spaces for the convenience store ($5,000 / 200 = 25$); and a *motor vehicle services* use allows a maximum of one parking space per 600 square feet of gross floor area, or six spaces for the fueling canopy ($3,600 / 600 = 6$). Altogether, the development is allowed a maximum of 31 off-street parking spaces. The development plans indicate 12 off-street parking spaces, within the maximum allowed.

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

Finding: The proposal does not include any compact parking spaces for the development site. This standard is met.

- (c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.

Finding: The proposal does not include uses falling within the Public Services and Industrial use classifications, or the Business and Professional Services use category; therefore, this standard is not applicable.

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

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

▪ ***Off-Street Parking and Vehicle Use Area Development Standards***

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

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

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

Finding: The proposal includes development of a vacant parcel for four new uses, including new parking spaces, appropriate drive-aisles and vehicle circulation, and new loading spaces; 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 proposed off-street parking area complies with all applicable location and perimeter setback requirements except at the south end of the landscape planter adjacent to the property line abutting Gaffin Road SE. As previously conditioned, this setback shall be revised to meet the minimum ten feet. As previously conditioned, landscaping will be further evaluated for compliance at the time of building permit review.

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

Finding: The total proposed off-street parking area is less than 5,000 square feet in size; therefore, this standard is not applicable.

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

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

- (f) *Off-street parking area access and maneuvering.* In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:
 - (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
 - (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-8. The turnaround shall conform to the minimum dimensions set forth in Table 806-6.

Finding: The off-street parking area does not terminate at a dead-end anywhere on site and provides a drive-aisle of vehicle circulation around the building and throughout the site. The site is designed so that all vehicles will enter and exit the street in a forward motion with no backing or maneuvering within the street; therefore, this standard is met.

- (g) *Grading.* 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.
- (h) *Surfacing.* Off-street parking and vehicle use areas shall be paved with a hard surface material meeting the Public Works Design Standards; 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) Vehicle 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.
- (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 proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage.

- (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 site plan indicates wheel barriers will be provided for all parking spaces abutting required pedestrian walkways; therefore, this standard is met.

- (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.
- (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.

- (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: The proposed off-street parking area is developed consistent with the off-street parking area dimension standards set forth in Table 806-6. The parking area striping, marking, signage, and, as previously conditioned, lighting shall comply with the standards of SRC Chapter 800 and 806, and will be verified for conformance at the time of building permit review.

- (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 a new off-street surface parking area more than one-half acre in size; therefore, these standards are not applicable.

▪ ***Driveway Development Standards***

SRC 806.040 – 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: Pursuant to SRC 806.040(d), Table 806-7, two-way driveways are required to have a minimum width of 22 feet. The proposal includes two new driveway approaches, one onto Macleay Road SE and one onto Gaffin Road SE. Both driveways exceed the minimum 22-foot width and provide for safe turning movements into and out of the property. These standards are met.

▪ ***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 proposal includes development of a vacant parcel with new uses for a site that has no existing bicycle parking on site. The bicycle parking standards of this section are applicable.

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 includes development of a fueling station and convenience store. A *retail sales* requires the greater of four spaces, or one space per 10,000 square feet of gross floor area for the first 50,000 square feet, therefore requiring four spaces as the greater requirement for the convenience store ($5,000 / 10,000 = 0.5$); and a *motor vehicle services* use requires a minimum of one space per 9,000 square feet of gross floor area, or none for the fueling canopy area ($3,600 / 9,000 = 0.4$); therefore, a total of four bicycle parking spaces is required. The development plans indicate six bicycle parking spaces will be provided, meeting the minimum amount.

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 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.
 - (2) *Long-term bicycle parking.* Long-term bicycle parking shall be located within a building, or outside of a building, in a well-lighted secure location that is sheltered from precipitation and within a convenient distance of the primary entrance.
- (C) *Long-term bicycle parking for non-residential uses.* Long-term bicycle parking spaces for non-residential uses shall be located within:
- (i) A restricted access lockable room;

- (ii) A lockable bicycle enclosure; or
- (iii) A bicycle locker.

Finding: The development plans indicate short-term parking spaces will be provided in the form of inverted-U/staple-style racks. The parking spaces are located within 50 feet of and clearly visible from the primary entrance of the convenience store. The proposal meets the standards.

- (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: The bicycle racks will have direct access to the public right-of-way through the proposed pedestrian walkways. This standard is met.

- (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 access aisles conforming to the minimum widths set forth in Table 806-9. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Finding: The development plans indicate spaces six feet in length with two feet of width on either side of the rack, and more than four feet of access behind the rack, meeting the required dimensions. 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 located on a paved hard surface, meeting the standards.

- (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 a minimum of six inches horizontally apart, 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 806-12.

Finding: The development plans indicate inverted-U/staple-style racks will be provided for the short-term bike parking spaces, meeting the standard.

▪ **Off-Street Loading Areas**

SRC 806.065 – Off-Street Loading Areas; When Required

- (a) *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.
- (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: A minimum of one off-street loading space is required for the use category that includes *retails sales and service* for buildings with a gross floor area between 5,000 and 100,000 square feet in size. The development plans indicate the convenience store building will have a gross floor area of less than 5,000 square feet; therefore, a loading space is not required. A *motor vehicle services* use less than 5,000 square feet do not require a loading space for gross floor area. The proposed canopy for the fueling stations is 3,600 square feet; therefore, no off-street loading is required.

SRC Chapter 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: As previously conditioned, landscape and irrigation plans will be further reviewed for conformance with the requirements of SRC 807 at the time of building permit review.

SRC Chapter 900 – Sign Code

SRC Chapter 900 regulates the permitting of signs in the City. No person shall construct, erect, enlarge, alter, or relocate any sign, or install electrical parts, wiring, or illumination in or upon a sign, until all required permits have been obtained, including, but not limited to, sign permits, building permits, electrical permits, and any other permit required under federal, state, or local law.

Finding: The development plans indicate there is an existing billboard sign toward the southeast near Cordon Road SE that is proposed for removal, and a new pole sign is shown toward the northeast. The removal and installation of any sign shall be subject to the standards of SRC 900 and shall be reviewed and permitted separately.

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 outside of the Urban Service Area. Because the proposed development does not precede construction of required facilities, an UGA permit is not required.

▪ *Acquisition of property, easements, and right-of-way*

SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens.

Finding: As described in the analysis of SRC Chapter 803 below, right-of-way dedication is required along Macleay Road SE and Cordon Road SE, and an easement is required for public utilities on subject property. As a condition of approval, the applicant shall ensure required right-of-way and easements are unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.050(d).

Condition 5: Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.

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's engineer submitted a preliminary stormwater report that demonstrates the intent to utilize Green Stormwater Infrastructure, as required by SRC Chapter 71 and the Public Works Design Standards (PWDS). However, contributing areas and facility areas are inconsistent between plans and report figures, tables, and models in the preliminary stormwater report. The report also does not address all onsite impervious areas. Prior to issuance of a Building Permit, the applicant shall submit a final stormwater report that demonstrates the stormwater system will be designed and constructed in accordance with the Public Works Design Standards.

Condition 6: 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 Chapter 802 – Public Improvements

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: G-0
	An 8-inch water main is located in Gaffin Road SE.
	A 24-inch water main is located in Cordon Road SE.
Sanitary Sewer	A 30-inch sanitary sewer main runs on private property along the southwest boundary of the subject property.
Storm Drainage	There are existing drainage ditches located along Macleay Road SE, Cordon Road SE, and the southwestern property boundary.

▪ *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: In summary, the proposed development will be served adequately by City water, sewer, and stormwater infrastructure upon completion of the conditions described in the analysis provided for each utility type. 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. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

Water – There is an existing 24-inch water main in Cordon Road SE and a 12-inch water main in Gaffin Road SE. Per PWDS 5.2, water distribution systems shall be designed for maximum development of the service area with recognition of possible urban renewal, industrial expansion, etc. All developments are required to provide public water mains of sufficient size for fire protection to adjacent parcels. This shall include the extension of water mains across the street frontage of the property to adjoining properties. The *Salem Water System Master Plan* calls for extending a 12-inch water main along Macleay Road SE to complete a loop between the existing 12-inch water main in Gaffin Road SE to the existing 24-inch water main in Cordon Road SE. As a condition of development, the applicant shall extend a 12-inch water main along the Macleay Road SE frontage connecting the existing 12-inch water main in Gaffin Road SE to the 24-inch water main in Cordon Road SE.

Condition 7: Prior to issuance of a Certificate of Occupancy, design and construct a 12-inch water main along Macleay Road SE connecting the existing 12-inch water main at the intersection of Macleay Road SE and Gaffin Road SE to the existing 24-inch water main in Cordon Road SE.

Sanitary Sewer – There is an existing 30-inch sanitary sewer main located at the southwestern portion of the subject property in an easement. This main provides adequate sewer service for the proposed development, additional sewer improvements are not required.

Stormwater – There are existing drainage ditches located along the Macleay Road SE and Cordon Road SE frontages, as well as the southwest property boundary. No additional stormwater main improvements are required for the proposed development.

As conditioned, the proposed development conforms to the public improvement standards of SRC Chapter 802.

▪ ***Easements***

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: There is an existing 30-inch public sewer main along the southwest portion of the subject property. Sewer mains of this size require a minimum 25-foot easement. As a condition of approval, the applicant shall dedicate an easement for existing public infrastructure on the site to current standards established in the Public Works Design Standards Section 1.8 (Easements).

Condition 8: Prior to issuance of a Certificate of Occupancy, dedicate an easement for the existing sewer main on the site to current standards in Public Works Design Standards Section 1.8 (Easements).

The applicant's site plan shows private, walled, green stormwater infrastructure facility placed in conflict within the sanitary sewer easement. Pursuant to SRC 802.020 and PWDS Section 1.8 (Easements), structures and other obstructions are not permitted within easements for City mains. Staff does not support this facility being located within the City's easement as it will obstruct access to the City's main for long-term maintenance. As a condition of approval, the applicant's site plan shall be revised to remove any conflict between private green stormwater infrastructure and public utility easements.

Condition 9: Prior to issuance of a Building Permit, the applicant shall submit a revised site plan which removes any conflict between private green stormwater infrastructure and City main easements, unless otherwise approved by the Director.

▪ ***Watercourses***

SRC 802.030 requires dedication of public improvement and maintenance easements for watercourses.

Finding: A portion of the West Middle Fork of the Little Pudding River runs north/south through the middle of the subject property. Pursuant to SRC 802.030(b) and the PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest.

Condition 10: Prior to issuance of a Certificate of Occupancy, dedicate an Open Channel Drainage Easement along The West Middle Fork of the Little Pudding River on the subject property. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

SRC Chapter 803 – Street and Right-of-way Improvements

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

Streets			
Street Name		Right-of-way Width	Improvement Width
Macleay Road SE (Minor Arterial)	Standard:	72 feet	46 feet
	Existing Condition:	60 feet	24 feet
Cordon Road SE (Parkway)	Standard:	120 feet	80 feet
	Existing Condition:	90-98 feet	40-50 feet
Gaffin Road SE (Local)	Standard:	60 feet	30 feet
	Existing Condition:	60 feet	30 feet

▪ *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 has frontage on Gaffin Road SE, Macleay Road SE, and Cordon Road SE. Pursuant to SRC 803.040, boundary street improvements are warranted along each frontage. Findings and conditions of approval for each street frontage are provided in the following analysis:

Gaffin Road SE – Gaffin Road SE abuts the subject property and is classified as a Local Street according to the Salem Transportation System Plan (TSP). Gaffin Road SE meets the minimum right-of-way width and pavement width standards established in SRC 803.025; therefore, additional improvements along Gaffin Road SE are not required.

Macleay Road SE – Macleay Road SE abuts the subject property and is classified as a Minor Arterial Street according to the Salem Transportation System Plan (TSP). Macleay Road SE does not meet the current right-of-way width and improvement width standards for a Minor Arterial Street. The ultimate right-of-way width for a minor arterial street is 72 feet according to SRC 803.025 Table 803-1 (Right-of-way Width) and the ultimate improvement width for a Minor Arterial is 46 feet according to SRC 803.025 Table 803-2 (Pavement Width). As a condition of approval per SRC 803.040(a), the applicant shall dedicate 36 feet from the centerline of Macleay Road SE and shall construct a three-quarter improvement to Minor Arterial Street standards, including provision for a dedicated center turn lane. Due to physical and geometric constraints at the intersection of Macleay Road SE and Cordon Road SE, the improvement shall include an exclusive southbound right-turn lane and a shared thru-left turn lane.

Condition 11: Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Macleay Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Condition 12: Construct a three-quarter street improvement along the frontage of Macleay Road SE, including construction of a dedicated center turn lane, to Minor Arterial Street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Due to physical and geometric constraints at the intersection of Macleay Road SE and Cordon Road SE, the improvement shall include an exclusive southbound right-turn lane and a shared thru-left turn lane.

Cordon Road SE – Cordon Road SE abuts the subject property and is classified as a Parkway according to the Salem TSP. The existing configuration of Cordon Road SE does not meet current standards for its classification of street per the Salem TSP. The ultimate right-of-way width for a parkway is 120 feet according to SRC 803.025 Table 803-1 (Right-of-way Width) and the ultimate improvement width for a parkway is 80 feet according to SRC 803.025 Table 803-2 (Pavement Width). Where inadequate, the applicant shall be required to convey land for dedication 60 feet from the centerline of Cordon Road SE. The applicant shall provide a surveyed centerline evaluation to determine if right-of-way dedication is needed or if the existing right-of-way is adequate

Condition 13: Convey land for dedication to equal a half-width right-of-way of 60 feet on the development side of Cordon Road SE.

The applicant shall construct a half-street improvement to parkway street standards as specified in the PWDS and consistent with the provisions of SRC Chapter 803. This improvement may be eligible for payment of a fee-in-lieu of construction pursuant to SRC 200.405 as adjacent portions of Cordon Road SE are not constructed to parkway standards and lie outside of the Urban Growth Boundary. This improvement may also be eligible for

deferral pursuant to SRC 803.070 if the applicant can demonstrate the applicable criteria are met.

Condition 14: Prior to issuance of a Certificate of Occupancy, construct a half-street improvement along the frontage of Cordon Road SE to Parkway street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803, pay a fee-in-lieu of construction if the criteria of SRC 200.405 are met, or request a deferral of construction improvements if the criteria of SRC 803.070 are met.

▪ ***Transportation Impact Analysis Mitigation***

Pursuant to SRC 803.015, a Traffic Impact Analysis (TIA) is required for new development which generates 1,000 Average Daily Trips onto an arterial street.

Finding: The proposed development exceeds the threshold requiring TIA per SRC 803.015. The applicant submitted a TIA prepared by Clemow Associates LLC, and dated May 1, 2024, to evaluate the transportation impacts generated by the proposed development. In summary, the TIA found that all study intersections area anticipated to operate within agency mobility targets in all analysis scenarios. No operations mitigation is necessary to accommodate development traffic.

Trip Cap Analysis – In 2012, the Salem Planning Commission approved a request for a Comprehensive Plan Map Amendment from “Industrial” to “Industrial Commercial” and a zone change from IBC (Industrial Business Campus) to IC (Industrial Commercial) (Case No. CPC/ZC12-07) for the subject property with a condition of approval providing that no development on the property shall be allowed that causes average daily trips from the development to exceed 3,522 average daily trips. The applicant’s Traffic Impact Analysis evaluated the proposed development, including a convenience store between 4,000-5,500 square feet in size with 12 fueling positions for the gas service station, and found that the proposed use would generate 3,086 average daily trips, less than the maximum allowed by the trip cap. The Assistant City Traffic Engineer has reviewed the applicant’s findings and concurs with the trip cap analysis. In order to ensure compliance with the trip cap, a condition of approval is required which establishes a maximum 5,500 square foot building size for the convenience store.

Condition 15: In order to comply with the Trip Cap established in Case No. CPC/ZC12-07, the Convenience Store building shall not exceed 5,500 square feet of gross floor area.

▪ ***Sidewalks***

Pursuant to SRC 803.035(l)(2)(A), street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way.

Finding: Along the Macleay Road SE frontage, the applicant is proposing property line sidewalk along the western frontage which switches to curblin sidewalk along the eastern portion. The applicant explains that it is necessary to shift the sidewalk to curblin to avoid conflicts with an existing underground fiberoptic cable. Green stormwater infrastructure cannot

be located at the curblin along the eastern frontage without requiring this cable to be relocated. Pursuant to SRC 803.035(l)(2)(B), curblin sidewalk, as shown on the applicant's site plan, is allowed.

▪ ***Street Trees***

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

Finding: Gaffin Road SE is fully improved on the development side, including street trees. The Macleay Road SE frontage lacks street trees; therefore, new street trees shall be planted to the maximum extent feasible along these streets.

Condition 16: Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along the Macleay Road SE frontage.

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 applicant is proposing two new driveway approaches, one onto Gaffin Road SE and one onto Macleay Road SE and has applied for two Class 2 Driveway Approach Permits; findings for which are provided in Section 7 of this decision. As described in the findings below, the proposal meets the approval criteria for a Class 2 Driveway Approach Permit. With approval of the Class 2 Driveway Approach Permits, and with approval of the Adjustments to driveway location and spacing included in this decision, the proposed development meets applicable criteria in SRC Chapter 804 relating to driveway approaches.

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 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.

Finding: There is one 27-inch *dbh* (diameter at breast height) Oregon White Oak tree on the property, which is proposed for removal, addressed below in Section 9 of this decision.

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: The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025

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.

With the conditions of approval in place, the proposal meets all applicable standards of the UDC, and this criterion is met.

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: Proposed driveway accesses onto Gaffin Road SE and Macleay Road SE provide for safe turning movements into and out of the property 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 proposed development, subject to the conditions of approval established in this decision. This criterion is met.

7. Analysis of Class 2 Driveway Approach Permit Criteria

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit 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 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The applicant proposes two driveway approaches to serve the development; one to Gaffin Road SE (a Local Street) and one to Macleay Road SE (a Minor Arterial Street). The applicant has requested a Class 2 Adjustment to allow a new driveway approach on Macleay Road SE, where access to the lower classification of street is required. The proposed driveway to Macleay Road SE is located less than 370 feet from adjacent intersections with Cordon Road SE and Gaffin Road SE; therefore, two additional Class 2 Adjustments are also required for driveway spacing, as described below. Otherwise, the proposed driveways meet applicable the standards for SRC 804 and PWDS. This criterion is met.

SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.

Finding: Development Services has reviewed the proposal and determined that no site conditions exist prohibiting the location of the proposed driveway approaches. This criterion is met.

SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.

Finding: The applicant proposes two driveway approaches, one onto Gaffin Road SE, classified as a Local Street, and one onto Macleay Road SE, classified as a Minor Arterial Street. The applicant has requested a Class 2 Adjustment to allow one access to an Arterial Street, findings for which are included in Section 8 below. With approval of the Class 2 Adjustment to allow access onto an Arterial Street, one approach onto an Arterial roadway will be provided. This criterion is met.

SRC 804.025(d)(4): The proposed driveway approach, where possible:

(A) Is shared with an adjacent property; or

(B) Takes access from the lowest classification of street abutting the property

Finding: One proposed driveway is located with access to the lowest classification of street abutting the subject property, Gaffin Road SE (a Local Street). The applicant has requested a Class 2 Adjustment to allow one access to an Arterial Street. Due to lot configuration and existing development, a shared driveway approach is not possible. This criterion is met

SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.

Finding: The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: No evidence has been submitted to indicate that the proposed driveways will create traffic hazards or unsafe turning movements. Additionally, Development Services analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property. This criterion is met.

SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: Development Services' analysis of the proposed driveways and the evidence that has been submitted indicate that the location of the proposed driveways will not have any adverse impacts to the adjacent properties or streets. This criterion is met.

SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The property is located on the corner of a Minor Arterial Street (Macleay Road SE), a Parkway (Cordon Road SE) and a Local Street (Gaffin Road SE). The applicant is proposing one driveway approach to the lower classification of street (Gaffin Road SE) which meets the spacing requirements of SRC Chapter 803 and one driveway approach located on Macleay Road SE, a Minor Arterial Street. The applicant has requested Class 2 Adjustments to allow the driveway approach onto Macleay Road SE, addressed in Section 8 of this decision. The Assistant City Traffic Engineer has reviewed the location of the approaches and found that

they will not create a significant impact to adjacent streets and intersections. This criterion is met.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The proposed development is adjacent to residentially zoned property on the north side of Macleay Road SE with potential for future redevelopment. The proposed driveway approaches balance the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets. This criterion is met.

8. 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 three Class 2 Adjustments. The following provides a detailed analysis upon which the decision is based for each individual adjustment request:

- (1) Allow a driveway approach onto Macleay Rd SE where driveways are limited to the lower street classification, per SRC 804.035(c).***

The applicant has proposed two driveway approaches, one onto Macleay Road SE and one onto Gaffin Road SE. Macleay Rd is classified as a Minor Arterial and Gaffin Rd is classified as a Local Street in the Salem Transportation System Plan (TSP). Per SRC 805.035(a)(2), development that is not a single-to-four-family use and is not a complex is allowed one driveway approach onto a Major or Minor Arterial Street, provided the driveway does not abut a Local or Collector Street. Additionally, SRC 804.035(c) requires developments on a corner lot that abut a Local or Collector Street to take access to the lower-class street. The development site is a corner lot with frontage on three streets. Access is restricted onto Cordon Road, which is classified as a Parkway; therefore, as it is the lowest street class, the driveway approach access is required to be taken from Gaffin Rd SE. The applicant's written statement indicates because of the shape of the lot and restricted access, it is impractical for all vehicles to enter and exit the site onto Gaffin Rd, particularly heavy trucks such as fuel tankers which cannot maneuver fully within the site in order to use one access. The applicant indicates the proposed two driveways will provide for the safer entry and exiting of vehicles in and out of the development site, equally meeting the intent of the standard of limiting driveways onto busier streets.

As described in the conditions of approval, boundary street improvements along Macleay Road SE will require the construction of a dedicated center turn lane along the subject property,

ensuring that vehicles turning into the driveway approach are able to queue safely and not impede traffic while making a turning movement into the driveway approach. The Assistant City Traffic Engineer has reviewed the applicants request and finds that the proposed driveway on Macleay Road SE balances providing for access and maneuvering for the proposed use with traffic safety equal to what would be accomplished by meeting the development standard. The proposal meets the approval criterion.

(2) Reduce the minimum spacing of the driveway onto Macleay Rd SE from Cordon Rd SE from 370 feet to 325 feet, per SRC 804.035(d)

As addressed above, the development proposes two driveway approaches into the site, with one driveway approach onto Macleay Road SE and located between two intersecting streets, Cordon Road SE to the east and Gaffin Road SE to the west. Per SRC 804.035(d), except for driveways serving single-to-four-family uses, driveway approaches onto a Minor Arterial shall be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline. The proposed driveway is 325 feet from the centerline of Cordon Rd. The applicant's written statement indicates that due to the shape of the lot and existing wetlands which require the site improvements to be situated to the west side, this is the most feasible and practical location for the driveway. Due to the length of the frontage, the driveway cannot be physically placed anywhere on Macleay Road SE without necessitating an Adjustment to the spacing requirement. Further, the driveway approach is located at the furthest distance from the intersection with Gaffin Road SE before encroaching into mapped wetland areas. The Assistant City Traffic Engineer has reviewed the proposed driveway location in relation to adjacent intersections and found that the approach meets the adjustment criteria by allowing for turning movements, site distance, and traffic safety in this area equal to what would be accomplished by meeting the development standard. While the approach does not meet the minimum spacing, it is located as far as practicable from the other intersecting street, and will provide for the safe entry and existing of vehicles to the site and streets, equally meeting the intent of the standard. The proposal meets the approval criterion.

(3) Reduce the minimum spacing of the driveway onto Macleay Rd SE from Gaffin Rd SE from 370 feet to 215 feet, per SRC 804.035(d)

As addressed above, the development proposes two driveway approaches into the site, with one driveway approach onto Macleay Road SE and located between two intersecting streets, Cordon Road SE to the east and Gaffin Road SE to the west. Per SRC 804.035(d), except for driveways serving single-to-four-family uses, driveway approaches onto a Minor Arterial shall be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline. The proposed driveway is 215 feet from the centerline of Gaffin Road SE. The applicant's written statement indicates that due to the shape of the lot and existing wetlands which require the site improvements to be situated to the west side, this is the most feasible and practical location for the driveway. Due to the length of the frontage, the driveway cannot be physically placed anywhere on Macleay Road SE without necessitating an Adjustment to the spacing requirement. The Assistant City Traffic Engineer has reviewed the proposed driveway location in relation to adjacent intersections and found that the approach meets the adjustment criteria by allowing for turning movements, site distance, and traffic safety in this area equal to what would be accomplished by meeting the development standard. While the approach does not meet the minimum spacing, it is located as far as practicable from the other intersecting street, and will provide for the safe entry and existing of

vehicles to the site and streets, equally meeting the intent of the standard. The proposal meets the approval 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 IC (Industrial Commercial) zone; therefore, the criterion is not applicable.

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

Finding: Three 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 17: The adjusted driveway approach standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

9. Tree Removal Permit

Salem Revised Code (SRC) 808.025(d)(5) provides that an application for a Tree Removal Permit for removal of a Significant Tree in connection with the construction of a development other than single family, two family, three family, four family, or cottage cluster 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 808.030(d)(5)(A): Without approval of the tree removal permit the proposed development cannot otherwise meet the applicable development standards of the UDC without a variance or adjustment.

Finding: The applicant is requesting to remove one 27-inch dbh Oregon White Oak tree which is located along the western boundary of the property adjacent to Gaffin Rd. The applicant's written statement indicates the tree's critical root zone is within the landscaped setback abutting the street, which also serves as the green stormwater retention area for the site. Because of the existing wetlands to the east side, the majority of the development is situated toward the west side of the property. The tree is also in the middle of the proposed drive aisles, which are necessary to provide the safe maneuvering through the site and toward the driveway approaches, including the approach onto Gaffin Rd.

SRC 808.030(d)(5)(B): There are no reasonable design alternatives that would enable preservation of the tree. In determining whether there are no reasonable design alternatives, the following factors, which include but are not limited to the following, shall be considered:

(i) Streets. The removal is necessary due to:

(aa) The location and alignment of existing streets extended into the boundary of the subject property;

(ii) Utilities. The removal is necessary due to existing or proposed utilities that cannot be relocated to an alternative location.

(iii) Site topography. The removal is necessary due to the topography of the site which will require severe grading in the critical root zone of the tree in order to comply with maximum street or intersection grades, fire department access requirements, or Fair Housing Act or ADA accessibility standards.

Finding: As described above, the tree is located adjacent to the property line abutting Gaffin Rd, near the proposed driveway approach and within the drive aisles of the fueling station. Due to the locational restrictions for the driveway approach and the development being situated to the west side of the property, any development around the tree would require significant grading which would severely impact the tree's critical root zone. Additionally, the tree's critical root zone is located directly over the proposed sanitary sewer and water lines. There are no reasonable design alternatives that would enable preservation of the tree and removal of the tree is necessary to accommodate the development.

The proposed tree removal meets the applicable criteria of SRC 808.030(d)(5)(A) & (B).

10. Conclusion

Based upon review of SRC Chapters 220, 250, 804, and 808, 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

Building permits are required for the proposed development.

Next steps: Please submit building permits or other development permits for this project with the Building and Safety Division. Please submit a copy of this decision or this application file number with your building permit application for the work proposed.

Final approval of Class 3 Site Plan Review, Class 2 Adjustment, Class 2 Driveway Approach Permit and Tree Removal Permit Case No. SPR-ADJ-DAP-TRP25-10 is hereby **APPROVED** subject to SRC Chapters 220, 250, 804, and 808, 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: At time of building permit, provide revised plan to ensure the setback abutting Gaffin Road SE and the drive aisle to the fueling station meets the standards of SRC 806.035(c).

- Condition 2:** At time of building permit review, provide a complete landscaping plan, meeting the minimum 15 percent landscaping standards of the IC zone and SRC 807.
- Condition 3:** At time of building permit review, provide detailed plans of the solid waste services area and enclosure meeting the standards of SRC 800.055.
- Condition 4:** At the time of building permit, provide a lighting plan demonstrating conformance with SRC 800.060 and SRC 800.065(c).
- Condition 5:** Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
- Condition 6:** 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 7:** Prior to issuance of a Certificate of Occupancy, design and construct a 12-inch water main along Macleay Road SE connecting the existing 12-inch water main at the intersection of Macleay Road SE and Gaffin Road SE to the existing 24-inch water main in Cordon Road SE.
- Condition 8:** Prior to issuance of a Certificate of Occupancy, dedicate an easement for the existing sewer main on the site to current standards in Public Works Design Standards Section 1.8 (Easements).
- Condition 9:** Prior to issuance of a Building Permit, the applicant shall submit a revised site plan which removes any conflict between private green stormwater infrastructure and City main easements, unless otherwise approved by the Director.
- Condition 10:** Prior to issuance of a Certificate of Occupancy, dedicate an Open Channel Drainage Easement along The West Middle Fork of the Little Pudding River on the subject property. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 11:** Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Macleay Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 12:** Construct a three-quarter street improvement along the frontage of Macleay Road SE, including construction of a dedicated center turn lane, to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Due to physical and geometric constraints at the intersection of Macleay Road SE and Cordon Road SE, the improvement shall include an exclusive southbound right-turn lane and a shared thru-left turn lane.

- Condition 13:** Convey land for dedication to equal a half-width right-of-way of 60 feet on the development side of Cordon Road SE.
- Condition 14:** Prior to issuance of a Certificate of Occupancy, construct a half-street improvement along the frontage of Cordon Road SE to Parkway street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803, pay a fee-in-lieu of construction if the criteria of SRC 200.405 are met, or request a deferral of construction improvements if the criteria of SRC 803.070 are met.
- Condition 15:** In order to comply with the Trip Cap established in Case No. CPC/ZC12-07, the Convivence Store building shall not exceed 5,500 square feet of gross floor area.
- Condition 16:** Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along the Macleay Road SE frontage.
- Condition 17:** The adjusted driveway approach standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

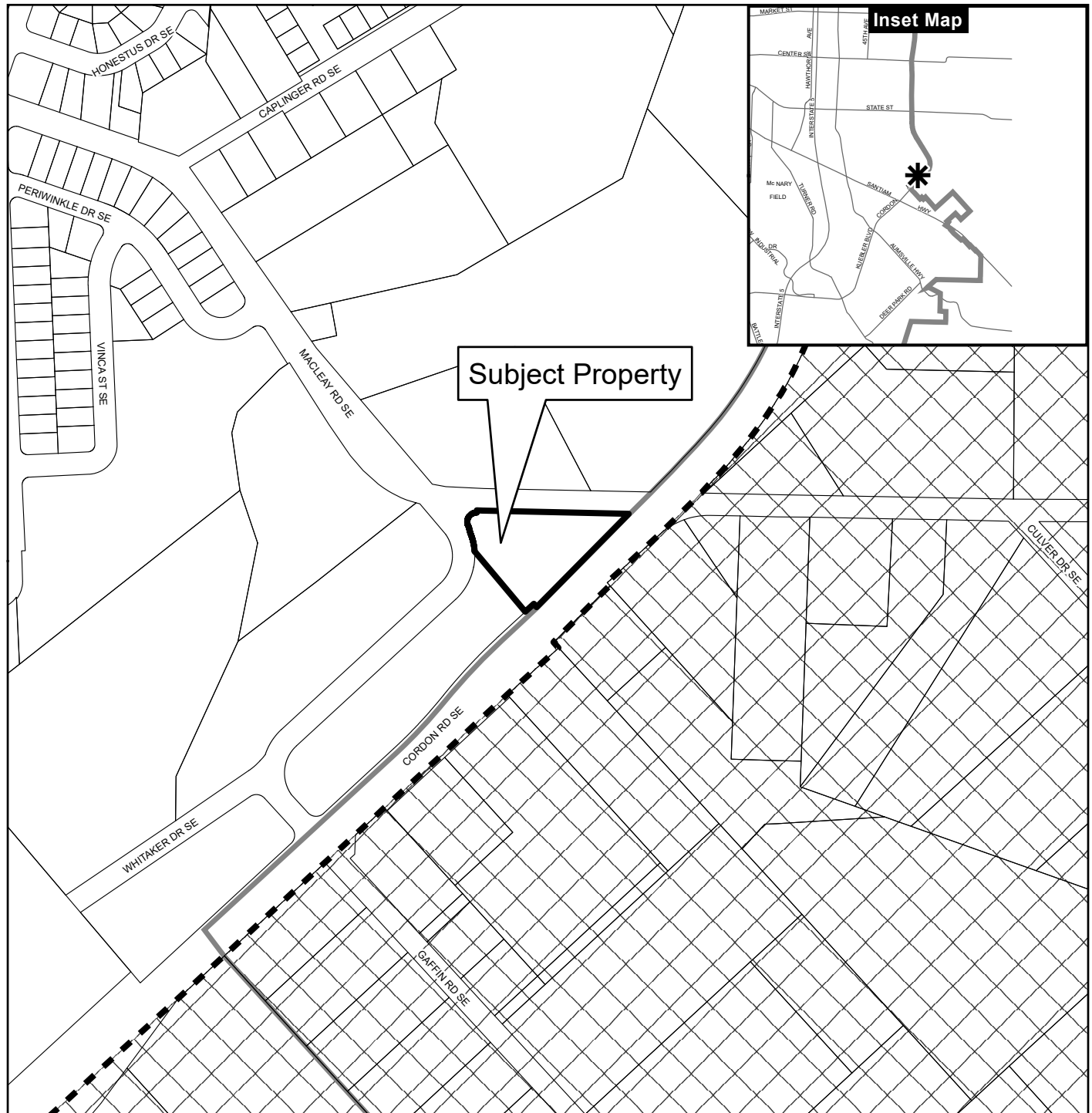


Peter Domine, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

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

Vicinity Map

5100 Block Macleay Road SE



Legend

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

Parks

CITY OF Salem
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Community Planning and Development

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0 100 200 400 Feet



SITE SUMMARY

BUILDING 4,999 SF
UNDERCANY 3,600 SF INCLUDES 3,600 SF UNDER CANYON
CANOPY 3,600 SF
LANDSCAPED AREA 11,739 SF
BUILDING HEIGHT 7.44'
CANOPY HEIGHT 10.4'



ARCHITECTURE
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PROJECT # 2024-010
DATE: 15 FEB 2025
REVISIONS

NEW DEVELOPMENT
GAS STATION CONVENIENCE STORE
MACLEAY ROAD SE, CORDON ROAD SE AND GAFFIN ROAD SE

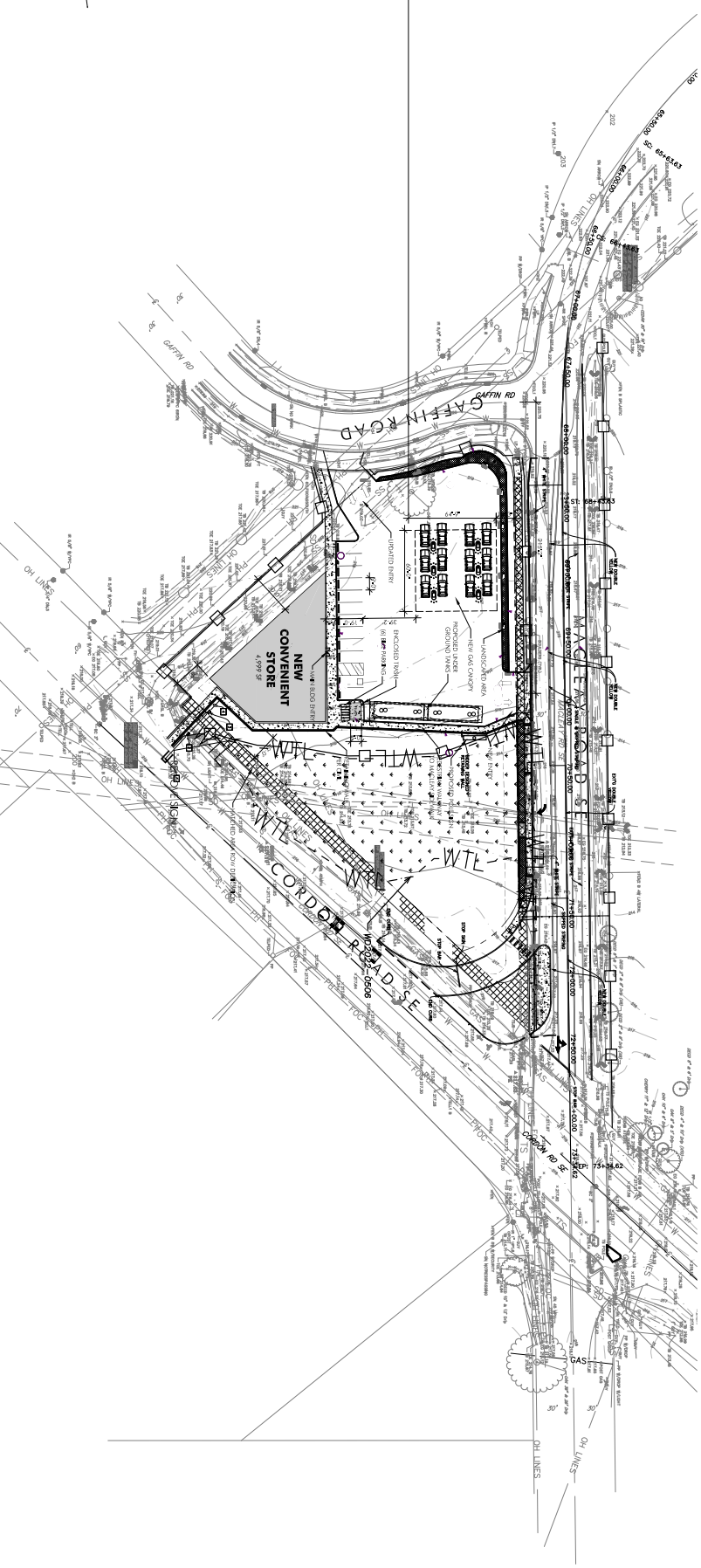
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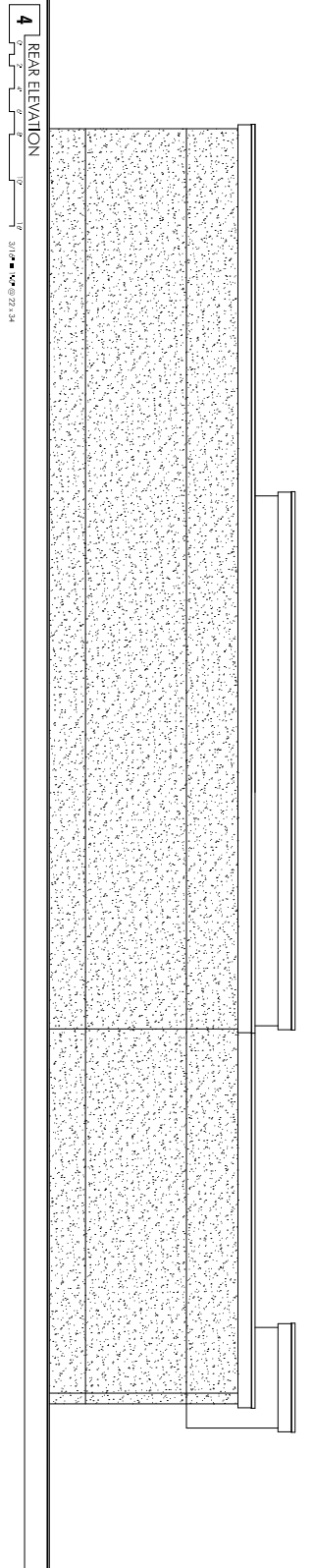
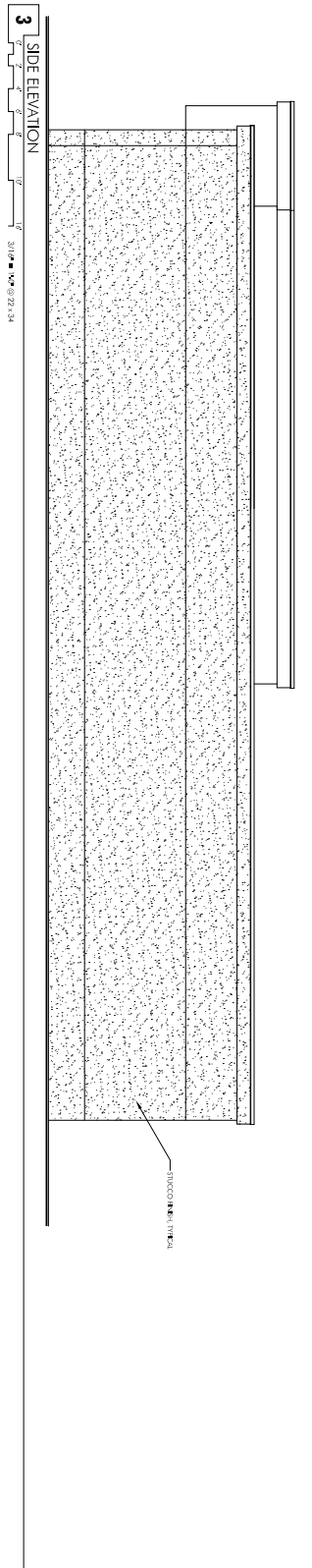
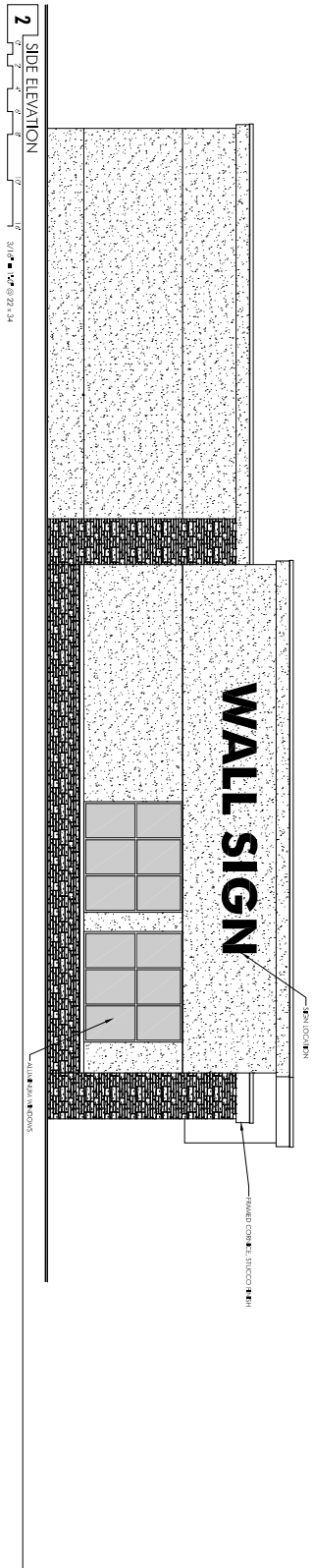
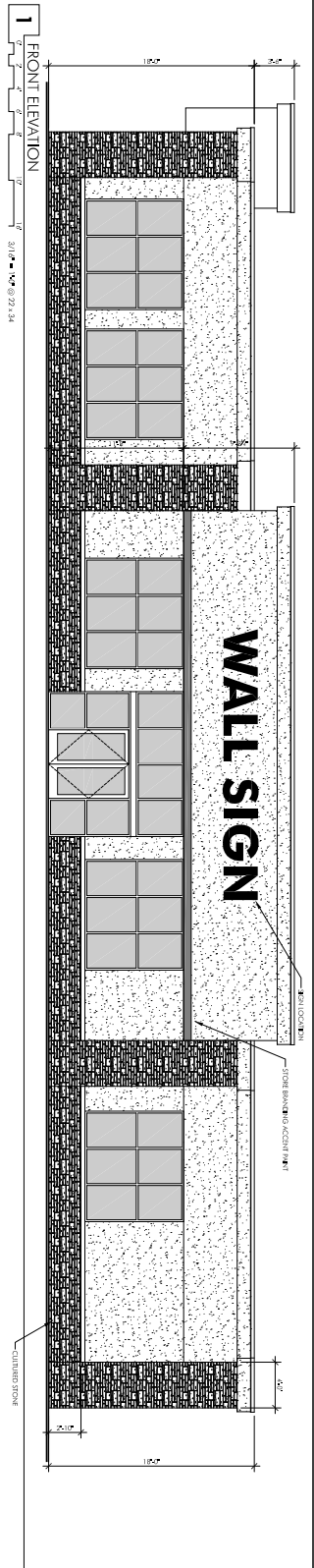
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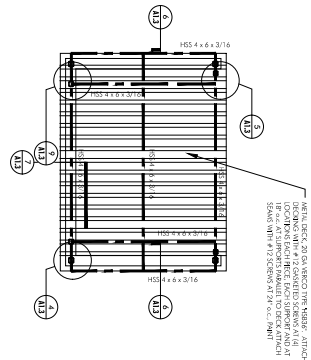
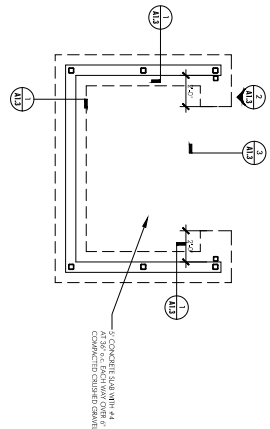
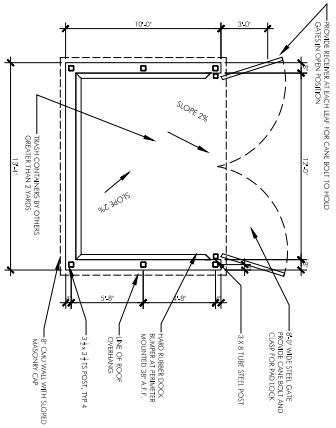


1 SITE PLAN

1" = 40' (22.34)



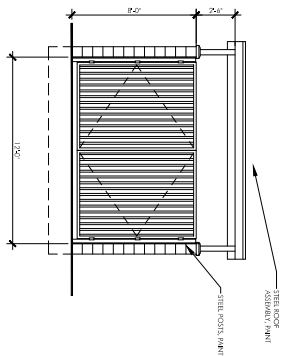
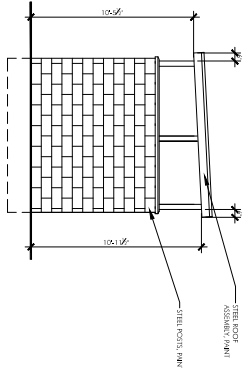
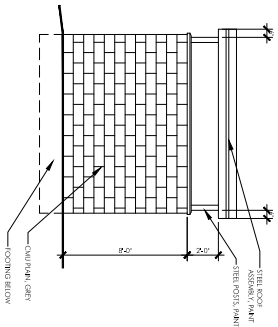




1 TRASH ENCLOSURE PLAN VIEW

2 TRASH ENCLOSURE FOUNDATION PLAN

3 TRASH ENCLOSURE ROOF PLAN



4 TRASH ENCLOSURE BACK ELEVATION

5 TRASH ENCLOSURE SIDE ELEVATION, TYP OF BOTH

6 TRASH ENCLOSURE FRONT ELEVATION



MEMO

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

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

DATE: May 9, 2025

SUBJECT: **Infrastructure Memo**
SPR-ADJ-DAP-TRP 25-10 (25-119871-PLN)
5100 Block of Macleay Road SE
New fueling station and convenience store

PROPOSAL

A Class 3 Site Plan Review for the development of a new fueling station and convenience store with associated site improvements. The consolidated application includes two Class 2 Driveway Approach Permits for new access onto Gaffin Rd SE and Macleay Rd SE, with three Class 2 Adjustments to:

- 1) Allow a driveway approach onto Macleay Rd SE where driveways are limited to the lower street classification, per SRC 804.035(c);
- 2) Reduce the minimum spacing of the driveway onto Macleay Rd SE from Cordon Rd SE from 370 feet to 325 feet, per SRC 804.035(d); and
- 3) Reduce the minimum spacing of the driveway onto Macleay Rd SE from Gaffin Rd SE from 370 feet to 215 feet, per SRC 804.035(d).

The consolidated application also includes one tree removal permit for a 27-inch dbh (diameter at breast height) oak tree. The subject property is zoned IC (Industrial Commercial) and located at the 5100 Block of Macleay Rd SE (Marion County Assessors Map and Tax Lot 072W32D00 / 2400).

RECOMMENDED CONDITIONS OF APPROVAL

1. Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
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).

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).

3. Prior to issuance of a Certificate of Occupancy, design and construct a 12-inch water main along Macleay Road SE connecting the existing 12-inch water main at the intersection of Macleay Road SE and Gaffin Road SE to the existing 24-inch water main in Cordon Road SE.
4. Prior to issuance of a Certificate of Occupancy, dedicate an easement for the existing sewer main on the site to current standards in Public Works Design Standards Section 1.8 (Easements).
5. Prior to issuance of a Building Permit, the applicant shall submit a revised site plan which removes any conflict between private green stormwater infrastructure and City main easements, unless otherwise approved by the Director.
6. Prior to issuance of a Certificate of Occupancy, dedicate an Open Channel Drainage Easement along The West Middle Fork of the Little Pudding River on the subject property. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
7. Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Macleay Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
8. Construct a three-quarter street improvement along the frontage of Macleay Road SE, including construction of a dedicated center turn lane, to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. Due to physical and geometric constraints at the intersection of Macleay Road SE and Cordon Road SE, the improvement shall include an exclusive southbound right-turn lane and a shared thru-left turn lane.
9. Convey land for dedication to equal a half-width right-of-way of 60 feet on the development side of Cordon Road SE.
10. Prior to issuance of a Certificate of Occupancy, construct a half-street improvement along the frontage of Cordon Road SE to parkway street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803, pay a fee-in-lieu of construction if the criteria of SRC 200.405 are met, or request a deferral of construction improvements if the criteria of SRC 803.070 are met.
11. In order to comply with the Trip Cap established in Case No. CPC/ZC12-07, the Convivence Store building shall not exceed 5,500 square feet of gross floor area.
12. Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along the Macleay Road SE frontage.

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
Macleay Road SE (Minor Arterial)	Standard:	72-feet	46-feet
	Existing Condition:	60-feet	24-feet
Cordon Road SE (Parkway)	Standard:	120-feet	80-feet
	Existing Condition:	90-98-feet	40-50-feet
Gaffin Road SE (Local)	Standard:	60-feet	30-feet
	Existing Condition:	60-feet	30-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: G-0
	An 8-inch water main is located in Gaffin Road SE.
	A 24-inch water main is located in Cordon Road SE.
Sanitary Sewer	A 30-inch sanitary sewer main runs on private property along the southwest boundary of the subject property.
Storm Drainage	There are existing drainage ditches located along Macleay Road SE, Cordon Road SE, and the southwestern property boundary.

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 outside of the Urban Service Area. Because the proposed development does not precede construction of required facilities, an UGA permit is not required.

SRC Chapter 200.050(d) – Acquisition of property, easements, and right-of-way:

SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens.

Finding: As described in the analysis of SRC Chapter 803 below, right-of-way dedication is required along Macleay Road SE and Cordon Road SE, and an easement is required for public utilities on subject property. As a condition of approval, the applicant shall ensure required right-of-way and easements are unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.050(d).

Condition: Required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.

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's engineer submitted a preliminary stormwater report that demonstrates the intent to utilize Green Stormwater Infrastructure, as required by SRC Chapter 71 and the Public Works Design Standards (PWDS). However, contributing areas and facility areas are inconsistent between plans and report figures, tables, and models in the preliminary stormwater report. The report also does not address all onsite impervious areas. Prior to issuance of a Building Permit, the applicant shall submit a final stormwater report that demonstrates the stormwater system will be designed and constructed in accordance with the Public Works Design Standards.

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 Chapter 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: In summary, the proposed development will be served adequately by City water, sewer, and stormwater infrastructure upon completion of the conditions described in the analysis provided for each utility type. 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. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

Water – There is an existing 24-inch water main in Cordon Road SE and a 12-inch water main in Gaffin Road SE. Per PWDS 5.2, water distribution systems shall be designed for maximum development of the service area with recognition of possible urban renewal, industrial expansion, etc. All developments are required to provide public water mains of sufficient size for fire protection to adjacent parcels. This shall include the extension of water mains across the street frontage of the property to adjoining properties. The *Salem Water System Master Plan* calls for extending a 12-inch water main along Macleay Road SE to complete a loop between the existing 12-inch water main in Gaffin Road SE to the existing 24-inch water main in Cordon Road SE. As a condition of development, the applicant shall extend a 12-inch water main along the Macleay Road SE frontage connecting the existing 12-inch water main in Gaffin Road SE to the 24-inch water main in Cordon Road SE.

Condition: Prior to issuance of a Certificate of Occupancy, design and construct a 12-inch water main along Macleay Road SE connecting the existing 12-inch water main at the intersection of Macleay Road SE and Gaffin Road SE to the existing 24-inch water main in Cordon Road SE.

Sanitary Sewer – There is an existing 30-inch sanitary sewer main located at the southwestern portion of the subject property in an easement. This main provides adequate sewer service for the proposed development, additional sewer improvements are not required.

Stormwater – There are existing drainage ditches located along the Macleay Road SE and Cordon Road SE frontages, as well as the southwest property boundary. No additional stormwater main improvements are required for the proposed development.

As conditioned, the proposed development conforms to the public improvement standards of SRC Chapter 802.

▪ ***Easements:***

SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval.

Finding: There is an existing 30-inch public sewer main along the southwest portion of the subject property. Sewer mains of this size require a minimum 25-foot easement. As a condition of approval, the applicant shall dedicate an easement for existing public infrastructure on the site to current standards established in the Public Works Design Standards Section 1.8 (Easements).

Condition: Prior to issuance of a Certificate of Occupancy, dedicate an easement for the existing sewer main on the site to current standards in Public Works Design Standards Section 1.8 (Easements).

The applicant's site plan shows private, walled, green stormwater infrastructure facility placed in conflict within the sanitary sewer easement. Pursuant to SRC 802.020 and PWDS Section 1.8 (Easements), structures and other obstructions are not permitted within easements for City mains. Preliminary review of the proposed site plan indicated no staff support for a design exception to allow this facility to be located within the City's easement as it will obstruct access to the City's main for long-term maintenance. As a condition of approval, the applicant's site plan shall be revised to remove any conflict between private green stormwater infrastructure and public utility easements unless a design exception can be supported.

Condition: Prior to issuance of a Building Permit, the applicant shall submit a revised site plan which removes any conflict between private green stormwater infrastructure and City main easements, unless otherwise approved by the Director.

▪ **Watercourses:**

SRC 802.030 requires dedication of public improvement and maintenance easements for watercourses.

Finding: A portion of the West Middle Fork of the Little Pudding River runs north/south through the middle of the subject property. Pursuant to SRC 802.030(b) and the PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width shall be either 15-feet from the channel centerline, or 10-feet from the top of the recognized bank, whichever is greatest.

Condition: Prior to issuance of a Certificate of Occupancy, dedicate an Open Channel Drainage Easement along The West Middle Fork of the Little Pudding River on the subject property. In accordance with PWDS, the easement width

shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

SRC Chapter 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 has frontage on Gaffin Road SE, Macleay Road SE, and Cordon Road SE. Pursuant to SRC 803.040, boundary street improvements are warranted along each frontage. Findings and conditions of approval for each street frontage are provided in the following analysis:

Gaffin Road SE – Gaffin Road SE abuts the subject property and is classified as a local street according to the Salem Transportation System Plan (TSP). Gaffin Road SE meets the minimum right-of-way width and pavement width standards established in SRC 803.025; therefore, additional improvements along Gaffin Road SE are not required.

Macleay Road SE – Macleay Road SE abuts the subject property and is classified as a minor arterial street according to the Salem Transportation System Plan (TSP). Macleay Road SE does not meet the current right-of-way width and improvement width standards for a minor arterial street. The ultimate right-of-way width for a minor arterial street is 72 feet according to SRC 803.025 Table 803-1 (Right-of-way Width) and the ultimate improvement width for a minor arterial is 46 feet according to SRC 803.025 Table 803-2 (Pavement Width). As a condition of approval per SRC 803.040(a), the applicant shall dedicate 36-feet from the centerline of Macleay Road SE and shall construct a three-quarter improvement to minor arterial street standards, including provision for a dedicated center turn lane. Due to physical and geometric constraints at the intersection of Macleay Road SE and Cordon Road SE, the improvement shall include an exclusive southbound right-turn lane and a shared thru-left turn lane.

Condition: Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Macleay Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Condition: Construct a three-quarter street improvement along the frontage of Macleay Road SE, including construction of a dedicated center turn lane, to minor arterial street standards as specified in the City Street Design Standards

and consistent with the provisions of SRC Chapter 803. Due to physical and geometric constraints at the intersection of Macleay Road SE and Cordon Road SE, the improvement shall include an exclusive southbound right-turn lane and a shared thru-left turn lane.

Cordon Road SE – Cordon Road SE abuts the subject property and is classified as a parkway street according to the Salem TSP. The existing configuration of Cordon Road SE does not meet current standards for its classification of street per the Salem TSP. The ultimate right-of-way width for a parkway is 120 feet according to SRC 803.025 Table 803-1 (Right-of-way Width) and the ultimate improvement width for a parkway is 80 feet according to SRC 803.025 Table 803-2 (Pavement Width). Where inadequate, the applicant shall be required to convey land for dedication 60 feet from the centerline of Cordon Road SE. The applicant shall provide a surveyed centerline evaluation to determine if right-of-way dedication is needed or if the existing right-of-way is adequate.

Condition: Convey land for dedication to equal a half-width right-of-way of 60 feet on the development side of Cordon Road SE.

The applicant shall construct a half-street improvement to parkway street standards as specified in the PWDS and consistent with the provisions of SRC Chapter 803. This improvement may be eligible for payment of a fee-in-lieu of construction pursuant to SRC 200.405 as adjacent portions of Cordon Road SE are not constructed to parkway standards and lie outside of the Urban Growth Boundary. This improvement may also be eligible for deferral pursuant to SRC 803.070 if the applicant can demonstrate the applicable criteria are met.

Condition: Prior to issuance of a Certificate of Occupancy, construct a half-street improvement along the frontage of Cordon Road SE to parkway street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803, pay a fee-in-lieu of construction if the criteria of SRC 200.405 are met, or request a deferral of construction improvements if the criteria of SRC 803.070 are met.

▪ ***Transportation Impact Analysis Mitigation:***

Pursuant to SRC 803.015, a Traffic Impact Analysis (TIA) is required for new development which generates 1,000 Average Daily Trips onto an arterial street.

Finding: The proposed development exceeds the threshold requiring TIA per SRC 803.015. The applicant submitted a TIA prepared by Clemow Associates LLC, and dated May 1, 2024, to evaluate the transportation impacts generated by the proposed development. In summary, the TIA found that all study intersections area anticipated to operate within agency mobility targets in all analysis scenarios. No operations mitigation is necessary to accommodate development traffic.

▪ ***Trip Cap Analysis:***

In 2012, the Salem Planning Commission approved a request for a Comprehensive Plan Map Amendment from “Industrial” to “Industrial Commercial” and a zone change from IBC (Industrial Business Campus) to IC (Industrial Commercial) (Case No. CPC/ZC12-07) for the subject property with a condition of approval providing that no development on the property shall be allowed that causes average daily trips from the development to exceed 3,522 average daily trips. The applicant’s Traffic Impact Analysis evaluated the proposed development, including a convenience store between 4,000-5,500 square feet in size with 12 fueling positions for the gas service station, and found that the proposed use would generate 3,086 average daily trips, less than the maximum allowed by the trip cap. The Assistant City Traffic Engineer has reviewed the applicant’s findings and concurs with the trip cap analysis. In order to ensure compliance with the trip cap, a condition of approval is required which establishes a maximum 5,500 square foot building size for the convenience store.

Condition: In order to comply with the Trip Cap established in Case No. CPC/ZC12-07, the Convenience Store building shall not exceed 5,500 square feet of gross floor area.

▪ ***Sidewalks***

Street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)).

Finding: Along the Macleay Road SE frontage, the applicant is proposing property line sidewalk along the western frontage which switches to curblin sidewalk along the eastern portion. The applicant explains that it is necessary to shift the sidewalk to curblin to avoid conflicts with an existing underground fiberoptic cable. Green stormwater infrastructure cannot be located at the curblin along the eastern frontage without requiring this cable to be relocated. Pursuant to SRC 803.035(l)(2)(B), curblin sidewalk, as shown on the applicant’s site plan, is allowed.

▪ ***Street Trees***

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

Finding: Gaffin Road SE is fully improved on the development side, including street trees. The Macleay Road SE frontage lacks street trees, new street trees shall be planted to the maximum extent feasible along these streets.

Condition: Prior to issuance of a certificate of occupancy, install street trees to the maximum extent feasible along the Macleay Road SE frontage.

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 applicant is proposing two new driveway approaches, one onto Gaffin Road SE and one onto Macleay Road SE and has applied for a Class 2 Driveway Approach Permits; findings for which are provided in this memo. As described in the findings below, the proposal meets the approval criteria for a Class 2 Driveway Approach Permit. With approval of the Class 2 Driveway Approach Permits, and with approval of the Adjustments to driveway location and spacing included in this decision, the proposed development meets applicable criteria in SRC Chapter 804 relating to driveway approaches.

SRC Chapter 805 – Vision Clearance:

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

Finding: The proposed structures do 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: 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: The Salem-Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development

or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

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.

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— Proposed driveway accesses onto Gaffin Road SE and Macleay Road SE provide for safe turning movements into and out of the property 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.

CLASS 2 DRIVEWAY APPROACH PERMIT DECISION CRITERIA

Salem Revised Code (SRC) 804.025(d) provides that an application for a Class 2 Driveway Approach Permit 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 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The applicant proposes two driveway approaches to serve the development; one to Gaffin Road SE and one to Macleay Road SE. The applicant has requested an Adjustment to allow a new driveway approach on Macleay Road SE, an Arterial street, where access to the lower classification of street is required. The proposed driveway to Macleay Road SE is located less than 370 feet from adjacent intersections with Cordon Road SE and Gaffin Road SE; therefore, Class 2 Adjustments are also required for driveway spacing as described below. Otherwise, the proposed driveways meet applicable the standards for SRC 804 and PWDS. This criterion is met.

SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.

Finding: Development Services has reviewed the proposal and determined that there are no existing site conditions that would prohibit the location of either of the proposed driveways. This criterion is met.

SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.

Finding: The applicant proposes two driveway approaches, one onto Gaffin Road SE, classified as a local street, and one onto Macleay Road SE, classified as a minor arterial street. The applicant has requested an Adjustment to allow one access to an arterial street, findings are included below. With approval of the adjustment to allow access onto an arterial street, one approach onto an arterial roadway will be provided. This criterion is met.

***SRC 804.025(d)(4): The proposed driveway approach, where possible:
(A) Is shared with an adjacent property; or
(B) Takes access from the lowest classification of street abutting the property***

Finding: One proposed driveway is located with access to the lowest classification of street abutting the subject property, Gaffin Road SE. The applicant has requested an Adjustment to allow one access to an arterial street. Due to lot configuration and existing development, a shared driveway approach is not possible. This criterion is met.

SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.

Finding: The proposed driveway approaches meet the PWDS vision clearance standards set forth in SRC Chapter 805. This criterion is met.

SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: No evidence has been submitted to indicate that the proposed driveways will create traffic hazards or unsafe turning movements. Additionally, Development Services analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property. This criterion is met.

SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: Development Services' analysis of the proposed driveways and the evidence that has been submitted indicate that the location of the proposed driveways will not have any adverse impacts to the adjacent properties or streets. This criterion is met.

SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The property is located on the corner of a Minor Arterial street (Macleay Road SE), a Parkway street (Cordon Road SE) and a Local street (Gaffin Road SE). The applicant is proposing one driveway approach to the lower classification of street (Gaffin Road SE) which meets the spacing requirements of SRC Chapter 803 and one driveway approach located on Macleay Road NE, a Minor Arterial street. The applicant has requested adjustments to allow the driveway approach onto Macleay Road SE, findings for which are provided in this memo. The Assistant City Traffic Engineer has reviewed the location of the approaches and found that they will not create a significant impact to adjacent streets and intersections. This criterion is met.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding—The proposed development is adjacent to residentially zoned property on the north side of Macleay Road SE with potential for future redevelopment. The proposed driveway approaches balance the adverse impacts to residentially zoned property and will not have an adverse effect on the functionality of the adjacent streets. This criterion is met.

CLASS 2 ADJUSTMENT DECISION CRITERIA

Analysis of the proposed Class 2 adjustment based on relevant criteria in SRC 250.005(d)(2) is as follows:

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 three Class 2 Adjustments. Findings for the adjustments applicable to Development Services review are summarized below.

- 1) *To allow a new driveway approach on an arterial street, where SRC 804.035(c) requires access from the lowest classification of street.*

Finding: Per SRC 804.035(c), where a corner lot abutting an arterial street and also a local or collector street, the driveway approach shall provide access to the street with the lower street classification. The applicant requests a Class 2 Adjustment to allow a new driveway approach on Macleay Road SE, designated as a minor arterial street. One driveway approach is already proposed to Gaffin Road SE, the applicant indicates that a second driveway approach to Macleay Road SE is necessary to allow for efficient access and safe maneuvering of fuel delivery vehicles on site for the fueling station use.

As described in the conditions of approval, boundary street improvements along Macleay Road SE will require the construction of a dedicated center turn lane along the subject property, ensuring that vehicles turning into the driveway approach are able to queue safely and not impede traffic while making a turning movement into the driveway approach. The Assistant City Traffic Engineer has reviewed the applicants request and finds that the proposed driveway on Macleay Road SE balances providing for access and maneuvering for the proposed use with traffic safety equal to what would be accomplished by meeting the development standard.

- 2) *To reduce the minimum driveway spacing standard on Macleay Road SE from the intersection with Cordon Road SE from 370 feet per 804.035(d) to approximately 325 feet.*
- 3) *To reduce the minimum driveway spacing standard on Macleay Road SE from the intersection of Gaffin Road from 370 feet 804.035(d) to approximately 215 feet.*

Finding: The applicant is requesting two Class 2 Adjustments to allow for reduced spacing between the centerline of the proposed driveway on Macleay Road SE measured to the adjacent intersections to the east (Cordon Road SE) and west (Gaffin Road SE). SRC 804.035(d) provides that driveway approaches on arterial streets shall be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline.

The proposed driveway approach is approximately 325 feet from the intersection with Cordon Road SE and approximately 215 feet from the intersection with Gaffin Road SE. The applicant indicates the second driveway approach to Macleay Road SE is necessary for the proposed development to allow for efficient maneuvering of fuel

delivery vehicles. Site constraints, including lot size and mapped wetland areas, limit the portion of the site that can be reasonably developed and thus where a driveway approach to Macleay Road can be located. Due to the length of the frontage, the driveway cannot be physically placed anywhere on Macleay Road SE without necessitating an Adjustment to the spacing requirement. Further, the driveway approach is located at the furthest distance from the intersection with Gaffin Road SE before encroaching into mapped wetland areas.

The Assistant City Traffic Engineer has reviewed the proposed driveway location in relation to adjacent intersections and found that the approach meets the adjustment criteria by allowing for turning movements, site distance, and traffic safety in this area equal to what would be accomplished by meeting the development standard.

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