

NOTICE OF DECISION

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

REVISED DECISION OF THE PLANNING ADMINISTRATOR

CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE NO.: SPR-ADJ25-13

APPLICATION NO.: 24-124647-PLN

NOTICE OF DECISION DATE: June 9, 2025

REQUEST: A Class 3 Site Plan Review for a proposed redevelopment of an existing off-street parking area and change of use within an existing building with four Class 2 Adjustment to:

- 1) Eliminate the off-street parking area street abutting setback along Silverton Road NE, per SRC 806.035(c)(2);
- 2) Eliminate the off-street parking area setback along interior property lines, per SRC 806.035(c)(3);
- 3) Reduce the required development site landscaping from 15 percent to 7 percent, per SRC 523.010(d)(3); and
- 4) Reduce the required interior off-street parking area landscaping from 5 percent to 4 percent, per SRC 806.035(d)(2).

The subject property is approximately 0.6 acres in size, zoned General Commercial (CG), and located at 1793 Silverton Road NE (Marion County Assessor's Map and Tax Lot number: 073W14AD04500).

APPLICANT: Zeeb Legacy LLC (Jeffrey Aaron Zeeb)

LOCATION: 1793 Silverton Rd NE, Salem OR 97301

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

FINDINGS: The findings are in the attached Decision dated June 9, 2025.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review / Class 2 Adjustment Case No. SPR-ADJ25-13 subject to the following conditions of approval:

- Condition 1:** At the time of building permit, the applicant shall provide details demonstrating that the lighting required under SRC 800.065(c) is provided for the required pedestrian connection.
- Condition 2:** At the time of building permit, the applicant shall propose bollards or other protective barrier around the bicycle parking rack to prevent vehicles maneuvering into the required bicycle parking area.
- Condition 3:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future

development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by June 25, 2025 ~~2029~~, or this approval shall be null and void.

Application Deemed Complete:	<u>April 24, 2025</u>
Notice of Decision Mailing Date:	<u>June 9, 2025</u>
Decision Effective Date:	<u>June 25, 2025</u>
State Mandate Date:	<u>August 22, 2025</u>

Case Manager: Jacob Brown, jbrown@cityofsalem.net, 503-540-2347

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, in person at 440 Church St SE, Salem OR 97312, by mail P.O. Box 14300 Salem, OR 97309, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Tuesday, June 24, 2025. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 220 and 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, 440 Church St SE, Salem, during regular business hours.

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF)	FINDINGS & ORDER
CLASS 3 SITE PLAN REVIEW,)	
AND CLASS 2 ADJUSTMENT)	
CASE NO. SPR-ADJ25-13)	
1793 SILVERTON RD NE)	JUNE 9, 2025

In the matter of the applications for Class 3 Site Plan Review and Class 2 Adjustment submitted by CBTWO Architects represented by Gretchen Stone for the property owner Zeeb Legacy LLC, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: Proposed redevelopment of an existing off-street parking area and change of use within an existing building

Request: A Class 3 Site Plan Review for a proposed redevelopment of an existing off-street parking area and change of use within an existing building with four Class 2 Adjustment to:

- 1) Eliminate the off-street parking area street abutting setback along Silverton Road NE, per SRC 806.035(c)(2);
- 2) Eliminate the off-street parking area setback along interior property lines, per SRC 806.035(c)(3);
- 3) Reduce the required development site landscaping from 15 percent to 7 percent, per SRC 523.010(d)(3); and
- 4) Reduce the required interior off-street parking area landscaping from 5 percent to 4 percent, per SRC 806.035(d)(2).

The subject property is approximately 0.6 acres in size, zoned General Commercial (CG), and located at 1793 Silverton Road NE (Marion County Assessors Map and Tax Lot number: 073W14AD04500).

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

PROCEDURAL FINDINGS

1. Background

On December 12, 2024, a consolidated application for Class 3 Site Plan Review and Class 2 Adjustment was filed for the proposed development. After additional information was provided the applications were deemed complete for processing on April 24, 2025. The 120-day state mandated decision deadline for this consolidated application is August 22, 2025.

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

SUBSTANTIVE FINDINGS

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 24-124647.

3. Neighborhood and Public Comments

The subject property is located within the boundaries of the Northgate Neighborhood Association.

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On December 9, 2024, the applicant's representative contacted the Northgate Neighborhood Association Chair and Land Use Chair informing them of the proposed project.

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

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

Public Comment: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. At this time, no comment has been received from the public.

4. City Department Comments

Development Services Division - Reviewed the proposal and indicated no concerns.

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

Fire Department - Reviewed the proposal and indicated that Fire Department access and water supply are required to be provided per the Oregon Fire Code. Comments will be made at the time of building permit plan review.

5. Public Agency Comments

No Public or Private Agency comments were received.

DECISION CRITERIA

6. Analysis of Class 3 Site Plan Review Approval Criteria

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

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

Finding: The proposal is for the reconfiguration of an off-street parking area and establishment of uses within an existing building with associated site improvements. As conditioned below, the proposal meets the applicable standards of the UDC.

Use and Development Standards – CG (General Commercial) Zone:

SRC 523.005(a) – Uses:

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the CG zone are set forth in Table 523-1.

Finding: The proposal includes the reconfiguration and improvement of an existing parking area with establishment of uses including *Personal Service, Eating and Drinking Establishment, Commercial Entertainment – Indoor*, and *Retail Sales* which are permitted uses in the CG zone.

SRC 523.010(a) – Lot Standards:

Lots within the CG zone shall conform to the standards set forth in Table 523-2

Finding: There are no minimum lot area or dimension requirements in the CG zone. All uses, other than single family, are required to have a minimum of 16 feet of street frontage. The subject property site exceeds the 16 feet frontage, complying with minimum lot standards of the CG zone. No changes to the lot size or dimensions are proposed.

SRC 523.010(b) – Setbacks:

Setbacks within the CG zone shall be provided as set forth in Tables 523-3 and 523-4.

Abutting Street:

North: Adjacent to the south of the development site is right-of-way for Silverton Road NE. The required setback for buildings abutting a property line abutting a street is five feet. The setback for vehicle use areas abutting a street is required to meet SRC 806.035(c). The site is subject to a special setback abutting Silverton Road NE which equals 48-feet from centerline.

Finding: The existing building's footprint is not proposed to be modified as part of this development. The existing eastern off-street parking area was previously resurfaced without site plan review approval and the applicant is proposing to reconfigure the parking area to add turnaround areas and landscaping. The existing resurfaced parking area is projecting into the special setback, so the applicant is seeking a Class 2 Adjustment to eliminate the street

abutting setback for vehicle use areas, which is discussed in Section 7 of this report. As adjusted, the standard is met.

Interior Side and Rear

East, South and West: Adjacent to the east and north are interior lot lines abutting CG zoned properties. There is no minimum building or accessory structure setback required to an interior property line abutting an CG zone. The property to the west is zoned as General Industrial which requires a minimum of 10-foot setback for vehicle use areas and buildings. Along the interior lot lines abutting CG zone, vehicle use areas require a minimum five-foot setback with Type A landscaping.

Finding: The existing structure is located along the western portion of the site and is not proposed to be modified as part of this development. Along the eastern property, there is a 26-foot-wide flag lot accessway easement which the rules of measurement for setback under SRC 112.050 (c) requires setbacks to be measured from the most interior access easement line. The existing resurfaced and proposed reconfigured off-street parking area directly abuts the accessway as such the applicant has sought a Class 2 Adjustment to eliminate the interior side setback. Along the northern property line, the resurfaced parking area will be setback five-feet from the northern property line without Type A landscaping. As the applicant is proposing to eliminate the landscaping required within the setback, the above-described Class 2 Adjustment applies, which is discussed in Section 7 of this report.

SRC 523.010(c) – Lot Coverage, Height:

Buildings and accessory structures within the CG zone shall conform to the lot coverage and height standards set forth in Table 523-5.

There is no maximum lot coverage standard in the CG zone. The maximum height allowance is 70 feet.

Finding: The existing structure is not proposed to be modified. This standard has been met.

SRC 523.010(d) - Landscaping:

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

Finding: The proposal includes reconfiguration of an existing off-street parking area that was resurfaced and reconfigured without prior Site Plan Review approval; therefore, the off-street parking and vehicle use area development standards of SRC 806.035(a) are applicable and discussed later in this report. Exclusive of the portion within the special setback along Silverton Road NE, the development site measures roughly 24,250 square feet requiring a minimum of 3,638 square feet of landscaping ($24,250 \times 0.15 = 3,637.5$), requiring 182 plant units ($3,638 / 20 = 182$), 40 percent of which shall be trees, or 73 plant units trees ($182 \times 0.4 = 72.8$). The

development plans include a preliminary landscaping plan indicating 1,931 square feet of total landscaping area outside of the special setback resulting in 7% of the development site being composed of landscaping. The applicant is seeking a Class 2 Adjustment to reduce the development site landscaping requirement from 15% to 7%. All proposed landscaping is required to meet Type A landscaping standards. All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

General Development Standards SRC 800

SRC 800.055(a) – Applicability.

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

Finding: The proposed development does not include a solid waste service area; therefore, this section is not applicable.

SRC 800.065 – Pedestrian Access.

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, two to 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 apply 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: Per the applicant's plans, the site has a five-foot-wide pedestrian pathway from the building to Silverton Road NE, thus meeting the standard.

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

Finding: There is not an existing or planned transit route provided along the street frontage of Beach Avenue NE; 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 the buildings.

Finding: The proposed development only includes one building; therefore, this standard is not applicable.

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

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

Finding: The proposed does not include an off-street parking area with an area of 25,000 square feet or greater; therefore, this standard is not applicable.

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

Finding: The development site does not include any existing or proposed parking structures or garages; therefore, this standard is not applicable.

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

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

(A) Be constructed, and a public access easement or dedication provided; or

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

Finding: There is not a planned pedestrian path or trail in the proximity of the subject property; 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 site includes a 26-foot-wide accessway serving the subject site and properties to the north and east of the site which are under separate ownership. The existing site currently provides a pedestrian path to the edge of the property to the north; therefore this standard is met.

SRC 800.065(b)(1) – Design and Materials.

Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza. Walkways shall conform to the following:

- (A) Materials and width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and 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.

Finding: The proposed pedestrian connection does not intersect with the vehicle use areas; therefore, this standard is met.

SRC 800.065(b)(2) – Design and Materials.

Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.

Finding: No required pedestrian paths are located along the parking areas; therefore, this standard does not apply.

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 application materials do not provide sufficient detail to determine compliance with this development standard. As such, the following is conditioned:

Condition 1: At the time of building permit, the applicant shall provide details demonstrating that the lighting required under SRC 800.065(c) is provided for the required pedestrian connection.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.015 – Amount Off-Street Parking.

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

Finding: The proposal includes the establishment of *Personal Service, Eating and Drinking Establishment, Commercial Entertainment – Indoor*, and *Retail Sales* uses within an existing 8,406-square-foot building. As the uses fall under Retail Sales Services use classification

category, the development site is classified as a shopping center per SRC 111.001. Per Table 806-1, a *shopping center* is allowed one parking space per 200 square feet of gross building floor area. The floor area of the building is 8,406 square feet, allowing 42 off-street parking spaces ($8,406 / 200 = 42$). The proposed vehicle use area that occupies the eastern portion of the site contains 20 off-street parking spaces. Therefore, this standard is met

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

Finding: Per the applicant's plans, three compact parking spaces out the 20 off-street parking space parking area are proposed; therefore, this standard has been met.

(c) *Carpool and vanpool parking*. New developments with 60 or more off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.

Finding: The proposal is not for development of a new Public Services or Industrial use with 60 or more parking spaces; therefore, this standard is not applicable.

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

Finding: No residential uses are proposed on the site; therefore, this standard is not applicable.

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

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

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

Finding: The proposal includes new vehicle use areas. The standards of this section therefore apply to the proposal, as identified below.

(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: As discussed, the applicant is seeking two Class 2 Adjustments to eliminate the street abutting setback and interior property line setback, which is discussed in Section 7 of this report.

- (d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For off-street parking areas less than 5,000 square feet in size, there is no interior landscaping requirement.

Finding: The applicant's site plan indicates that the off-street parking areas measure approximately 8,215 square feet in size requiring a minimum of 411 square feet of interior off-street parking area landscaping. As proposed, the plans show that 336 square feet or 4 percent of interior off-street parking landscaping will be provided outside of the 48-foot special setback along Silverton Road NE. As the off-street parking area will not meet the minimum required interior off-street parking, the applicant has sought a Class 2 Adjustment to reduce the minimum required interior landscaping required from 5 to 4 percent.

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

Finding: The proposed reconfigured off-street parking area meet the dimensions required.

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

Finding: As shown on the applicant's site plan, the proposed off-street parking area meets the development standards for turnaround area by providing a turnaround area meeting the dimensions of Table 806-7.

- (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) Outdoor storage areas within the IG zone.
 - (2) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC Chapter 701.
 - (3) Gravel off-street parking areas, approved through a Conditional Use Permit.
- (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. Consistency with these standards will be reviewed at the time of building permit review.

- (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 applicant's site plans show that a two-foot extended curb with landscaping will be provided to prevent vehicles from encroaching onto the proposed pedestrian pathways. This standard is met.

- (k) *Off-street parking area striping.* Off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6; provided, however, off-street parking area striping shall not be required for:
- (1) Vehicle storage areas.
 - (2) Vehicle sales display areas.
 - (3) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC Chapter 701.
 - (4) Gravel off-street parking areas, approved through a Conditional Use Permit.
- (l) *Marking and signage.*
- (1) *Off-street parking and vehicle use area circulation.* Where directional signs and pavement markings are included within an off-street parking or vehicle use area to control vehicle movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.
 - (2) *Compact parking.* Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.
 - (3) *Carpool and vanpool parking.* Carpool and vanpool parking spaces shall be posted with signs indicating the spaces are reserved for carpool or vanpool use only before 9:00 a.m. on weekdays.
- (m) *Lighting.* Lighting for off-street parking and vehicle use areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.

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

▪ ***Climate Friendly and Equitable Communities (CFEC) Standards***

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 applicant's statement and plans indicate that the proposed surface parking area is less than a half-acre in size; therefore, this section is not applicable.

Bicycle Parking

SRC 806.045 – General Applicability.

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

Finding: The proposal includes the establishment of *Personal Service, Eating and Drinking Establishment, Commercial Entertainment – Indoor, and Retail Sales uses* within an existing 8,406-square-foot building. As the uses fall under Retail Sales Services use classification category, the development site is classified as a shopping center per SRC 111.001. Per Table 806-9, a *shopping center* is required to provide the greater of four spaces or one bicycle space per 5,000 square feet of gross building floor area. The floor area of the building is 8,406 square feet, therefore requiring a minimum of four bicycle parking spaces.

SRC 806.060 – Bicycle Parking Development Standards

Unless otherwise provided under the UDC, bicycle parking areas shall be developed and maintained as set forth in this section.

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

Finding: The development plans indicate four short-term bicycle parking spaces located within 50 feet from the primary entrance.

- (b) *Access.* Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

Finding: As shown on the site plan, the bicycle spaces have direct and accessible access to the public right-of-way and the primary building entrance free of obstructions and any barriers. This standard is met.

However, the bicycle parking area is located within a vehicle use area where parked bicycles can be impacted by vehicles maneuvering. As such, the following is conditioned to provide protection for bicycle parked within the proposed location.

Condition 2: At the time of building permit, the applicant shall propose bollards or other protective barrier around the bicycle parking rack to prevent vehicles maneuvering into the required bicycle parking area.

- (c) *Dimensions.* All bicycle parking areas shall meet the following dimension requirements:
- (1) *Bicycle parking spaces.* Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.
 - (2) *Access aisles.* Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Finding: Bicycle parking spaces are required to be a minimum of six feet in length and one and half feet in width when the proposed bicycle racks are side-by-side. For horizontal spaces, the bike rack shall be centered along the long edge of the bicycle parking space. The proposed bicycle parking spaces are arranged with adequate dimensions to provide pedestrian passage for all four of the proposed spaces; the length of each proposed stall is at least six feet, with at least one and a half feet width between the side-by-side spaces, meeting the standards.

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

Finding: The proposed bicycle parking spaces are placed on a hard surface material, meeting the standard.

- (e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards.
- (1) Racks must support the bicycle frame in a stable position, in two or more places without damage to wheels, frame, or components.
 - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
 - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and

(4) Racks shall be securely anchored.

(5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-11.

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

Off-Street Loading Areas

SRC 806.065 – General Applicability.

Off-street loading areas shall be provided and maintained for each proposed new use or activity.

SRC 806.070 – Proximity of Off-Street Loading Areas to use or Activity Served.

Off-street loading shall be located on the same development site as the use or activity it serves.

SRC 806.075 – Amount of Off-Street Loading.

Table 806-9 provides the minimum number of require off-street loading spaces, and minimum dimensional standards for off-street loading areas based on proposed use.

Finding: Per Table 806-11, a *Retail sales and service* with 5,000 to 60,000 requires does not require an off-street loading space. The applicant has indicated within their written statement that the proposed off-street parking space shall be used as the site will not require delivery vehicles exceeding 8,000 pounds and the parking are is within 25 feet of the building that loading will serve.

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 805 – Vision Clearance:

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

Finding: The proposal does not cause a vision clearance obstruction per SRC Chapter 805. The proposed construction shop meets the vision clearance standards established in SRC Chapter 805.

Natural Resources

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.

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

Finding: Per the applicant's, there are no tree proposed to be removed or impacted by the proposed development.

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

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

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

Finding: The driveway access onto Silverton Road NE provides for safe turning movements into and out of the property.

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

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

7. Analysis of 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.**
- 1) Eliminate the off-street parking area street abutting setback along Silverton Road NE, per SRC 806.035(c)(2);
 - 2) Eliminate the off-street parking area setback along interior property lines, per SRC 806.035(c)(3);
 - 3) Reduce the required development site landscaping from 15 percent to 7 percent, per SRC 523.010(d)(3); and
 - 4) Reduce the required interior off-street parking area landscaping from 5 percent to 4 percent, per SRC 806.035(d)(2).

Finding:

- 1) Eliminate the off-street parking area street abutting setback along Silverton Road NE, per SRC 806.035(c)(2);

The proposal includes the reconfiguration of an off-street parking where surfacing has been removed replaced prior to Site Plan Review. As such, the street abutting setback along Silverton Road NE is required to be met with the design of the setback required to meet SRC 806.035(c)(2). The standard allows the applicant to choose from five methods to occupy the setback with the setback distance varying from six to ten feet depending on the selected method. Along the subject property's southern frontage is Silverton Road NE, which is classified as a Major Arterial per Salem Transportation System Plan. The dedicated Right-of-Way for Silverton Road NE is undersized with the half width for the subject property's portion required to be 48 feet, where only 34 feet is currently dedicated. As such, a special setback of 14 feet projects from the street abutting property line. Per SRC 800.040 (c), setback for buildings and vehicle use areas are required to be measured from the edge of the special setback. The applicant is seeking a Class 2 Adjustment to eliminate the street abutting setback along Silverton Road NE.

The intent of the street abutting setback is to establish separation between vehicle use areas, such as off-street parking spaces and maneuvering areas, from pedestrians and motorists within the right-of-way. In addition, the landscaping and physical elements required to be installed within the setback provide an aesthetic buffer, breaking up the mass of the paved surface, and mitigating glare and noise from vehicles. As discussed above, there is a 14.5-foot special setback projecting from the street abutting property line along Silverton Road NE. Per the applicant's plans, there is approximately 14-feet of recently installed landscaping within the special setback separating the off-street parking area from property line. In addition, the sidewalk within the right-of-way is at the curb creating 16.8 feet of separation from the proposed parking spaces to the sidewalk area. Prior to resurfacing the parking area, the applicant states that the area currently landscaping was previously surfaced parking area serving the site. The applicant indicates a further reduction to the surfaced area to

accommodate both the special setback and off-street parking area setback would reduce the availability of parking greatly for the businesses of the site and increase congestion.

The applicant is proposing to install two landscaped islands along the edges of the parking spaces proposed along the southern edge of the parking area containing collectively approximately 195 square feet of landscaping. Approximately, 56.5 linear feet of off-street parking frontage along Silverton Street NE which would require approximately 339 to 565 square feet of landscaping depending on the off-street parking standard chosen. The combined area of the existing landscaping within the special setback and proposed landscaping islands, the proposal equally or better meets the intent of the standard.

- 2) Eliminate the off-street parking area setback along interior property lines, per SRC 806.035(c)(3);

As indicated above, the applicant is proposing to reconfigure an off-street parking area that was previously resurfaced without prior Site Plan Review approval. Per SRC 806.035(c)(3), vehicle use areas are required to be setback a minimum of five feet from abutting property lines and access easements. The setback area is also required to be occupied by Type A landscaping. Along the northern portion of the off-street parking area, a 5.5-foot-wide separation between the nearest portion of a parking space and northern property line is proposed with no landscaping. Along the eastern portion of the off-street parking area is a 26-foot-wide access easement that provides access to the adjoining properties to the east and north of the site. Per the provided plans, provides a maximum of 10-foot setback within the southern portion of the parking area with no setback provided as the parking area tapers northward. Therefore, the applicant is seeking a Class 2 Adjustment to eliminate the vehicle use area setback along interior property lines.

The intent of the vehicle use area setback and landscaping is to create a buffer that breaks up the mass of the paved surfaces, mitigating glare and noise from vehicles, and providing a physical separation for abutting property buildings from vehicles. The intent of a setback measured from the interior line of an access easement is provide a similar buffer while also preventing parked vehicles from backing into a primary access for other properties.

The existing building occupies the western portion of the site, thus requiring any provided off-street parking to be located in proximity to the access easement. The previously existing off-street parking area had parking spaces directly abutting the access easement with parked vehicles needing to back into the easement along the entire length of the parking area. The proposed reconfiguration changes the southern portion parking area to create two drive aisles where parking spaces are oriented parallel to easement. As indicated by the applicant, the parking area is required to be tapered closer to the easement and northern property line due to the existing building which angles towards the easement. These site limitations restrict the available area to landscape. As discussed below, the applicant is proposing to install landscaping within all other areas not occupied by vehicle use areas or buildings. Given the site constraints, the proposed adjustment equally or better meets the intent of the standard by reconfiguring the parking area and installing landscaping where feasible.

- 3) Reduce the required development site landscaping from 15 percent to 7 percent, per SRC 523.010(d)(3); and

Exclusive of the portion within the special setback along Silverton Road NE, the development site measures roughly 24,250 square feet requiring a minimum of 3,638 square feet of landscaping ($24,250 \times 0.15 = 3,637.5$). The development plans include a preliminary

landscaping plan indicating 1,931 square feet of total landscaping area outside of the special setback resulting in 7% of the development site being composed of landscaping. The applicant is seeking a Class 2 Adjustment to reduce the development site landscaping requirement from 15% to 7%.

The applicant indicates prior to addition of landscaping within the special setback there was only 390 square feet of landscaping on the development site which composes only 1.6% of the development site. The applicant is proposing add landscaping within the off-street parking area in the form of landscaping islands and along the western portion of the building increasing the total development site landscaping to 7%, which is a substantial improvement to the previously existing landscaping on the development site.

Staff finds that the applicant equally meets the intent of the 15 percent landscaping by improving and retaining the visual appearance of the most visible areas of the development site. The purpose of the development site landscaping standard is to ensure that development sites include landscape area and tree canopy to break up large expanses of pavement and structures to provide shade. The approval criterion is met. Any future development occurring on the development site, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

- 4) Reduce the required interior off-street parking area landscaping from 5 percent to 4 percent, per SRC 806.035(d)(2).

Per SRC 806.035(d)(2), off-street parking areas measuring 5,000 square feet and greater are required to provide a minimum five percent interior landscaping exclusive of any landscaping within required setbacks. The applicant's site plan indicates that the off-street parking areas measure approximately 8,215 square feet in size requiring a minimum of 411 square feet of interior off-street parking area landscaping. As proposed, the plans show that 336 square feet or 4 percent of interior off-street parking landscaping will be provided outside of the 48-foot special setback along Silverton Road NE. As the off-street parking area will not meet the minimum required interior off-street parking, the applicant has sought a Class 2 Adjustment to reduce the minimum required interior landscaping required from 5 to 4 percent.

As indicated by the applicant, the development site is fully developed with an existing parking area occupying the same portion of the development site since the original construction. As discussed above, the applicant is proposing to install three landscaped island measuring a total 336 square feet which will contain a minimum of one canopy tree. The intent of the standard is break the mass of large parking areas, which the proposed design does accomplish given the site constraints. As such, the proposal equally or better meets the intent of this provision and is therefore in compliance with this criterion.

SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

Finding: The subject property is located within the CG (General Commercial) zone which is not a residential zone; therefore, the criterion is not applicable.

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

Finding: Four separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment

approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code. Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

Condition 3: The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

8. Conclusion

Based upon review of SRC Chapters 220 and 250, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

Final approval of Class 3 Site Plan Review and Class 2 Adjustment Case No. SPR-ADJ25-13 is hereby **APPROVED** subject to SRC Chapters 220 and 250, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as **Attachment B**, and the following conditions of approval:

- Condition 1:** At the time of building permit, the applicant shall provide details demonstrating that the lighting required under SRC 800.065(c) is provided for the required pedestrian connection.
- Condition 2:** At the time of building permit, the applicant shall propose bollards or other protective barrier around the bicycle parking rack to prevent vehicles maneuvering into the required bicycle parking area.
- Condition 3:** The adjusted development standards, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

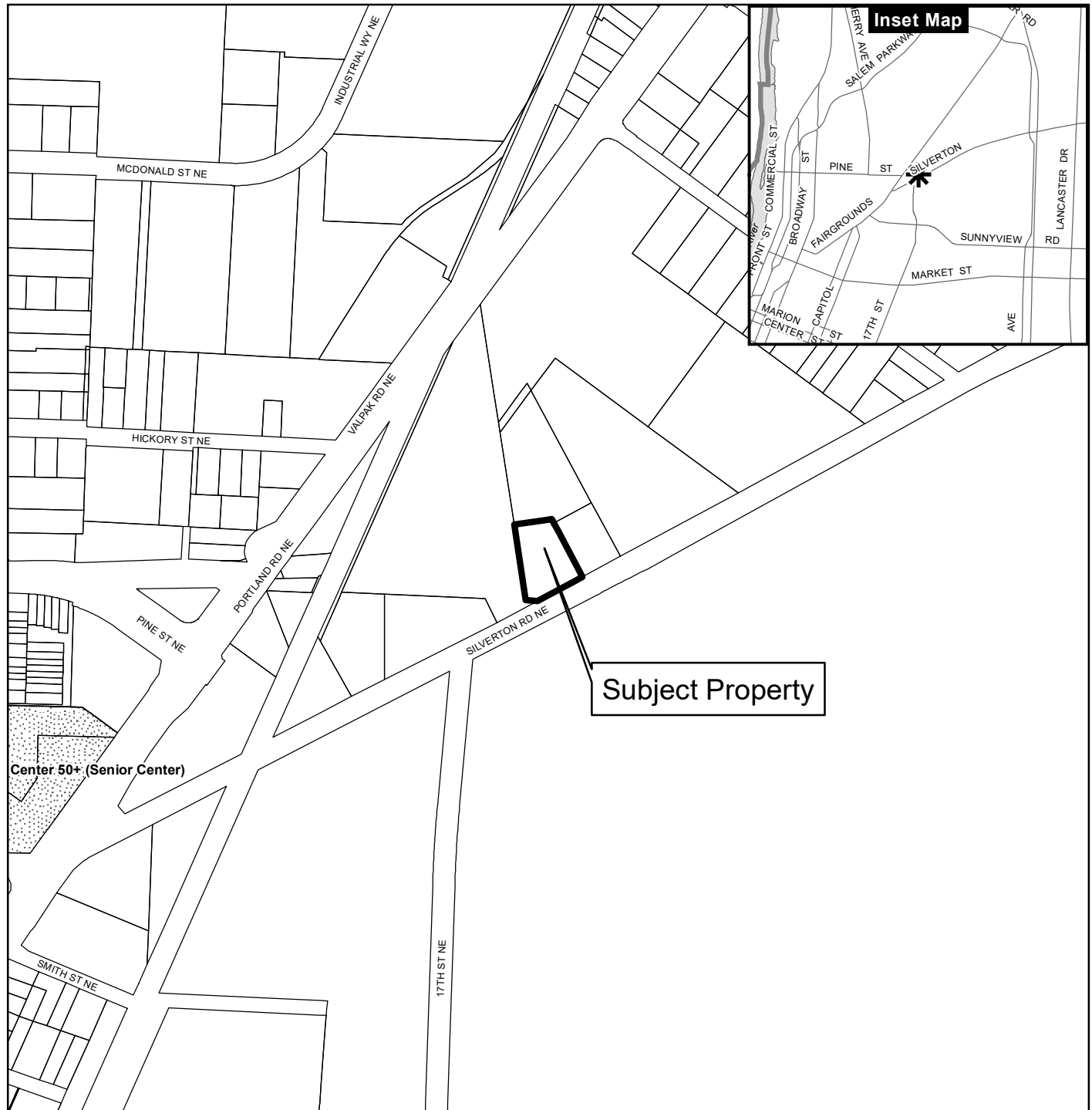


Jacob Brown, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Proposed Site Plan

Vicinity Map

1793 Silverton Road NE



Legend

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

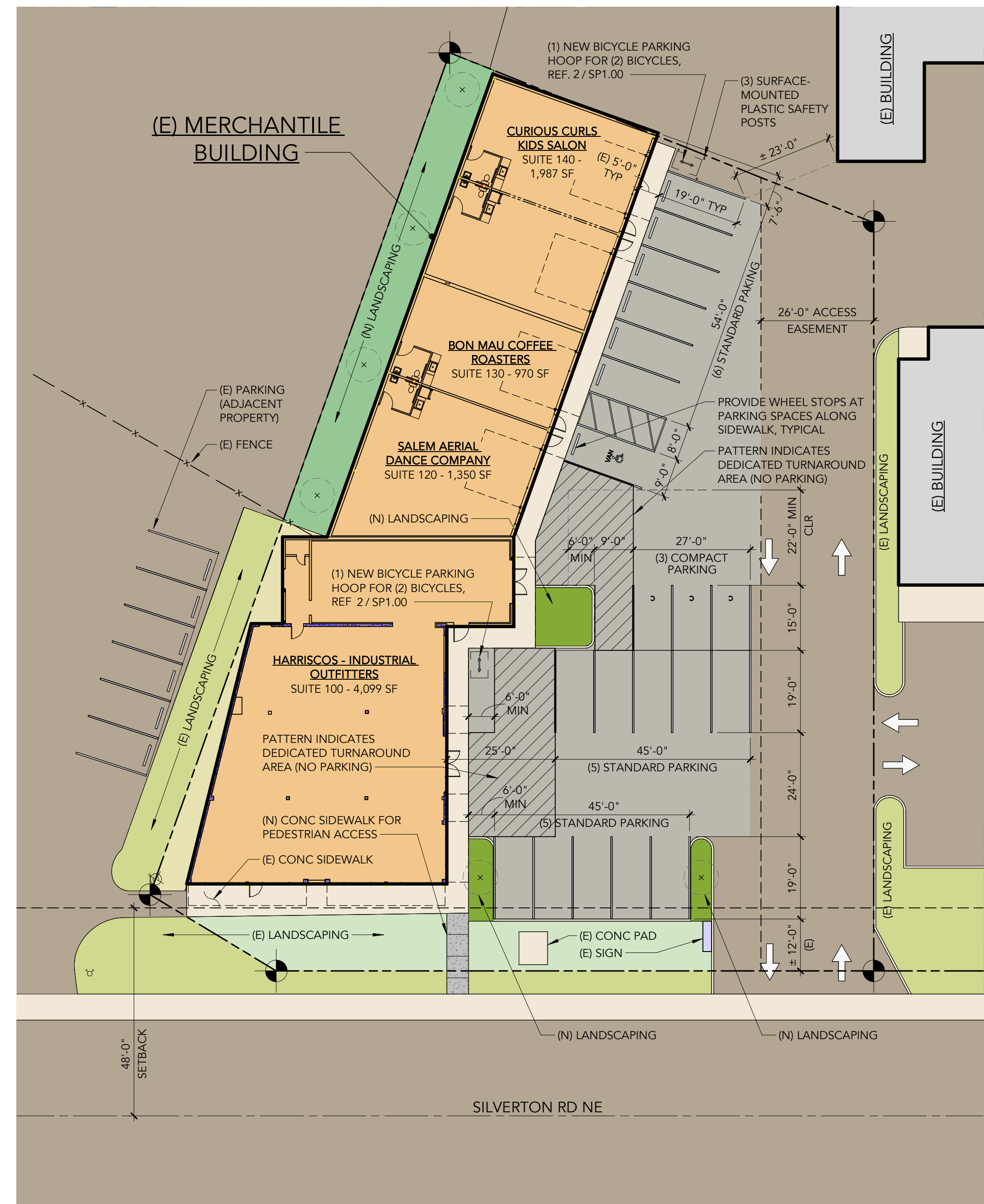
Parks

CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

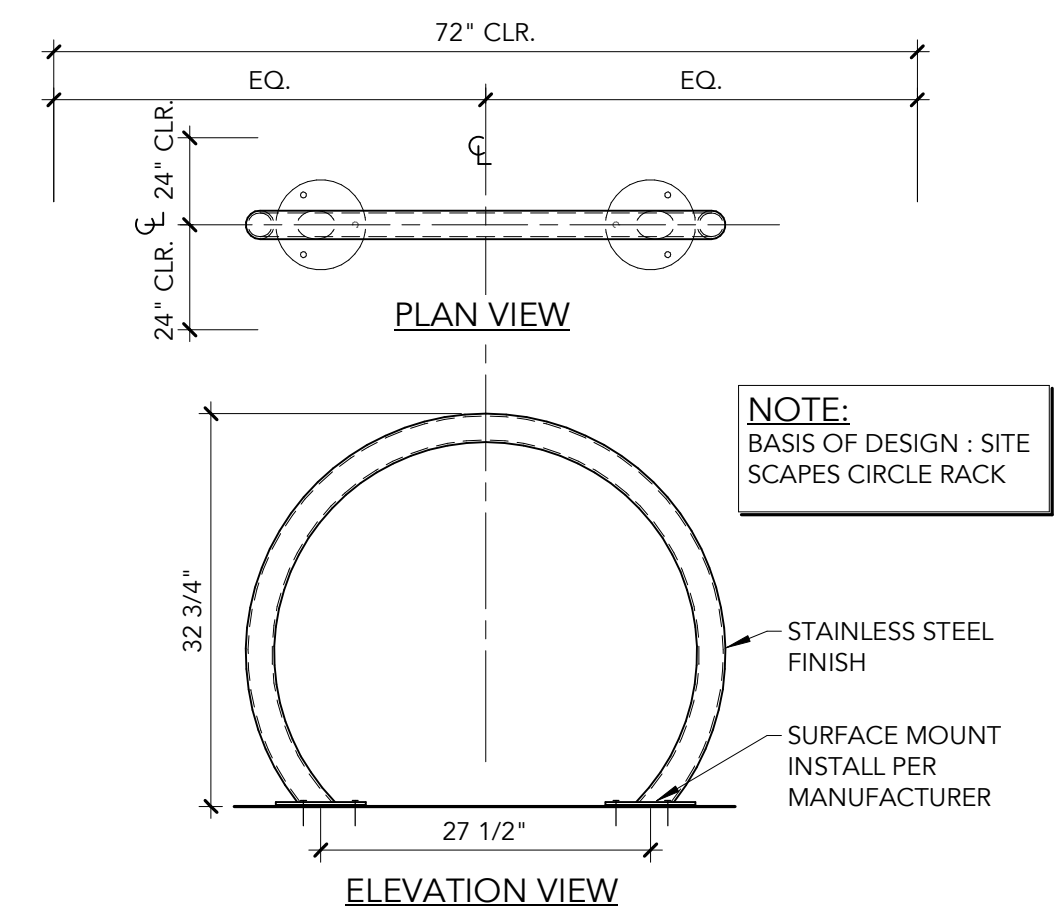
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0 100 200 400 Feet





1 SITE PLAN
SCALE: 1" = 20'-0"



2 BICYCLE RACK DETAIL
SCALE: 3/4" = 1'-0"

PARKING STATISTICS	
DESCRIPTION	# PROVIDED
FULL-SIZE PARKING STALLS	16
COMPACT PARKING STALLS	3
ACCESSIBLE PARKING STALLS	1
TOTAL ON-SITE PARKING	20

DESCRIPTION	# PROVIDED
BICYCLE PARKING	4

OTHER SITE STATISTICS	
DESCRIPTION	AREA (SF)
PARKING AREA	8,215
(E) STREET-FRONTAGE LANDSCAPE AREA	1,175
(E) OTHER SITE LANDSCAPE AREA	390
(N) INTERIOR LANDSCAPE AREA	369
(N) OTHER LANDSCAPE AREA	1,250
TOTAL LANDSCAPE AREA	3,184