

TO: HEARINGS OFFICER

FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY DEVELOPMENT
DIRECTOR AND PLANNING ADMINISTRATOR

SUBJECT: **CONDITIONAL USE / PARTITION TENTATIVE PLAN / CLASS 3 SITE PLAN
REVIEW / CLASS 2 ADJUSTMENT CASE NO. CU-PAR-SPR-ADJ25-03
3271 LANCASTER DRIVE NE – 97305
AMANDA NO. 24-124417-PLN**

REQUEST

Summary: Development of a new drive-through oil change business.

Request: A consolidated application for a Tentative Partition Plan to divide the subject property into two lots 13,359 square feet and 14,331 square feet in size, with a Conditional Use Permit and Class 3 Site Plan Review for the development of a new drive-through oil change business on one of the lots. The consolidated application includes two Class 2 Adjustments to:

- 1.) Increase the maximum allowed off-street parking from three to five spaces, per SRC 806.015; and
- 2.) Reduce the minimum opening of the trash enclosure from twelve feet to nine feet, per SRC 800.055.

The subject property is 0.64 acres in size, zoned CR (Retail Commercial) and located at 3271 Lancaster Drive NE (Marion County Assessors Map and Tax Lot Number 072W18BB / 6000).

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

APPLICANT: CVP-Lancaster T5, LLC

OWNER: CVP-Lancaster T5, LLC

AGENT: Rahim Abbasi, Abbasi Design
Ryan Ramey, CVPRE

APPLICATION PROCESSING

On December 10, 2024, the Conditional Use Permit, Tentative Partition Plan, Class 3 Site Plan Review, and Class 2 Adjustment applications were accepted for processing. After receiving additional information, the collective applications were deemed complete for processing on May 1, 2025. The 120-day state mandated decision deadline for this consolidated application is August 29, 2025.

The public hearing before the City of Salem Hearings Officer is scheduled for May 28, 2025, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) requirements on May 6, 2025. SRC

300.620(b)(3) requires the applicant to post notice on the subject property no earlier than 14 and no later than ten days prior to the public hearing. Public hearing notice was posted on the property on May 14, 2025, 14 days prior to the public hearing, pursuant to SRC requirements.

PROPOSAL

The application under review by the Hearings Officer is a consolidated application for a Conditional Use Permit, Partition Tentative Plan, Class 3 Site Plan Review, and Class 2 Adjustments for property located at 3271 Lancaster Drive NE.

The applicant is proposing to partition a vacant lot 0.64-acres in size into two parcels sized 13,359 and 14,331 square feet in size, with the development of a new drive-through oil change service on the first parcel. The drive-through oil change service facility is classified as a *motor vehicle services* use. In the CR zone, a *motor vehicle services* use requires a Conditional Use Permit. In conjunction with the Conditional Use application and Partition Tentative Plan application, the proposal also includes a Class 3 Site Plan Review to review the development standards for the new *motor vehicle services* use on the proposed parcel, and two Class 2 Adjustments to exceed the maximum allowed number of off-street parking spaces and to reduce the minimum width of the opening of the trash enclosure.

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, and 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 124417.

APPLICANT'S MATERIALS

The applicant's site plan is included as **Attachment B**, the applicant's statement addressing the applicable approval criteria for the consolidated applications can be found in the record, accessible online as indicated above.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) designation

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is Commercial.

2. Zoning and Surrounding Land Uses

The subject property is currently zoned CR (Retail Commercial) and is predominantly surrounded by other CR zoned properties both within City and commercial zoned properties within Marion County. Specifically, the zoning and uses of the surrounding properties include:

North: Marion County zoned CR (Commercial Retail); an eating and drinking establishment

South: Marion County zoned CR (Commercial Retail); an eating and drinking establishment

East: CR (Retail Commercial); a multifamily apartment complex

West: Across Lancaster Drive NE, Marion County zoned CR (Commercial Retail); a shopping center with various commercial retail businesses and eating and drinking establishments

3. Site Analysis

The proposal is for development of a vacant lot 0.64-acres in size with an existing driveway approach onto Lancaster Drive NE. The proposed development of the *motor vehicle services* use will be on the north half of the site on proposed Parcel 1, which is approximately 13,359 square feet in size. No development is currently proposed on the second parcel on the south half of the property. The total property has approximately 181 feet of frontage Lancaster Drive NE to the east, which is designated as a Major Arterial in the Salem Transportation System Plan (TSP). The subject property is located within the Urban Growth Boundary and inside the Urban Service Area.

4. Neighborhood and Public Comments

The subject property is located within the boundaries of the North Lancaster Neighborhood Association (NOLA).

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 require neighborhood association contact. On October 30, 2024, the applicant's representative contacted the neighborhood association to provide details about the proposal.

Neighborhood Association Comment: Notice of the application was provided to the neighborhood associations above pursuant to SRC 300.620(b)(2)(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 this staff report, no comments were 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 300.620(b)(2)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, no comments were received from members of the public.

5. City Department and Public Agency Comments

Development Services Division: Reviewed the proposal and provided a memo with findings that have been incorporated herein and made a part of this report. The memo in full can be found in the record, accessible online as indicated above.

Building and Safety Division: Reviewed the proposal and indicated the applicant is to *follow all applicable building and accessibility codes and obtain required permits as necessary.*

Fire Department: Reviewed the proposal and indicated: *Fire hydrant required within 400 feet of all portions of the structure as we lay hose. The first hydrant across Lancaster does not count due to the street classification. Refer to SRC Chapter 58 for any AST requirements.*

DECISION CRITERIA FINDINGS

6. Analysis of Conditional Use Criteria

Salem Revised Code (SRC) Chapter 240.005(a)(1) provides that no building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

Salem Revised Code (SRC) 240.005(d) provides that an application for a Conditional Use Permit shall be granted if the following criteria are met.

SRC 240.005(d)(1): The proposed use is allowed as a conditional use in the zone.

Finding: The proposal is for the development of a drive-through oil change service facility on a vacant lot zoned CR (Retail Commercial). According to SRC 400.055, the proposed use is classified as a motor vehicle services use, which, per SRC Chapter 522.005, Table 522-1, *motor vehicle services* except for gasoline service stations require a conditional use permit within the CR zone. This criterion is met.

SRC 240.005(d)(2): The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

Finding: The applicant's written statement indicates the development site is located along Lancaster Drive NE, which is classified as a Major Arterial according to the Salem Transportation System Plan (TSP). Lancaster Drive NE is largely developed with existing commercial uses, including shopping centers, eating and drinking establishments, and gasoline service stations. The proposed oil change service facility will be a drive-through facility, similar to gasoline service stations, which are permitted outright in the CR zone. Adjacent to the south is a drive-through fast food restaurant and to the north a dine-in restaurant. Adjacent to the west is a multifamily apartment complex; the off-street parking area of the complex abuts the development site and is separated by a ten-foot landscaped setback, including a six-foot-tall sight-obscuring fence which provides screening to the development site. The applicant's landscaping plan indicates it will meet the minimum five-foot perimeter setback along the west side adjacent to the multifamily property and will be landscaped with

evergreen trees. To ensure the landscaping will provide adequate screening to the abutting property, staff recommends the following condition.

Condition 1: At time of building permit review, submit a revised landscaping plan with evergreen/conifer trees of 5 plant units, which will be six to eight feet tall at time of planting.

To further ensure the operation of the oil change service facility will not adversely impact the surrounding neighborhood, staff recommends the following condition.

Condition 2: There shall be no outdoor storage of vehicles or vehicle parts on site. No parking spaces shall be used for the service of vehicles. Any outdoor storage shall require site plan review to obtain approval for a sight-obscuring enclosure to be screened from all adjacent properties.

The proposed drive-through oil change service facility will fit the established development patterns of the area, and, as conditioned, staff finds that the proposed development will not create any adverse impacts to the immediate neighborhood. This criterion is met.

SRC 240.005(d)(3): The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

Finding: The applicant's written statement indicates the proposed use will be compatible with and have minimal impact on the surrounding area. As previously described, the surrounding area of Lancaster Drive NE is well established with similar uses such as shopping centers, eating and drinking establishments, and other motor vehicle service uses. The applicant's statement indicates the proposed development is for a vacant lot, which will create infill development similar to other development in the area. To further minimize potential impacts of the motor vehicle services use to the residential units on the abutting property, staff recommends the following condition.

Condition 3: Normal hours of operation where the business is open to the public shall be limited to between the hours of 7 AM and 7 PM.

As proposed and conditioned, staff finds that the drive-through oil change service facility will fit the established development patterns of the area and will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property. This criterion is met.

7. Analysis Partition Tentative Plan

The tentative partition plan proposes to divide the 0.64-acre property into two parcels. The two parcels within the tentative partition plan are proposed as follows:

PROPOSED PARCEL 1

Parcel Size:	Approximately 0.31-acres (13,359 square feet)
Parcel Dimensions:	Approximately 89 feet in width and 150 feet in depth

PROPOSED PARCEL 2

Parcel Size: Approximately 0.33-acres (14,331 square feet)
Parcel Dimensions: Approximately 91 feet in width and 156 feet in depth

Site and Vicinity

Proposed Parcel 1 will be an interior lot which, after required right-of-way dedication with the development, will have approximately 88 feet of frontage on Lancaster Drive NE. Proposed Parcel 2 will be an interior lot with approximately 92 feet of frontage on Lancaster Drive NE.

Salem Area Comprehensive Plan (SACP) Designation

Urban Growth Policies: The subject property is located inside the Salem Urban Growth Boundary and inside the corporate city limits.

Comprehensive Plan Map: The subject property is designated “Commercial (COM)” on the Salem Area Comprehensive Plan (SACP) Map. The surrounding properties are designated as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
North	MU (Mixed Use)
East	Across Lancaster Drive NE, MU (Mixed Use)
South	MU (Mixed Use)
West	COM (Commercial)

Zoning and Surrounding Land Use

The subject property is zoned CR (Retail Commercial) and is currently vacant. The surrounding properties are zoned and used as follows:

Zoning of Surrounding Properties	
North	Marion County CR (Commercial Retail)
East	Across Lancaster Drive NE, Marion County
South	Marion County CR (Commercial Retail)
West	CR (Retail Commercial)

SRC 205.005(d)(1): The tentative partition plan complies with the standards of this chapter and with all applicable provisions of the UDC.

Finding: The Salem Revised Code (SRC), which includes the Unified Development Code (UDC), implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The subject property is zoned CR (Retail Commercial). The proposed tentative partition plan, as conditioned, complies with the applicable standards of the CR zone and all other applicable provisions of the UDC, as required by this approval criterion, as follows.

City Platting Standards

SRC Chapter 205 – Land Division and Reconfiguration

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

Finding: The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

SRC Chapter 522 – CR (Retail Commercial) Zone

SRC 522.010(a) – Lot Standards

Lot size and dimension standards within the CR zone are established in SRC 522.010(a), Table 522-2. A summary of the standards is provided in the following table:

Requirement	Minimum Standard
Lot Area	
All uses	None
Lot Width	
All uses	None
Lot Depth	
All uses	None
Street Frontage	
Single Family	40 ft 30 ft applicable to cul-de-sac streets
All other uses	16 ft

Finding: As shown on the tentative partition plan (**Attachment B**), proposed Parcel 1 approximately 0.31-acres (13,359 square feet) and approximately 89 feet in width and 150 feet in depth, with 88 feet of frontage along Lancaster Drive NE. Proposed Parcel 2 is approximately 0.33-acres (14,331 square feet) and approximately 91 feet in width and 156 feet in depth, with 92 feet of frontage along Lancaster Drive NE. The proposed parcels meet the minimum size and street frontage requirements of the CR zone and are of sufficient size and dimension to permit future development of uses allowed within the zone. These standards are met.

SRC Chapter 800 – General Development Standards

SRC 800.020 – Designation of Lot Lines

This section establishes standards for the designation of front, side, and rear lot lines for interior lots, corner lots, double frontage lots, flag lots, and all other lots.

Finding: The proposal is for the creation of two interior lots with frontage along Lancaster Drive NE. Per SRC 800.020(a)(1), the front lot line of an interior lot shall be the property line abutting the street; therefore, the rear lot line shall be the west lot line, and the north and south lot lines shall be interior side lot lines. These standards are met.

CITY UTILITY INFRASTRUCTURE STANDARDS

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

Utilities	
Type	Existing Conditions
Water	Water Service Level: G-0
	A 12-inch water main is located in Lancaster Drive NE
Sanitary Sewer	A 12-inch sanitary sewer main is located in Lancaster Drive NE
Storm Drainage	A 24-inch storm main is located in an easement on abutting property to the west

The Development Services division reviewed the proposal for compliance with the City's public facility plans as they pertain to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area. A summary of the existing and required City infrastructure improvements are as follows:

SRC Chapter 200 – Urban Growth Management

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

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

▪ *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 Lancaster Drive NE. There is an existing electrical vault, electrical transformer, and communication riser along Lancaster Drive NE. Based on the information provided, it is unclear whether these power facilities are located in an existing easement on the subject property. As a condition of approval, the applicant shall ensure required right-of-way is unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.050(d).

Condition 4: Prior to final plat approval, 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: Pursuant to SRC 71.080, land divisions are required to provide stormwater flow control facilities and treatment facilities that are sized to serve the entire land division under fully developed conditions. The applicant proposes to develop Parcel A with an oil change facility, for which a Site Plan Review is consolidated with this application. Proposed Lot b will be developed in the future. To demonstrate the proposed lots can meet the requirement of SRC Chapter 71 and the Public Works Design Standards (PWDS), the applicant shall submit a tentative stormwater design prior to final plat approval at time of development on each lot.

Condition 5: At time of development on each lot, provide an engineered stormwater design pursuant to SRC 71 and the Public Works Design Standards to accommodate new impervious surfaces at time of development.

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: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. At time of development on each lot, individual connections to the public system will be provided for the development proposed at that time.

CITY STREETS AND RIGHT-OF-WAY STANDARDS

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

Streets			
Street Name		Right-of-way Width	Improvement Width
Lancaster Drive NE (Major Arterial)	Standard:	96 feet	68 feet
	Existing Condition:	Variable 80-90 feet	68 feet

SRC 803 – Street and Right-of-way Improvements

▪ *Boundary Street Improvements*

SRC 803.025 – Right-of-way and Pavement Widths

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 partition applications.

Finding: Lancaster Drive NE abuts the subject property and is classified as a major arterial street according to the Salem Transportation System Plan (TSP). Lancaster Drive NE meets the minimum pavement width standard of 68-feet established in SRC 803.025 but does not meet minimum right-of-way width standards for a major arterial street. The ultimate right-of-way width for a major arterial street is 96 feet according to SRC 803.025 Table 803-1 (Right-of-way Width). As a condition of approval per SRC 803.040(a)(2), the applicant shall dedicate 48-feet from the centerline of Lancaster Drive NE.

Condition 6: On the final plat, convey land for dedication to equal a half-width right-of-way of 48-feet on the development side of Lancaster Drive NE.

▪ *Sidewalks*

Street Standards require that all streets be improved with sidewalks. These standards also require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)) and that sidewalks be five feet in width (SRC 803.035(l)(2)(C)).

Finding: There is an existing curbline sidewalk constructed along the Lancaster Drive NE frontage that is in good condition. SRC Chapter 803 requires sidewalk to be constructed at the property line; however, there are existing underground private utilities in this area creating a conflict. In addition, following the dedication of additional right-of-way along Lancaster Drive NE, there will be approximately two feet of land between the existing sidewalk and the property line. Requiring the sidewalk to be moved to the property line will result in a landscape strip less than two feet in width, which is not wide enough to plant street trees. Per SRC 803.035(l)(2)(B), due to this conflict, the existing curbline sidewalk can remain.

▪ *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: Following the dedication of additional right-of-way along Lancaster Drive NE, there will be approximately two feet of land between the sidewalk and the property line, which does not leave enough planting space available in the planter strip for the installation of street trees; therefore, street trees are not required to be planted with development of Proposed Parcel 1.

▪ ***Public Utility Easements***

SRC 803.035(n) requires dedication of a 10-foot Public Utility Easements (PUE) along all street rights-of-way.

Finding: Public Utility Easements are required along Lancaster Drive NE where they do not currently exist, per SRC 803.035(n). As a condition of approval, the applicant shall dedicate a 10-foot-wide PUE along the street frontage of Lancaster Drive NE.

Condition 7: On the final plat, provide a 10-foot-wide public utility easement along the frontage of Lancaster Drive NE on the final plat.

SRC Chapter 804 – Driveway Approaches

SRC 804 establishes development standards for driveway approaches providing access from the public right-of-way to private property in order to provide safe and efficient vehicular access to development sites.

Finding: The development site is served by an existing driveway approach onto Lancaster Drive NE. The existing driveway approach serving the site meets applicable sections of SRC Chapter 804 and does not warrant modification.

SRC 804.035(a) provides that driveway approaches onto arterial streets are permitted where they provide shared access between two or more abutting properties. The applicant's tentative partition plan indicates that the existing driveway approach to Lancaster Drive NE will be shared between proposed Parcels 1 and 2. Prior to final plat approval, the applicant shall provide a shared access easement between Parcels 1 and 2 for the driveway approach to Lancaster Drive NE.

Condition 8: On the final plat, provide a shared access easement between Parcels 1 and 2 for the driveway approach to Lancaster Drive NE.

Environmental Factors

SRC Chapter 601 – Floodplain

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

Finding: The Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC Chapter 809 – Wetlands

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

Finding: 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 205.005(d)(2): The tentative partition plan does not impede future access to adjacent land.

Finding: The subject property is approximately 0.64-acres in size and is currently vacant. Abutting land to the north, south and west is fully developed. The proposed partition results in the creation of two parcels that will utilize an existing shared driveway approach to Lancaster Drive NE to provide vehicular access to each parcel. The tentative partition does not impede access to abutting land. This criterion is met.

SRC 205.005(d)(3): Development within the tentative partition plan can be served by City infrastructure.

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 parcels within the proposed partition, subject to the conditions of approval established in this decision. This approval criterion is met.

SRC 205.005(d)(4): The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

Finding: As described in the findings above, the subject property is located adjacent to Lancaster Drive NE, which is classified as a Major Arterial Street under the City's Transportation System Plan (TSP). Conditions of approval established with the partition decision will require dedication of additional right-of-way along Lancaster Drive NE to comply

with minimum requirements. No other improvements along Lancaster Drive NE are warranted with this application. This criterion is met.

SRC 205.005(d)(5): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:

- (A) The property is zoned residential;***
- (B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and***
- (C) The proposed parcels are at least five acres in size and, except for flag lots, have no dimension that is less than 100 feet.***

Finding: The site will be served by available public water and sewer; therefore, this criterion is not applicable.

8. 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 the development of new building for a drive-through oil change business and associated site improvements. The proposal includes two Class 2 Adjustments to exceed the allowed maximum parking and to reduce the minimum width of the trash enclosure; findings for the adjustments are included in Section 9 of this report. As proposed and conditioned, the development conforms to SRC Chapter 522 and all other applicable development standards of the UDC and Salem Revised Code as follows.

ZONING AND DEVELOPMENT STANDARDS

SRC Chapter 522 – CR (Retail Commercial) Zone

SRC 522.005(a) – Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the CB zone are set forth in Table 522-1.

Finding: The applicant is requesting to establish a new drive-through oil change business on Parcel 1. The proposed use is classified as a *motor vehicle services* use. In the CR zone, *motor vehicle services* other than gasoline service stations require a Conditional Use Permit; therefore, a Conditional Use Permit is required to establish the proposed use on the subject property. Findings for the Conditional Use Permit are provided in Section 6 of this decision. No development is currently proposed for the newly created, vacant Parcel 2. This standard is met.

SRC 522.005(b) – Continued Uses.

Existing legally-established uses established prior November 28, 2022, but which would otherwise be made nonconforming by this chapter, are hereby deemed continued uses.

Finding: The development is for the establishment of a new use on a vacant lot; therefore, this section is not applicable.

SRC 522.010(a) – Lot Standards.

Lots within the CR zone shall conform to the standards set forth in Table 522-2.

Finding: As described in the partition findings in Section 7, the proposed lots meet the standards.

SRC 522.010(b) – Setbacks.

Setbacks within the CR zone shall be provided as set forth in Table 522-3 and Table 524-4.

Abutting Street

East: Adjacent to the east is right-of-way for Lancaster Drive NE. Buildings and accessory structures abutting a street require a minimum five-foot setback. Vehicle use areas require a minimum six-to-ten-foot setback per SRC Chapter 806 adjacent to a street.

Finding: After required right-of-way dedication, described in the findings below, the vehicle use area will be setback ten feet from the property line abutting the street, meeting the standards of SRC 806.

Interior Sides and Rear

North / South / West: Adjacent to the west is property zoned CR (Retail Commercial) and to the north and south are properties outside City limits zoned Marion County CR (Commercial Retail). There is no building setback abutting commercial zoned properties and vehicle use areas require a zone-to-zone setback of five feet.

Finding: The development plans indicate the proposed building will be setback ten feet from the abutting property to the north and will be surrounded by vehicle use areas between it and the street and adjacent properties to the south and west. To the south, there is a shared driveway over the lot line with Parcel 2, which, per SRC 806.040(c), does not require setbacks. To the abutting property to the west, there is a five-foot setback to the off-street parking spaces. The proposal meets the standards.

SRC 522.010(c) – Lot Coverage; Height.

Buildings and accessory structures within the CR zone shall conform to the lot coverage and height standards set forth in Table 522-5.

Finding: There is no maximum lot coverage requirement for all uses in the CR zone and the maximum building height allowance is 50 feet. The development plans indicate the proposed building will be 28 feet in height. The proposal meets the standards.

SRC 522.010(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 vehicle use areas, may count towards meeting this requirement.

Finding: The development plans indicate all required setbacks will be landscaped. The development site is 13,359 square feet in size, requiring a minimum 15 percent, or 2,004 square feet of landscaping, or 100 plant units, 40 of which must be trees ($13,359 \times 0.15 = 2,004$; $2,004 / 20 = 100$ plant units; $100 \text{ plant units} \times 0.4 = 40$ plant units as trees). The development plans indicate 2,404 square feet of landscaping will be provided, or 18 percent, including more than the minimum plant units and trees required. The proposal meets the standards.

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 proposal includes the development of a new solid waste service area once cubic yard in size; therefore, this section is applicable.

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.

(A) *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 development plans indicate the solid waste service area will be on a pad meeting the standards of this section.

(B) 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 development plans indicate adequate separation distance is provided within the enclosure. Receptacles will not be placed within 5 feet of a building or structure.

(C) 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 servicing.

Finding: The development plans indicate a fully covered enclosure for a receptacle one cubic yard in size, which will be manually moved out of the enclosure for servicing, per SRC 800.055(f)(1)(B)(iii). The proposal meets the standards.

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

- (1) All permanent drop boxes shall be placed on a concrete pad that is a minimum of six inches thick. The pad shall have a slope of no more than one percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
- (2) All permanent compactors shall be placed on a concrete pad that is structurally engineered or in compliance with the manufacturer specifications. The pad shall have a slope of no more than three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.
- (3) The pad area shall be a minimum of 12 feet in width. The pad area shall extend a minimum of five feet beyond the rear of the permanent drop box or compactor.
- (4) A minimum separation of five feet shall be provided between the permanent drop box or compactor and any combustible walls, combustible roof eave lines, or building or structure openings.

Finding: A permanent drop box or compactor is not proposed; therefore, this standard is not applicable.

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 solid waste receptacles are contained within an enclosure; therefore, screening is not required.

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 has requested a Class 2 Adjustment to reduce the minimum opening width of the enclosure from 12 feet to nine feet. Findings for the adjustment are addressed in Section 9 of this report.

- (2) *Measures to Prevent Damage to Enclosure.* 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 development plans indicate a four-inch bumper curb. This standard is met.

- (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. All gates shall have restrainers in the open and closed positions.

Finding: The development plans indicate an enclosure opening width of nine feet with gates that will be able to swing 90 degrees. As previously addressed, the applicant has requested an adjustment to the minimum gate opening, addressed in Section 9 of this report.

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. Vehicle operation areas shall be made available in front of every receptacle. The vehicle operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.

Finding: The proposed vehicle operation area is provided perpendicular to the enclosure in compliance with the minimum dimensional requirements of this section.

- (B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be perpendicular to the receptacle; parallel to the receptacle; or in a location where the receptacle can be safely maneuvered manually not more than 45 feet for servicing.

Finding: The development plans indicate a one-cubic yard receptacle which can be manually maneuvered out of the enclosure to be serviced. This standard is met.

- (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 vehicle operation area is provided in connection with drive aisles which will be kept free of vehicles and other obstructions at all times in compliance with the requirements of this section.

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

Finding: As previously addressed, the receptacles will be manually maneuvered out of the enclosure for servicing where they will have a minimum vertical clearance of 14 feet. The proposal meets the standard.

- (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 service areas provide a direct approach to the enclosure; therefore, a turnaround is not required. The proposal meets the standard.

- (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 vehicle operation areas are located within the vehicle use area of the development site, and service vehicles will not be required to back onto a street or leave the premises. The proposal meets the standard.

- (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.

Finding: The proposed vehicle operation area is paved with a hard surface material meeting the requirements of this section.

- (4) "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: Although not indicated in the application materials, signage meeting the requirements of this section will be required prior to building permit issuance and final occupancy for the project.

SRC 800.055(g) – Notice to Solid Waste Collection Franchisee

Upon receipt of an application to vary or adjust the standards set forth in this section, notification and opportunity to comment shall be provided to the applicable solid waste collection franchisee.

Finding: The applicant has requested a Class 2 Adjustment to reduce the minimum gate opening of the enclosure and provided evidence of communication with the solid waste collection franchisee. This standard is met.

▪ ***Pedestrian Access***

SRC 800.065 – Pedestrian Access.

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, two family, three family, four family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

Finding: The pedestrian access standards of SRC Chapter 800 are applicable to the proposed development.

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

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

Finding: The development plans indicate a pedestrian connection will be provided from the primary building entrance to the street. 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: The development site is adjacent to Lancaster Drive NE, which is a transit route; however, there is no existing or planned transit stop abutting the development site; therefore, this standard is not applicable.

SRC 800.065(a)(2) – Pedestrian Connection Between Buildings on the same Development Site

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

Finding: The proposal includes development of one new building on a vacant parcel; therefore, this standard is not applicable.

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

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

Finding: The development site does not include any existing or proposed parking areas greater than 25,000 square feet; therefore, this standard is not applicable.

- (B) *Parking structures and parking garages.* Where an individual floor of a parking structure or parking garage exceeds 25,000 square feet in size, a pedestrian connection shall be provided through the parking area on that floor to an entrance/exit.

Finding: The development site does not include any existing or proposed parking structures or garages greater than 25,000 square feet; therefore, this standard is not applicable.

SRC 800.065(a)(4) – Pedestrian Connection to Existing or Planned Paths and Trails.

Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:

- (A) Be constructed, and a public access easement or dedication provided; or
(B) When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.

Finding: There is not a planned path or trail that passes through the development site; therefore, this standard is not applicable.

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

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

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

Finding: The development site does not provide vehicular connection to an abutting property; therefore, this standard is not applicable.

SRC 800.065(b) – Design and materials

Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza.

- (1) Walkways shall conform to the following:

- (A) Walkways shall be paved with a hard surface material 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: All proposed pedestrian connections are at least five feet in width; however, the development plans indicate the connections will only be striped. To ensure the connections meet the standards of this section, the following condition shall apply.

Condition 9: At time of building permit submittal, revise plans to provide pedestrian connections meeting the materials standards of SRC 800.065(b)(1)(B).

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 include a photometric site plan indicating the site will be adequately lighted for use by employees and customers. This standard is met.

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

▪ ***Off-Street Parking***

SRC 806.015 – Amount Off-Street Parking.

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

Finding: The proposal includes development of a new *motor vehicle services* use, which, per Table 806-1, is allowed a maximum of one space per 600 square feet of gross floor area. The proposed building for the drive-through oil change service is 1,738 square feet, permitting a maximum of three off-street parking spaces ($1,738 / 600 = 2.89$). The applicant has requested a Class 2 Adjustment to exceed the maximum and provide a total of five spaces. Findings for the adjustment are addressed in Section 9 of this report.

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

Finding: Of the five proposed parking spaces, three are to be compact spaces, or 60 percent. The proposal meets the standard.

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

Finding: The proposed *motor vehicle services* use does not fall under the Public Services or Industrial use classifications; 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 the development of a new off-street parking and vehicle use area; therefore, the development standards of SRC Chapter 806 are 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 is in compliance with the minimum setback requirements of SRC Chapters 522 and 806. Perimeter landscaping will be evaluated for compliance with the applicable standards 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 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 compact and standard vehicle parking spaces established in Table 806-5.

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

Finding: As shown on the site plan, the proposed development includes one off-street parking area that terminates in a dead-end. The development plans indicate a turnaround meeting the dimensions of Table 806-6.

- (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; 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 proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. Wheel barriers are provided where the parking spaces abut a landscaped setback. The proposal meets the standards.

(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 additional development standards for striping, marking, and signage. As previously conditioned, lighting shall be reviewed at time of building permit.

▪ ***Climate Mitigation***

SRC 806.035(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 proposed off-street surfacing parking area is less than one-half acre in size;

therefore, these standards are not applicable.

▪ ***Bicycle Parking***

SRC 806.045 – Bicycle Parking; When Required.

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

Finding: The proposal is for the development of a new *motor vehicle services* use; therefore, this section is 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: Per Table 806-9, a motor vehicle services use requires one bicycle parking space per 9,000 square feet. The proposed building is 1,738 square feet; therefore, no bicycle parking is required ($1,738 / 9,000 = 0.19$).

▪ ***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: Per Table 806-11, a motor vehicle services use less than 5,000 square feet in size does not require an off-street loading space; therefore, this section is not applicable.

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 addressed, the CR zone required a minimum development site landscaping of 15 percent. The development site is 13,359 square feet in size, requiring a minimum 2,004 square feet of landscaping, or 100 plant units, 40 of which must be trees ($13,359 \times 0.15 = 2,004$; $2,004 / 20 = 100$ plant units; $100 \text{ plant units} \times 0.4 = 40$ plant units as trees). The development plans indicate 2,404 square feet of landscaping will be provided, or 18 percent, including more than the minimum plant units and trees required. The proposal meets the standards.

CITY INFRASTRUCTURE STANDARDS

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

Utilities	
Type	Existing Conditions
Water	Water Service Level: G-0
	A 12-inch water main is located in Lancaster Drive NE
Sanitary Sewer	A 12-inch sanitary sewer main is located in Lancaster Drive NE
Storm Drainage	A 24-inch storm main is located in an easement on abutting property to the west

SRC Chapter 200 – Urban Growth Management

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

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

SRC Chapter 71 – Stormwater

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

Finding: The proposed development is subject to SRC Chapter 71 and the Public Works Design Standards that require the use of Green Stormwater Infrastructure (GSI) to treat and detain stormwater generated from the development. The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least ten percent of the total new impervious surface area for installation of green stormwater infrastructure. The applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

Condition 10: 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: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the Public Works Design Standards (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.

▪ *Easements*

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

Finding: The applicant's site plan shows a stormwater discharge for the proposed Green Stormwater Infrastructure (GSI) facility crossing over neighboring property to the west and draining to a public stormwater main that is located on private property. Prior to building permit issuance, the applicant shall obtain a private storm drain easement on abutting property to the west to connect the proposed GSI to a public stormwater main located on private property.

Condition 11: Prior to building permit issuance, the applicant shall obtain a private storm drain easement on abutting property to the west to connect the proposed Green Stormwater Infrastructure to a public stormwater main located on private property.

CITY STREET AND RIGHT-OF-WAY STANDARDS

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

Streets			
Street Name		Right-of-way Width	Improvement Width
Lancaster Drive NE (Major Arterial)	Standard:	96 feet	68 feet
	Existing Condition:	Variable 80-90 feet	68 feet

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: Lancaster Drive NE abuts the subject property and is classified as a Major Arterial Street according to the Salem Transportation System Plan (TSP). Lancaster Drive NE meets the minimum pavement width standard of 68 feet established in SRC 803.025 but does not meet minimum right-of-way width standards for a Major Arterial Street. The ultimate right-of-way width for a Major Arterial Street is 96 feet according to SRC 803.025 Table 803-1 (Right-of-way Width). As a condition of approval of the tentative partition, the applicant is required to dedicate right-of-way equal to 48 feet from the centerline of Lancaster Drive NE.

SRC Chapter 804 – Driveway Approaches

SRC 804 establishes development standards for driveway approaches providing access from the public right-of-way to private property in order to provide safe and efficient vehicular access to development sites.

Finding: The development site is served by an existing driveway approach onto Lancaster

Drive NE that will be shared between proposed Parcels 1 and 2. The existing driveway approach serving the site meets applicable sections of SRC Chapter 804 and does not warrant modification.

SRC Chapter 805 – Vision Clearance

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

Finding: The proposed buildings and structures do not cause a vision clearance obstruction per SRC Chapter 805. The vision clearance standards established in SRC Chapter 805 are met.

ENVIRONMENTAL FACTORS

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 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 are no trees on the subject property; therefore, this section is not applicable.

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 into and out of the proposed development conforms to all applicable city standards.

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): The proposed development mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.

Finding: The proposed drive-through oil change facility generates less than 1000 average daily vehicle trips to the arterial street system; therefore, a TIA is not required as part of the development submittal per SRC 803.015(b)(1). This criterion is not applicable.

SRC 220.005(f)(3)(D): The proposed development will be served with City water, sewer, stormwater facilities, and other utilities.

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

9. 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 has requested two Class 2 Adjustments. The following provides a detailed analysis upon which the decision is based for the adjustment request:

(1) Increase the maximum allowed off-street parking from three to five spaces, per SRC 806.015.

The proposal includes development of a new *motor vehicle services* use, which, per Table 806-1, is allowed a maximum of one space per 600 square feet of gross floor area. The proposed building for the drive-through oil change service area is 1,738 square feet, permitting a maximum of three off-street parking spaces ($1,738 / 600 = 2.89$). The intent of limiting the number of off-street parking spaces based on the size of a building is to allow parking relative to the proposed use, which is typically tied to the size of a building, so as not to create excessive paved areas or induce demand for additional vehicle trips. The standard is intended to accommodate employees and customers for each use.

The applicant's written statement indicates at least five to six employees will be working on-site per shift, and that three off-street parking spaces is not sufficient. The applicant's written statement indicates customers of the drive-through oil change service use will remain in their vehicles, and the parking will only be necessary for employees. The applicant's request indicates the proposed five spaces, one of which will be designated for ADA parking, will help ensure employee parking is contained on-site and will reduce the impacts of overflow parking off-site. The applicant's written statement also indicates the additional parking spaces will not create excessive paved areas or further reduce site area for required setbacks or landscaping. As mitigation for the additional parking space, the applicant's site plan and landscaping plan include approximately 18 percent total site landscaping, more than the minimum 15 percent required.

Based on the applicant's information regarding the number of employees who will be present on site, the use would be more suited for an employee ratio which isn't present in the Salem Revised Code. The applicant has requested five parking spaces, one of which will be required to be an ADA parking space. This would provide four parking spaces, generally, for employees. Based on the maximum number of six employees working at one time, the requested five spaces take into consideration the number of employees working different shifts and will minimally increase the amount of spaces. As described, the proposal equally meets the standard, and this approval criterion is met.

(2) Reduce the minimum opening of the trash enclosure from twelve feet to nine feet, per SRC 800.055.

The applicant's development plans include a trash enclosure with a gate opening of nine feet in width, less than the minimum 12 feet required. The applicant's written statement indicates the proposed use will require a solid waste receptacle of only one cubic yard, which can be

contained in the trash enclosure and wheeled out perpendicularly for servicing. The applicant's written statement and narrative include communication with the solid waste franchisee, indicating the reduced enclosure is necessary to provide the required green stormwater infrastructure (GSI) area for the development. The solid waste franchisee indicated no concerns with the reduced size. As such, the reduced gate opening allowing the receptacle to be manually maneuvered out of the enclosure perpendicularly equally meets the standard, and this approval criterion is met.

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 CR (Retail Commercial) zone; therefore, this criterion is not applicable.

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

Finding: Two 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 requirements of the zoning code, unless adjusted through a future land use action:

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer **APPROVE** the request for the consolidated application for a Conditional Use Permit, Tentative Partition Plan, Class 3 Site Plan Review, and Class 2 Adjustments to allow a new *motor vehicle services* use on a vacant lot located at 3271 Lancaster Drive NE, subject to the following conditions of approval:

- Condition 1:** At time of building permit review, submit a revised landscaping plan with evergreen/conifer trees of 5 plant units, which will be six to eight feet tall at time of planting.
- Condition 2:** There shall be no outdoor storage of vehicles or vehicle parts on site. No parking spaces shall be used for the service of vehicles. Any outdoor storage shall require site plan review to obtain approval for a sight-obscuring enclosure to be screened from all adjacent properties.
- Condition 3:** Normal hours of operation where the business is open to the public shall be limited to between the hours of 7 AM and 7 PM.
- Condition 4:** Prior to final plat approval, 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 5:** At time of development on each lot, provide an engineered stormwater design pursuant to SRC 71 and the Public Works Design Standards to accommodate new impervious surfaces at time of development.
- Condition 6:** On the final plat, convey land for dedication to equal a half-width right-of-way of 48-feet on the development side of Lancaster Drive NE.
- Condition 7:** On the final plat, provide a 10-foot-wide public utility easement along the frontage of Lancaster Drive NE on the final plat.
- Condition 8:** On the final plat, provide a shared access easement between Parcels 1 and 2 for the driveway approach to Lancaster Drive NE.
- Condition 9:** At time of building permit submittal, revise plans to provide pedestrian connections meeting the materials standards of SRC 800.065(b)(1)(B).
- Condition 10:** 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 11:** Prior to building permit issuance, the applicant shall obtain a private storm drain easement on abutting property to the west to connect the proposed Green Stormwater Infrastructure to a public stormwater main located on private property.

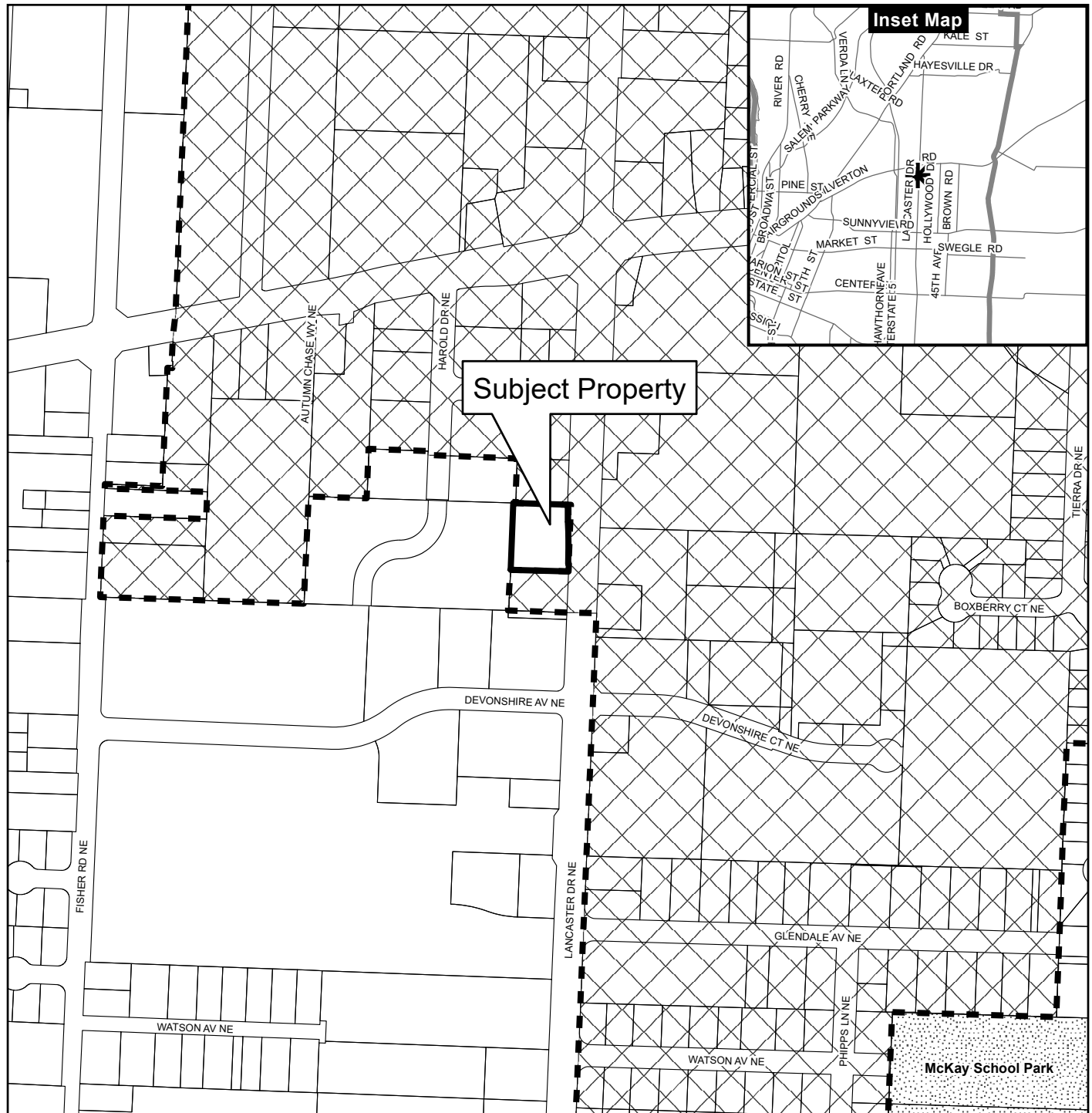
Prepared by:
Peter Domine, Planner II
Aaron Panko, Infrastructure Planner III

Attachments:

- A. Vicinity Map
- B. Applicant's Site Plan
- C. Development Services Memo

Vicinity Map

3271 Lancaster Dr NE



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

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0 100 200 400 Feet



AREAS OF PROPOSED LOTS:

LOT B: 14,331 SF (0.33 ACRES)
LOT A: 13,369 SF (0.31 ACRES)

NOTES

1. FUTURE EASEMENT OVER ALL PROJECT DRIVEWAYS FOR CROSS-ACCESS AND UTILITIES.

KEYNOTES

1. (E) PUBLIC SIDEWALK
2. 32" WIDE VISION & UTILITY EASEMENT
3. 10' WIDE PUBLIC UTILITY EASEMENT (PUE) PER P.P. 2017-032
4. (E) 6" CHAINLINK FENCE
5. (E) ELECTRICAL VAULT TO REMAIN
6. (E) ELECTRICAL TRANSFORMER TO REMAIN
7. (E) ELECTRICAL TRANSFORMER OWNER TO REMAIN
8. DEDICATED ROW

LEGEND

- CATCH BASIN
- SANITARY SEWER MANHOLE
- CLEANOUT
- WATER METER
- WATER VALVE
- IRRIGATION VALVE
- WELL
- POWER METER
- LIGHT POLE
- UTILITY POLE
- GUY WIRE
- GAS METER
- GAS RISER
- GAS VALVE
- SIGN
- MISC. POST
- HANDICAP PARKING
- CONCRETE
- CONIFEROUS TREE & TRUNK SIZE

- SS — SEWER LINE UNDERGROUND
- SO — STORM LINE UNDERGROUND
- W — WATERLINE UNDERGROUND
- G — GAS LINE UNDERGROUND
- E — ELECTRICAL LINE UNDERGROUND
- OH — OVERHEAD POWER LINE
- X — FENCE LINE
- AC ASPHALT
- CONC CONCRETE
- E.O.P. EDGE OF PAVEMENT
- PUE PUBLIC UTILITY EASEMENT
- P.P. PARTITION PLAT
- R.F. P.# REL. PAGE
- SF SQUARE FEET

PROPERTY DESCRIPTION PER CURRENT TITLE

PARCEL 3, PARTITION PLAT 2017-32, IN THE CITY OF SALEM, MARION COUNTY, OREGON, (RECORDED JUNE 16, 2017, IN REEL 3957, PAGE 424, MARION COUNTY, OREGON DEED RECORDS.)

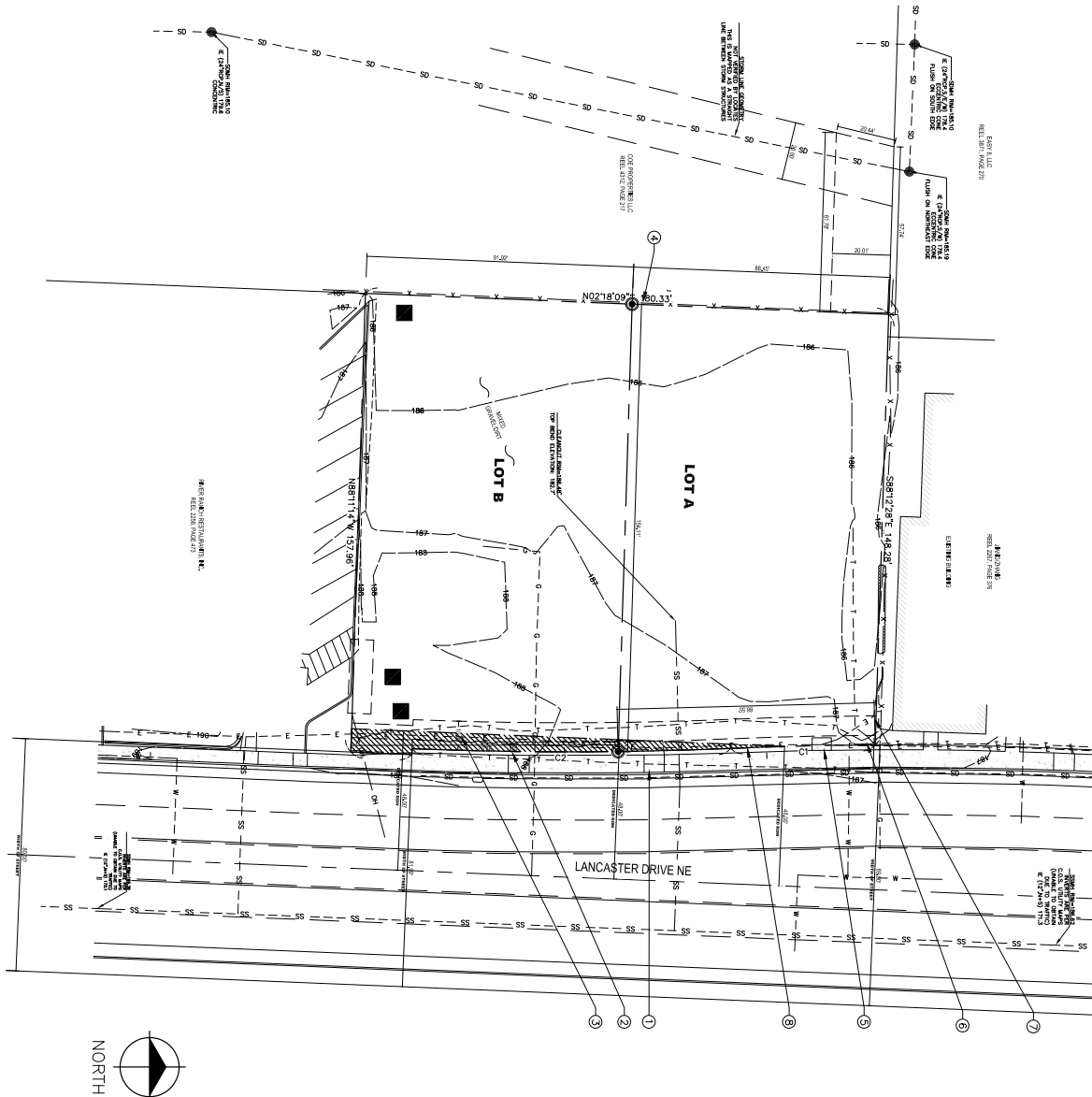
LAND OWNER
JCDD PROPERTY HOLDING LLC
C/O CHARLES DELVALLE
3892 AUBURN RD NE
SALEM, OR 97301

DEVELOPER
COLE VALLEY PARTNERS
RYAN RAMCY
2188 SW PARK PLACE, SUITE 100
PORTLAND, OR 97205
RYAN.RAMCY@CVPRE.COM

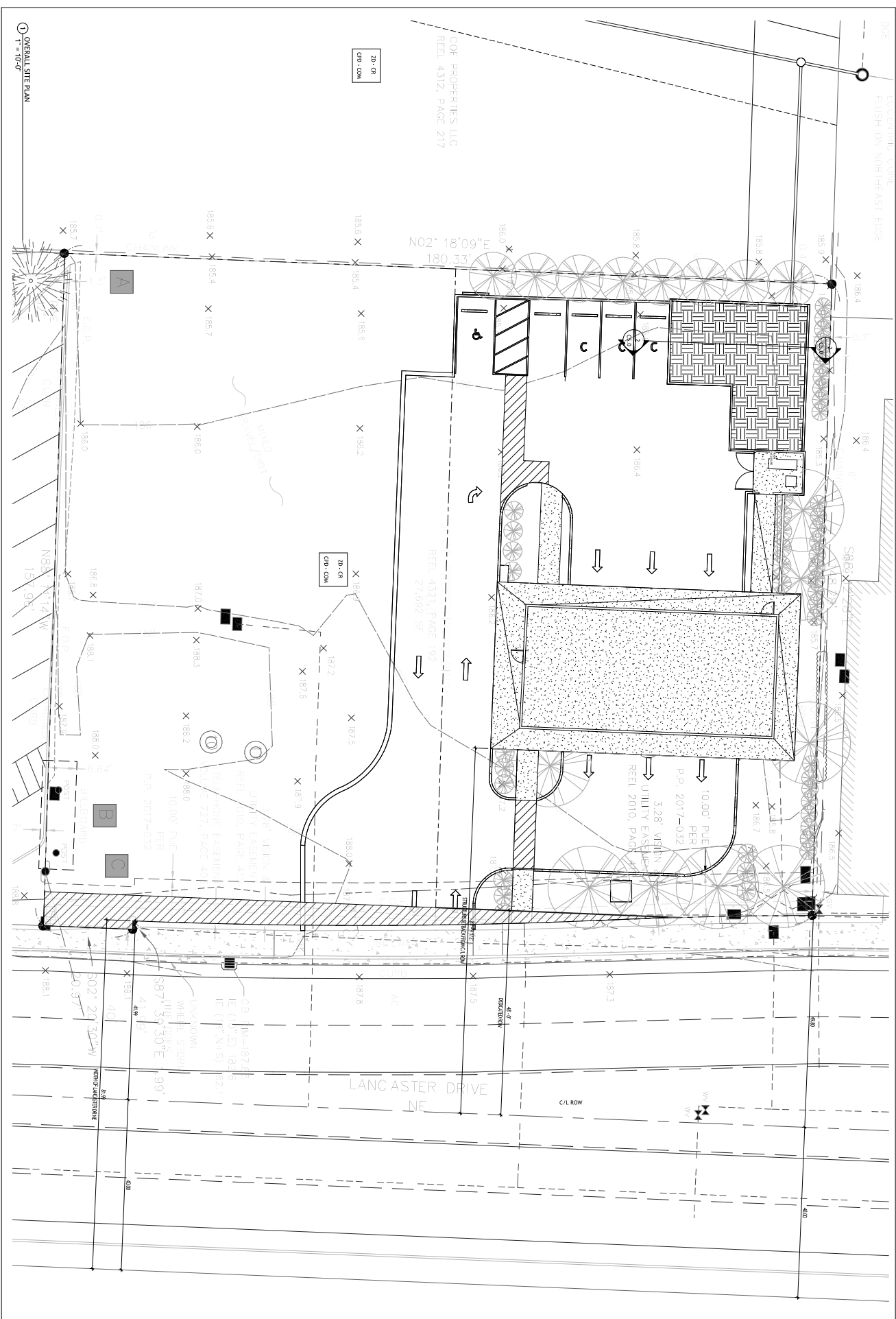
ENGINEER
ABBA DESIGN WORKS
RAHIM ABBASI
500 E 24TH ST
VANCOUVER WA 98663
(503) 816-9466
RAHIM@ABBASIDESIGN.COM

SURVEYOR
FFS SURVEYING
STEPHEN HORTWEG, RLS
7210 SW 5TH STREET, SUITE 145
TURNER, OR 97132
(503) 558-3300
SHOWELL@FFS-SURVEYING.COM

LANDSCAPE ARCHITECT
MICHAEL J. MORTERS
(503) 780-1791
MICHAEL@MEDMULA.COM



① TENTATIVE PARTITION PLAN
1" = 20'-0"



① OVERALL SITE PLAN
1" = 10'-0"

A1.4

OVERALL SITE PLAN

NOT FOR CONSTRUCTION

ADW # 24011.00

SALEM TAKE 5

3271 Lancaster Dr NE
Salem, OR 97305

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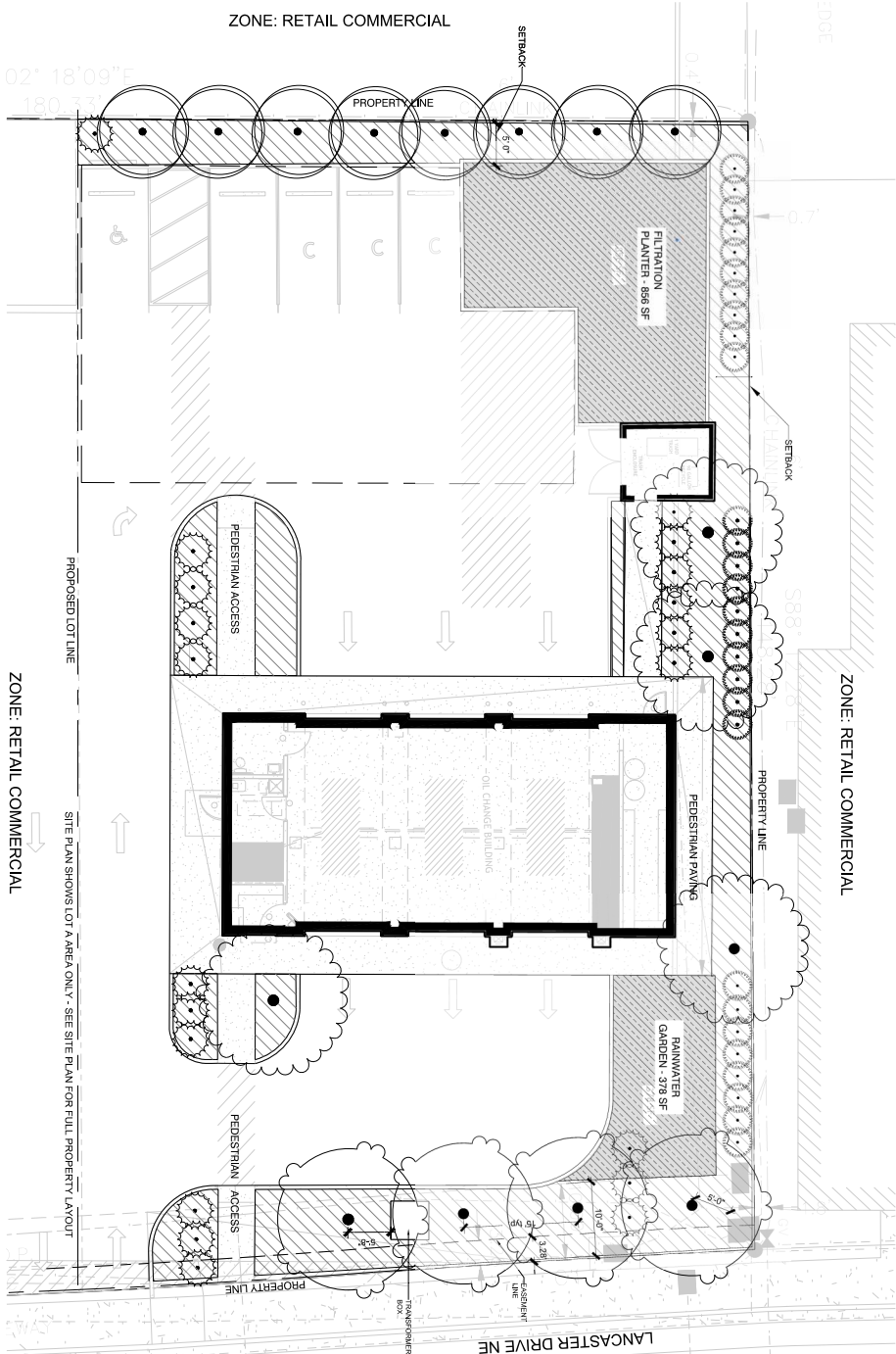
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MEMO

To: File for CU-PAR-SPR-ADJ 25-03 (25-124417-PLN)

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



Subject: Development Services Written Findings
New drive-through oil change business
3271 Lancaster Drive NE

PARTITION DECISION CRITERIA

SRC 205.005(d) indicates the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 205.005(d)(1): The tentative partition plan complies with the standards of this chapter and with all applicable provisions of the UDC:

❖ CITY PLATTING STANDARDS

SRC Chapter 205 – Land Division and Reconfiguration

The intent of SRC Chapter 205 is to provide for orderly land development through the application of appropriate standards and regulations. The partition process reviews development for compliance with City standards and requirements contained in the UDC, the Salem Transportation System Plan (TSP), and the Water, Sewer, and Storm Drain System Master Plans. A second review occurs for the created parcels at the time of site plan review/building permit review to assure compliance with the UDC. Compliance with conditions of approval to satisfy the UDC is checked prior to city staff signing the final partition plat.

Finding: The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

❖ CITY UTILITY INFRASTRUCTURE STANDARDS

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).

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

Utilities	
Type	Existing Conditions
Water	Water Service Level: G-0
	A 12-inch water main is located in Lancaster Drive NE
Sanitary Sewer	A 12-inch sanitary sewer main is located in Lancaster Drive NE
Storm Drainage	A 24-inch storm main is located in an easement on abutting property to the west

The Development Services division reviewed the proposal for compliance with the City's public facility plans as they pertain to provision of water, sewer, and storm drainage facilities. While SRC Chapter 205 does not require submission of utility construction plans prior to tentative partition plan approval, it is the responsibility of the applicant to design and construct adequate City water, sewer, and storm drainage facilities to serve the proposed development prior to final plat approval without impeding service to the surrounding area. A summary of the existing and required City infrastructure improvements are as follows:

SRC Chapter 200 – Urban Growth Management

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

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

▪ 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 Lancaster Drive NE. There is an existing electrical vault, electrical transformer, and communication riser along Lancaster Drive NE. Based on the information provided, it is unclear whether or not these power facilities are located in an existing easement on the subject property. As a condition of approval, the applicant shall ensure required right-of-way is unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC

200.050(d).

Condition: Prior to final plat approval, 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: Pursuant to SRC 71.080, land divisions are required to provide stormwater flow control facilities and treatment facilities that are sized to serve the entire land division under fully developed conditions. The applicant proposes to develop Parcel A with an oil change facility, for which a Site Plan Review is consolidated with this application. Proposed Lot b will be developed in the future. To demonstrate the proposed lots can meet the requirement of SRC Chapter 71 and the Public Works Design Standards (PWDS), the applicant shall submit a tentative stormwater design prior to final plat approval at time of development on each lot.

Condition: At time of development on each lot, provide an engineered stormwater design pursuant to SRC 71 and the Public Works Design Standards to accommodate new impervious surfaces at time of development.

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: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. At time of development on each lot, individual connections to the public system will be provided for the development proposed at that time.

❖ CITY STREET AND RIGHT-OF-WAY STANDARDS

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

Streets

Street Name		Right-of-way Width	Improvement Width
Lancaster Drive NE (Major Arterial)	Standard:	96-feet	68-feet
	Existing Condition:	Variable 80-90-feet	68-feet

SRC 803 – Street and Right-of-way Improvements

▪ *Boundary Street Improvements*

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for partition applications.

Finding: Lancaster Drive NE abuts the subject property and is classified as a major arterial street according to the Salem Transportation System Plan (TSP). Lancaster Drive NE meets the minimum pavement width standard of 68-feet established in SRC 803.025 but does not meet minimum right-of-way width standards for a major arterial street. The ultimate right-of-way width for a major arterial street is 96 feet according to SRC 803.025 Table 803-1 (Right-of-way Width). As a condition of approval per SRC 803.040(a)(2), the applicant shall dedicate 48-feet from the centerline of Lancaster Drive NE.

Condition: On the final plat, convey land for dedication to equal a half-width right-of-way of 48-feet on the development side of Lancaster Drive NE.

▪ *Sidewalks*

Street Standards require that all streets be improved with sidewalks. These standards also require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)) and that sidewalks be five feet in width (SRC 803.035(l)(2)(C)).

Finding: There is an existing curbline sidewalk constructed along the Lancaster Drive NE frontage that is in good condition. SRC Chapter 803 requires sidewalk to be constructed at the property line, however, there are existing underground private utilities in this area creating a conflict. In addition, following the dedication of additional right-of-way along Lancaster Drive NE, there will be approximately two feet of land between the existing sidewalk and the property line. Requiring the sidewalk to be moved to the property line will result in a landscape strip less than two feet in width, which is not wide enough to plant street trees. Per SRC 803.035(l)(2)(B), due to this conflict, the existing curbline sidewalk can remain.

▪ ***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: Following the dedication of additional right-of-way along Lancaster Drive NE, there will be approximately two feet of land between the sidewalk and the property line, this does not leave enough planting space available in the planter strip for the installation of street trees; therefore, street trees are not required to be planted with development of Proposed Parcel 1.

▪ ***Public Utility Easements***

SRC 803.035(n) requires dedication of a 10-foot Public Utility Easements (PUE) along all street rights-of-way.

Finding: Public Utility Easements are required along Lancaster Drive NE where they do not currently exist per SRC 803.035(n). As a condition of approval, the applicant shall dedicate a 10-foot-wide PUE along the street frontage of Lancaster Drive NE.

Condition: On the final plat, provide a 10-foot-wide public utility easement along the frontage of Lancaster Drive NE on the final plat.

SRC Chapter 804 – Driveway Approaches

SRC 804 establishes development standards for driveway approaches providing access from the public right-of-way to private property in order to provide safe and efficient vehicular access to development sites.

Finding: The development site is served by an existing driveway approach onto Lancaster Drive NE. The existing driveway approach serving the site meets applicable sections of SRC Chapter 804 and does not warrant modification.

SRC 804.035(a) provides that driveway approaches onto arterial streets are permitted where they provide shared access between two or more abutting properties. The applicant's tentative partition plan indicates that the existing driveway approach to Lancaster Drive NE will be shared between proposed Parcels 1 and 2. Prior to final plat approval, the applicant shall provide a shared access easement between Parcels 1 and 2 for the driveway approach to Lancaster Drive NE.

Condition: On the final plat, provide a shared access easement between Parcels 1 and 2 for the driveway approach to Lancaster Drive NE.

Environmental Factors

SRC Chapter 601 – Floodplain

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

Finding: The Floodplain Administrator has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

SRC Chapter 809 – Wetlands

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. SRC Chapter 809 establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

Finding: 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 205.005(d)(2): The tentative partition plan does not impede future access to adjacent land.

Finding: The subject property is approximately 0.64 acres in size and is currently vacant. Abutting land to the north, south and west is fully developed. The proposed partition results in the create of two parcels that will utilize an existing shared driveway approach to Lancaster Drive NE to provide vehicular access to each parcel. The tentative partition does not impede access to abutting land. This criterion is met.

SRC 205.005(d)(3): Development within the tentative partition plan can be served by City infrastructure.

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 parcels within the proposed partition, subject to the conditions of approval established in this decision. This approval criterion is met.

SRC 205.005(d)(4): The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

Finding: As described in the findings above, the subject property is located adjacent to Lancaster Drive NE, which is classified as a major arterial street under the City's Transportation System Plan (TSP). Conditions of approval established with the partition decision will require dedication of additional right-of-way along Lancaster Drive NE to comply with minimum requirements, no other improvements along Lancaster Drive NE are warranted with this application. This criterion is met.

SRC 205.005(d)(5): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:

- (A)The property is zoned residential;***
- (B)The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and***
- (C)The proposed parcels are at least five acres in size and, except for flag lots, have no dimension that is less than 100 feet.***

Finding: The site is served by available public water and sewer; therefore, this criterion is not applicable.

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 decision, the development meets all the applicable standards in the UDC as follows:

❖ CITY INFRASTRUCTURE STANDARDS

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

Utilities	
Type	Existing Conditions
Water	Water Service Level: G-0
	A 12-inch water main is located in Lancaster Drive NE
Sanitary Sewer	A 12-inch sanitary sewer main is located in Lancaster Drive NE
Storm Drainage	A 24-inch storm main is located in an easement on abutting property to the west

SRC Chapter 200 – Urban Growth Management

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

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

SRC Chapter 71 – Stormwater

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

Finding: The proposed development is subject to SRC Chapter 71 and the Public Works Design Standards that require the use of Green Stormwater Infrastructure (GSI) to treat and detain stormwater generated from the development. The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least ten percent of the total new impervious surface area for installation of green stormwater infrastructure. The applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

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: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the Public Works Design Standards (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.

▪ ***Easements:***

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

Finding: The applicant's site plan shows a stormwater discharge for the proposed Green Stormwater Infrastructure (GSI) facility crossing over neighboring property to the west and draining to a public stormwater main that is located on private property. Prior to building permit issuance, the applicant shall obtain a private storm drain easement on abutting property to the west to connect the proposed GSI to a public stormwater main located on private property.

Condition: Prior to building permit issuance, the applicant shall obtain a private storm drain easement on abutting property to the west to connect the proposed Green Stormwater Infrastructure to a public stormwater main located on private property.

❖ **CITY STREET AND RIGHT-OF-WAY STANDARDS**

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

Streets			
Street Name		Right-of-way Width	Improvement Width
Lancaster Drive NE (Major Arterial)	Standard:	96-feet	68-feet
	Existing Condition:	Variable 80-90-feet	68-feet

SRC 803 – Street and Right-of-way Improvements

▪ ***Boundary Street Improvements***

Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way

width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for certain development.

Finding: Lancaster Drive NE abuts the subject property and is classified as a major arterial street according to the Salem Transportation System Plan (TSP). Lancaster Drive NE meets the minimum pavement width standard of 68-feet established in SRC 803.025 but does not meet minimum right-of-way width standards for a major arterial street. The ultimate right-of-way width for a major arterial street is 96 feet according to SRC 803.025 Table 803-1 (Right-of-way Width). As a condition of approval of the tentative partition, the applicant is required to dedicate right-of-way equal to 48-feet from the centerline of Lancaster Drive NE.

SRC Chapter 804 – Driveway Approaches

SRC 804 establishes development standards for driveway approaches providing access from the public right-of-way to private property in order to provide safe and efficient vehicular access to development sites.

Finding: The development site is served by an existing driveway approach onto Lancaster Drive NE that will be shared between proposed Parcels 1 and 2. The existing driveway approach serving the site meets applicable sections of SRC Chapter 804 and does not warrant modification.

SRC Chapter 805 – Vision Clearance

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

Finding: The proposal buildings and structures do not cause a vision clearance obstruction per SRC Chapter 805, the vision clearance standards established in SRC Chapter 805 are met.

❖ ENVIRONMENTAL FACTORS

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 into and out of the proposed development conforms to all applicable city standards.

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): The proposed development mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.

Finding: The proposed drive-through oil change facility generates less than 1000 average daily vehicle trips to the arterial street system. Therefore, a TIA is not required

as part of the development submittal per SRC 803.015(b)(1). This criterion is not applicable.

SRC 220.005(f)(3)(D): The proposed development will be served with City water, sewer, storm drainage, and other utilities.

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.