

Si necesita ayuda para comprender esta información, por favor llame

503-588-6173

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE NO.: SPR-ADJ25-17

APPLICATION NO.: 25-105629-PLN

NOTICE OF DECISION DATE: June 16, 2025

REQUEST: A consolidated application for a Class 3 Site Plan Review for a new US Market gas station and convenience store, including fueling stations and associated site improvements, on Lot 1 of Kuebler Village Subdivision, with six Class 2 Adjustments to:

- 1) Eliminate five-foot landscaped setback to future property line (SRC 535.015(c));
- 2) Increase the minimum setback for a building abutting Kuebler Boulevard SE without provided a pedestrian amenity (SRC 535.015(c));
- 3) Allow Off-street Parking location between the building and Mosaic Drive SE (SRC 535.015(g)(1));
- 4) Eliminate building entrance requirement along Kuebler Boulevard SE (SRC 535.015(g)(4));
- 5) Eliminate ground-floor window requirement along Kuebler Boulevard SE (SRC 535.015(g)(5));
- 6) Reduce ground-floor window requirement along 27th Avenue SE (SRC 535.015(g)(5));and
- 7) Reduce required vehicle use area setback abutting a street from 10-feet to four feet abutting Kuebler Blvd (SRC 806.035(c)(2));

The subject property is Lot 1 in the northwest corner of the Kuebler Village Subdivision, approximately 0.7 acres within a development site totaling 24.43 acres in size, zoned MU-III (Mixed Use-III), and located at the 4900 Block of 27th Avenue SE (Marion County Assessor Map and Tax Lot Number: 083W12C / 2201).

APPLICANT: Jeremy Schoenfelder Mosaic Development Services LLC

LOCATION: 4900 Block of 27th Ave SE, Salem OR 97302

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 16, 2025.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review and Class 2 Adjustment Case No. SPR-ADJ25-17 subject to the following conditions of approval:

Condition 1: Prior to issuance of building permits for any building, the applicant shall obtain an Airport overlay zone height variance.

Condition 2: At the time of building permit, pedestrian paths shall meet design

and materials standards of SRC 800.065(b).

- Condition 3:** At the time of building permit, pedestrian paths shall meet design and materials standards of SRC 800.065(c).
- Condition 4:** At the time of building permit, the applicant shall construct 22-feet behind the compact parking spaces on the eastern side of the building.
- Condition 5:** At the time a building permit, a lighting plan for the off-street parking and vehicle use areas shall be provided meeting all standards of the Salem Revised Code.
- Condition 6:** At the time of building permit review, the applicant shall provide a full landscape plan demonstrating how the development site meets Type A landscaping.
- Condition 7:** Per SUB-UGA-ADJ-DAP24-03 Condition 21, Prior to submittal of a Building permit, provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for the building lot.
- Condition 8:** Prior to issuance of building permits, pay the required S-1 Water Temporary Access Fee established within the Kuebler Village Subdivision Decision (SUB-UGA-ADJ-DAP24-03).
- Condition 9:** Prior to issuance of a Building Permit, the Kuebler Village Subdivision Plat (SUB-UGA-ADJ-DAP24-03) shall be recorded.
- Condition 10:** At the time of building permit, the landscaping plans shall include 17.4% of the site landscaped.
- Condition 11:** At the time of building permits, the applicant shall connect the pedestrian path though Lot 3 to connect to the public sidewalk on 27th Avenue.

The rights granted by the attached decision must be exercised, or an extension granted, by July 2, 2025, or this approval shall be null and void.

| | |
|----------------------------------|---------------------------|
| Application Deemed Complete: | <u>May 30, 2025</u> |
| Notice of Decision Mailing Date: | <u>June 16, 2025</u> |
| Decision Effective Date: | <u>July 2, 2025</u> |
| State Mandate Date: | <u>September 27, 2025</u> |

Case Manager: Olivia Dias, odias@cityofsalem.net, 503-540-2343

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, July 1, 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-ADJ25-17 |) | |
| 4900 BLOCK KUEBLER BLVD SE |) | June 16, 2025 |

In the matter of the applications for Class 3 Site Plan Review, and Class 2 Adjustment, submitted by the applicant and property owner Mosaic Development Services represented by Jeremy Schoenfelder, and the applicant's representative BRAND Land Use, represented by Britany Randall, 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: New gas station and convenience store on Lot 1 of Kuebler Village Subdivision

Request: A consolidated application for a Class 3 Site Plan Review for a new US Market gas station and convenience store, including fueling stations and associated site improvements, on Lot 1 of Kuebler Village Subdivision, with six Class 2 Adjustments to:

- 1) Eliminate five-foot landscaped setback to future property line (SRC 535.015(c));
- 2) Increase the minimum setback for a building abutting Kuebler Boulevard SE without provided a pedestrian amenity (SRC 535.015(c));
- 3) Allow Off-street Parking location between the building and Mosaic Drive SE (SRC 535.015(g)(1));
- 4) Eliminate building entrance requirement along Kuebler Boulevard SE (SRC 535.015(g)(4));
- 5) Eliminate ground-floor window requirement along Kuebler Boulevard SE (SRC 535.015(g)(5));
- 6) Reduce ground-floor window requirement along 27th Avenue SE (SRC 535.015(g)(5)); and
- 7) Reduce required vehicle use area setback abutting a street from 10-feet to four feet abutting Kuebler Blvd (SRC 806.035(c)(2));

The subject property is Lot 1 in the northwest corner of the Kuebler Village Subdivision, approximately 0.7 acres within a development site totaling 24.43 acres in size, zoned MU-III (Mixed Use-III), and located at the 4900 Block of 27th Avenue SE (Marion County Assessor's Map and Tax Lot Number: 083W12C / 2201).

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 March 11, 2025, a consolidated application for Class 3 Site Plan Review and Class 2 Zoning Adjustment was filed for the proposed development. After additional information was

provided the applications were deemed complete for processing on May 30, 2025. The 120-day state mandated decision deadline for this consolidated application is September 27, 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 may use the search function without registering and enter the permit number listed here: 25 105629.

3. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the South Gateway Neighborhood Association (SGNA).

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 March 10, 2025, the applicant contacted SGNA informing them of the proposed project.

Neighborhood Association Comment: Notice of the application was provided to SGNA 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 decision, 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. One public comment was received during the comment period indicating objections to the proposal. The comment expressed concern with a gas station being located on the property, objected to the elimination of a building entrance and pedestrian amenities to Kuebler Blvd. Comments went on to discuss loss of wildlife, increase runoff, reduced property values and increase in traffic.

Staff Response: The MU-III zone allows a gas station as a permitted use. The Comprehensive Plan and Zone Change application provided conditions of approval, which

included a limitation of drive-through. The proposal does not include a drive-through. Gas stations were not previously limited. The applicant has requested an adjustment for the building entrance and pedestrian connection to Kuebler Blvd due to topography. The findings are addressed below.

The criteria for approval of the application do not require a demonstration that property values will not be adversely affected. The zoning code allows the proposed uses, provided that they are conducted in accord with the conditions of approval and the development standards of the Unified Development Code (UDC).

The subject property is located within the Urban Growth Boundary and within Salem City Limits and has been designated on the City of Salem Comprehensive Plan Map as "Mixed Use", which anticipates existing or future commercial development. Loss of wildlife habitat is not a criterion for granting or denying commercial development.

Public Works Administrative Rule 109-012 (*Stormwater Source Control*) has standards applicable to fuel dispensing facilities, which ensures stormwater pollutant source control. At time of Building Permit Review, the applicant is required to demonstrate compliance with this Administrative Rule and construct the gas station in a manner consistent with stormwater source control standards.

The development site is part of the Kuebler Village Subdivision ((SUB-UGA-ADJ-DAP24-03). The Kuebler Village Subdivision Decision establishes a number of conditions for on-site and off-site transportation improvements that adequately minimize the cumulative impacts of development within the subdivision. Additional street improvements are not required for this individual development.

4. City Department Comments

Development Services Division - Reviewed the proposal and provided written findings which have been incorporated into this decision.

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

Fire Department - Reviewed the proposal and indicated Fire Department access and water supply shall be provided per the Oregon Fire Code and will be evaluated at the time of building permit plan review.

5. Public Agency Comments

Portland General Electric - Reviewed the proposal and provided comments, which are in the record.

Oregon Department of Aviation ODAV: ODAV has reviewed the proposal and prepared the following comment(s):

Because the subject property is at a higher elevation than the nearby Salem Municipal Airport, such that existing structures and planned development exceed the height requirements of OAR 660 Division 13 (Airport Planning Rule), ODAV recommends a maximum height

allowance of 35 feet above ground level (AGL) for new development*, including vegetation, except as otherwise approved through a height variance. Pursuant to OAR 660-013-0070:

For areas in the safety overlay zone, but outside the approach and transition surface, where the terrain is at higher elevations than the airport runway surface such that existing structures and planned development exceed the height requirements of this rule, a local government may authorize structures up to 35 feet in height. A local government may adopt other height exceptions or approve a height variance when supported by the airport sponsor, the Oregon Department of Aviation, and the FAA.

*The subject property is located inside the overlay zone, but outside the approach and transitional surfaces. ODAV finds allowing structures up to 35 feet in height AGL, except as otherwise approved through a height variance, meets the requirements of this administrative rule. This will ensure any impact on airspace from development at this site will be minimized.

In accordance with FAR Part 77.9 and OAR 738-070-0060, the proposed development is required to undergo aeronautical evaluations by the [FAA](#) and [ODAV](#). The applicant can use the FAA's [Pre-Screening Tool](#) to determine which proposed structures (including buildings, light poles, cranes, and other tall equipment used during development or maintenance) warrant a *notice of construction*. They are required to provide separate notices of construction to both the FAA and ODAV. The applicant should receive the resulting aeronautical determination letters from the FAA and ODAV prior to approval of any building permits. The height of any new structures, trees, and other planted vegetation shall not penetrate FAR Part 77 Imaginary Surfaces, as determined by the FAA and ODAV.

DECISION CRITERIA FINDINGS

6. Analysis of Class 3 Site Plan Review Approval Criteria

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

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

Finding: The proposal includes development of a US Market gas station and convenience store, including fueling stations and associated site improvements on Lot 1 of Kuebler Station Subdivision. The proposal includes six adjustments are included in Section 7 of this report. The adjustments and development standards are based on Lot 1 of the tentatively approved subdivision. The proposed development conforms to SRC Chapter 535 and all other applicable development standards of the UDC and Salem Revised Code as follows.

❖ ZONING AND DEVELOPMENT STANDARDS

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

SRC 535.010(a) – Uses.

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the CB zone are set forth in Table 535-1.

Finding: The proposal is for an approximately 5,218 square foot building, fueling station and parking area improvements. The convenience store is considered *Retail Sales* and the fueling station is considered a *Motor Vehicle Services, Gasoline Service Stations*. The uses are outright permitted in the MU-III zone. This standard is met.

SRC 535.015(a) – Lot Standards.

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

Finding: There is no minimum lot area, lot width, or lot depth for all uses in the MU-III zone. The minimum street frontage requirement for non-single-family uses is 16 feet. As no changes are proposed to the existing lot dimensions, Lot 1 has frontage on Kubler Blvd and 27th Avenue but since no access is allowed the lot is considered a flag lot accessway, this standard is met.

SRC 535.015(b) – Dwelling Unit Density.

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

Finding: No residential development is existing or proposed for this development; therefore, this standard is not applicable.

SRC 535.015(c) – Setbacks.

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

Abutting Street

North: Adjacent to the north is right-of-way for Kuebler Blvd. For all other uses besides three-, four-, and multiple-family uses, buildings abutting a street require a minimum five-foot setback and a maximum 30-foot setback. The 30-foot setback allows up to ten feet of the setback area to be used exclusively for pedestrian amenities, though at least 50 percent of the remaining setback area must be landscaped. Parking areas are required to be six to 10-feet from abutting streets.

West: Adjacent to the north is right-of-way for 27th Avenue. For all other uses besides three-, four-, and multiple-family uses, buildings abutting a street require a minimum five-foot setback and a maximum 30-foot setback. The 30-foot setback allows up to ten feet of the setback area to be used exclusively for pedestrian amenities, though at least 50 percent of the remaining setback area must be landscaped. Parking areas are required to be six to 10-feet from abutting streets.

Finding: The proposed building is located 15-feet from Kuebler Blvd and 19-feet from 27th Avenue. The applicant is not providing a pedestrian amenity between the building and Kuebler Blvd and has requested a zoning adjustment which is addressed below. The site plan provides pedestrian amenities along 27th Avenue with the remainder of the setback to be landscaped. The proposed vehicle use is located 15-feet from Kuebler Blvd and behind the building from 27th Avenue. Therefore, these standards are met. Landscape and irrigation plans

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

Interior Property Lines

East: Adjacent to the east is property zoned MU-III (Mixed Use-III). In the MU-III zone for property abutting other Mixed-Use Zones, there is no minimum setback for buildings or accessory structure, though there is a minimum five-foot setback with Type A landscaping for vehicle use areas.

Finding: The proposed building is setback more than five feet from the eastern property line, exceeding the minimum standard. The vehicle use area is setback less than five feet from the eastern property line. A Class 2 Adjustment has been requested to reduce the minimum setback standard for vehicle use areas on the eastern property line. As described below, in order to meet the standard for parking area dimensions, a condition of approval is required to construct the entire 22-feet of maneuvering behind the spaces on the eastern side of the building. This condition will require an additional adjustment to be reviewed for the required five-foot setback on the eastern side of the property line. This condition will be address below with the already requested adjustment to the west side of said property line.

South: Adjacent to the southern are properties zoned MU-III (Mixed Use-III) and proposed Mosaic Drive. In the MU-III zone for property abutting other Mixed-Use Zones, there is no minimum setback for buildings or accessory structure, though there is a minimum five-foot setback with Type A landscaping for vehicle use areas.

Finding: The proposed building is setback more than 50 feet, meeting the standard. The vehicle use area is setback approximately 14 feet from the southern property line, meeting the standard. The subject property does have a southern portion of the property which leads to Mosaic Drive. The land area leading to Mosaic Drive will be a shared driveway, which does not require setbacks to property lines.

SRC 535.015(d) – Lot Coverage; Height.

Buildings and accessory structures within the MU-III zone shall conform to the lot coverage and height standards set forth in Table 535-5.

Finding: There is no maximum lot coverage requirement for all uses in the MU-III zone and the maximum building height allowance is 70 feet. The applicant's plans indicate the proposed height is a maximum of approximately 19 feet. As there is no maximum lot coverage standard in the MU-III zone, the proposed development meets applicable lot coverage standards. The proposal meets the standards.

SRC 535.015(e) – Landscaping.

(1) *Setbacks.* Setbacks, except setback areas abutting a street that provide pedestrian amenities, shall be landscaped to conform to the following standards:

- a. The required setback abutting a street for development that is exclusively residential shall meet the standard of a minimum of one plant unit per 16 square feet of landscaped area. Landscaping shall conform to the standards set forth in SRC Chapter 807.

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

Finding: The applicant has provided a landscape plan that demonstrates compliance with Type A landscaping for setbacks and vehicle use areas, where applicable, demonstrating conformance with the standards set forth in SRC Chapter 806 and 807 for non-residential use. The subject property is 43,056 square feet in size, requiring a minimum of approximately 6,458 square feet of landscaping ($43,056 \times 0.15 = 6,458.4$). The applicant's plans indicate that approximately 7,504 square feet (17.4 percent) of the development site will be landscaped, meeting the minimum standards. Landscape and irrigation plans will be further reviewed for conformance with the requirements of SRC Chapter 807 at the time of building permit review.

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

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

Finding: The proposed off-street parking area is located beside and behind the proposed building, except for the southern property line. The applicant has requested an adjustment to allow the parking area between the building and Mosaic Drive, which is addressed below. The remainder of the proposal abutting Kuebler Blvd and 27th Avenue meet the standard.

There are no drive throughs or outdoor storage proposed for this development. The new building is within maximum setbacks abutting Kuebler Blvd and 27th Avenue.

The proposal has a primary entrance facing 27th Avenue and the interior parking area to the south. There is not an entrance facing Kubler Blvd, the applicant has requested a Class 2 Adjustment which is addressed below.

The proposal has a ground floor building façade facing 27th Avenue and Kuebler Blvd, neither which provide transparent windows meeting the minimum 50 percent standard. The proposal includes zero percent windows facing Kuebler Blvd and approximately 17 percent facing 27th Avenue. The applicant has requested a Class 2 Adjustment for each façade which is addressed below.

SRC Chapter 602 – Airport Overlay Zone

The subject is located within the Airport Overlay Zone; development within the Airport Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards of SRC Chapter 602

Finding: The subject property falls within the Horizontal Surface of the Airport Overlay Zone. In the horizontal surface, no building, structure, object, or vegetative growth shall have a height greater than that established by a horizontal plane 150 feet above the airport elevation. Because the proposal includes only the subdivision of the land to create lots, and no new buildings or specific development is proposed for any of the lots at this time, the requirements of this section are not yet applicable. As indicated by the ODAV comment in Section 8 above, the applicant should receive aeronautical determination letters from the FAA and ODAV prior to approval of any building permits. In addition, an Airport Overlay Variance is required pursuant to SRC 602.025, therefore the following condition applies:

Condition 1: Prior to issuance of building permits for any building, the applicant shall obtain an Airport overlay zone height variance.

General Development Standards (SRC Chapter 800)

SRC 800.055(a) – Applicability.

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

Finding: The site plan indicates one new solid waste enclosure with receptacles greater than one cubic yard in size are proposed.

SRC 800.055(b) – Solid Waste Receptacle Placement Standards.

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

- (1) *Pad area.* In determining the total concrete pad area for any solid waste service area:
 - (a) The pad area shall extend a minimum of 1-foot beyond the sides and rear of the receptacle.
 - (b) The pad area shall extend a minimum 3 feet beyond the front of the receptacle.

- (c) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

Finding: The applicant's development plans indicate a four-inch-thick concrete pad for the trash enclosure. The concrete pad area extends a minimum of one foot beyond the sides and rear of the receptacles, and a minimum of three feet beyond the front of the receptacles. The proposal includes two receptacles which face each other and have more than four feet between them. The proposal meets the standard.

(2) Minimum Separation.

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

Finding: The applicant's development plans show receptacles greater than two cubic yards, with at least 18 inches provided between the receptacles of the side walls. The proposal meets the standard. Receptacles will not be placed within 5 feet of a building or structure.

(3) Vertical Clearance.

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

Finding: The applicant's development plans show receptacles greater than two cubic yards, with at least 14 feet of unobstructed overhead or vertical clearance for servicing, as no cover is proposed for this enclosure. The proposal meets the standard.

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

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

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

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

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

Finding: The applicant's development plans show the proposed solid waste service areas will be screened with six-foot-tall sight-obscuring fences and gates. The proposal meets the standard.

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

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

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

Finding: The width of the proposed front opening for the enclosure is approximately 16 feet, exceeding the minimum standard.

- (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 trash enclosure plans show the enclosure constructed of masonry fencing material and indicate that a curb is provided 12 inches inside the perimeter of the enclosure walls to prevent damage from receptacle impacts consistent with this standard.

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

Finding: The proposed development includes enclosures with openings of less than 15 feet, which open a minimum of 120 degrees. Restrainers are shown in both the open and closed positions. The proposal meets the standard.

SRC 800.055(f)(1) – Solid Waste Service Area Vehicle Access.

- (A) *Vehicle Operation Area.* 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.

Finding: The proposed site plan shows vehicle operation areas a minimum of 45 feet in length and 16 feet in width, perpendicular to the enclosures and extending into vehicle maneuvering areas. The proposal meets the standard.

- (B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:
 - (i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);
 - (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or
 - (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.

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

- (C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.
- (D) Vehicle operation areas shall have a minimum vertical clearance of 14 feet.
- (E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.

Finding: The proposed site plan shows vehicle operation areas which are coincident with parking lot drive aisles, and located adjacent to a fire truck turnaround which meets the minimum dimensions and turning radius for collection service. The proposal meets the standard.

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 do 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.
- (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.
- (C) A pedestrian connection is not required between the primary building entrance of a building and each adjacent street if:
 - i. The development site is a corner lot and the building has a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting one of the adjacent streets; or
 - ii. The building is a service, storage, maintenance, or similar type building not primarily intended for human occupancy.

Finding: The proposed development is considered a corner lot at the intersection of Kuebler Blvd and 27th Avenue. The proposed building is within 20-feet of both streets. A connection from each building entrance to 27th Avenue and Mosaic Drive. Since the building is within 20-feet of both Kuebler Blvd and 27th Avenue, a connection to Kubler Blvd is not required

pursuant to SRC 800.065(a)(1)(C)(i). There is no transit route or planned transit stop abutting the development site; therefore, the proposal meets these standards.

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: There is currently only one building on the development site, although the applicant has shown a building on the abutting property, which is proposed at a future date. A pedestrian path is proposed to connect the building to the eastern property line. The future development will be required to continue the path to the future building; therefore, this standard is met.

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 applicant has shown a building on the abutting property, which is proposed at a future date. A pedestrian path is proposed to connect the building to the eastern property line. The future development will be required to continue the path to the future building; therefore, this standard is met.

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. The proposed pedestrian path leading to the abutting property to the east is parallel to two parking spaces and does not indicated protection from vehicles. Therefore, a condition of approval requiring bollards or extended curbs is required.

Condition 2: At the time of building permit, pedestrian paths shall meet design and materials standards of SRC 800.065(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 applicant has not provided a lighting plan; therefore, the following applies:

Condition 3: At the time of building permit, pedestrian paths shall meet design and materials standards of SRC 800.065(c).

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

SRC 806.015 – Amount Off-Street Parking.

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

Finding: There are no minimum parking standards for any development within the City. The proposed Retail Sales and *Motor Vehicle Services, Gasoline Service Stations* use allows a maximum of one parking space per 200 square feet of gross floor area on site. The applicant's plans indicate the proposed building is 5,218 square, allowing a maximum of 26 parking spaces ($5,218 / 200 = 26.09$). The applicant has proposed parking which includes a total of 24 parking spaces. The proposed parking meets the maximum allowed parking on site.

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

Finding: A maximum of 18 the off-street parking spaces may be compact spaces ($24 \times .75 = 18$); the remaining spaces must be standard size spaces. The proposal indicates six compact parking spaces are proposed for the development site. This standard is 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: No carpool/vanpool spaces are required for a retail sales or motor vehicle services use. This standard does not apply.

- (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 dwelling units; therefore, this standard does not apply.

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 off-street parking and vehicle use area development standards of SRC Chapter 806 are applicable to this proposal.

- (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 524 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: For off-street parking areas less than 50,000 square feet in size, a minimum of five percent of the parking area interior shall be landscaped. The applicant's summary table indicates that the off-street parking area is approximately 12,138 square feet in size, requiring interior landscaping. A minimum of 607 square feet of interior parking area landscaping ($12,138 \times 0.05 = 606.9$), the site plan indicates at least 855 square feet of interior landscaping will be provided in this area, exceeding the minimum requirement.

- (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 dimensional requirements for compact and standard vehicle parking spaces established in Table 806-5. The southern parking area complies with the minimum aisle width established in Table 806-5, although the eastern parking area does not appear to meet the standard. The plans show 14-feet of pavement behind the compact spaces and future development providing the remaining 10-feet of maneuvering required. In order to meet the standard a condition of approval is required to construct the entire 22-feet of maneuvering behind the spaces on the eastern side of the building. This condition will require an additional adjustment to be reviewed for the required five-foot setback on the eastern side of the property line. This condition will be address below with the already requested adjustment to the west side of said property line.

Condition 4: At the time of building permit, the applicant shall construct 22-feet behind the compact parking spaces on the eastern side of the building.

- (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: Pursuant to the requirements of this subsection, off-street parking and vehicle use areas are required to be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street and, where a drive aisle terminates at a dead-end, a turnaround is provided that conforms to the dimensions set forth in Table 806-6.

As shown on the site plan, the proposed development does not include an off-street parking area that terminate in a dead-end.

- (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.
- (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. Bumper guards shall be provided as required by SRC Chapter 806. The parking area striping, marking, signage, and lighting shall comply with the standards of SRC Chapter 806.

- (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 applicant's site plan indicate that dimension standards set forth in Table 806-6 will be met, all compact spaces are shown to be marked as well as handicap spaces. The applicant has not provided a lighting plans, therefor the following condition applies:

Condition 5: At the time a building permit, a lighting plan for the off-street parking and vehicle use areas shall be provided meeting all standards of the Salem Revised Code.

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: Off street surfacing parking areas are less than one-half acre in size; therefore, these standards do not apply.

Driveway Standards

SRC 806.040 – Driveway development standards for uses or activities other than single family, two family, three family, or four family.

(a) *Access.* The off-street parking and vehicle use area shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available, or a loop to the single point of access. The driveway approaches to the driveways shall conform to SRC Chapter 804.

(b) *Location.* Driveways shall not be located within required setbacks, except where the driveway provides access to the street, alley, or abutting property; or where the driveway is a shared driveway located over the common lot line and providing access to two or more uses.

(c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for driveways abutting streets, and abutting interior front, side, and rear property lines.

(d) *Dimensions.* Driveways shall conform to the minimum width set forth in Table 806-8.

Finding: Pursuant to SRC 806.040(d), Table 806-7, one-way driveways are required to have a minimum width of 12 feet and two-way driveways are required to have a minimum width of 22 feet.

As shown on the site plan, vehicular access to the parking areas within the development is served by a two-way driveway shared with a neighboring future development. The subject property is currently not yet divided, but tentatively approved pursuant to SUB-UGA-ADJ-DAP24-10. Condition of approval of the subdivision requires all access and utility easements to be shown on the plat, which would include this shared driveway, therefore meeting the standard.

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 establishing a new Retail Sales and *Motor Vehicle Services, Gasoline Service Stations* use which requires bicycle parking spaces to be installed.

SRC 806.050 – Proximity of Bicycle Parking.

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

SRC 806.055 – Amount of Bicycle Parking.

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

Finding: The proposal is establishing a new *Retail Sales and Motor Vehicle Services; Gasoline Service Stations* use which requires a total of four bicycle parking spaces. The applicant has provided six 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.

- (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.
- (2) Long-term bicycle parking.**

Finding: The site plan indicates the proposed bicycle parking is within 50 feet of a primary entrance; therefore, this standard is met.

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

Finding: As shown on the site plan, each bicycle parking area has direct access to a primary building entrance through the proposed pedestrian pathways, free of obstruction or barriers, in conformance with the requirements of SRC 806.060(b).

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

- (1) Bicycle parking spaces.** Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-9.
- (2) Access aisles.** Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-9. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Finding: Bicycle parking spaces shall be a minimum of six feet in length and one and half feet in width when the proposed bicycle racks are side-by-side. For horizontal spaces, the bike rack shall be centered along the long edge of the bicycle parking space. The proposed bicycle parking spaces are located on a paved walkway, with adequate dimensions to provide pedestrian passage for all six proposed spaces; the length of each proposed stall is at least six feet, while the width is at least two feet wide. Each of the bicycle parking clusters is arranged in a manner that will be able to adequately provide access to each main entrance via the proposed pedestrian walkway. The applicant is also providing a minimum five-foot-wide access aisle; therefore, the standard is met.

- (d) Surfacing.** Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material.

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

- (e) Bicycle Racks.** Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards.
 - (1) Racks** must support the bicycle frame in a stable position, in two or more places without damage to wheels, frame, or components.

- (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
- (4) Racks shall be securely anchored.
- (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-11.

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

Off-Street Loading Areas

SRC 806.065 – General Applicability.

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.

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 and dimensions not less than those set forth in Table 806-11.

Finding: The proposed *Retail Sales and Motor Vehicle Services, Gasoline Service Stations* use with the 5,218 square proposed building, requires a minimum of one off-street loading spaces with a minimum width of 12 feet, minimum depth of 30 feet, and minimum overhead vertical clearance of 14 feet. The applicant site plan indicates the required loading space, meeting the requirement.

Landscaping (SRC Chapter 807)

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: The site plan indicates 7,504 square feet (17.4 percent) of landscaped area is proposed, requiring a minimum of 857 plant units ($7,504 / 20 = 375.2$). Of the required plant units, a minimum of 150 plant units shall be trees ($375 \times 0.4 = 150$). The applicant has provided a preliminary landscaping plan which shows the areas which are to be landscaped. The plan indicates a total of 407 plant units provided, 165 of which are trees. The following condition applies:

Condition 6: At the time of Building Permit review, the applicant shall provide a full landscape plan demonstrating how the development site meets Type A landscaping.

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

❖ **NATURAL RESOURCES**

SRC Chapter 601 – Floodplain:

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

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

SRC Chapter 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: There are no protected trees identified 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 mapped 2-to-3-point landslide hazard areas on the subject property. The proposed activity of a commercial building adds 3 activity points to the proposal, which results in a total of 6-points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Report, prepared by Central Geotechnical Services and dated November 15, 2023, was provided with the subdivision tentative plan application for the Kuebler Village Subdivision (SUB-UGA-ADJ-DAP24-03). Condition 21 of that decision requires that prior to issuance of a building permit for any lot within the subdivision, a final report for a geotechnical engineer shall be provided to address the geotechnical considerations for each lot within the subdivision. As such, the following condition applies:

Condition 7: Per SUB-UGA-ADJ-DAP24-03 Condition 21, prior to submittal of a building permit, provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for the building lot.

❖ CITY INFRASTRUCTURE STANDARDS

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

| Utilities & Parks | |
|------------------------------|---|
| Type | Existing Conditions |
| Water | Water Service Level: S-1 |
| | 1. A 16-inch water main will be constructed in 27 th Avenue SE and Mosaic Drive SE with the Kuebler Village Subdivision (SUB-UGA-ADJ-DAP24-03). |
| Sanitary Sewer | 3. A 10-inch sanitary sewer main will be constructed on the subject property in an easement and in Mosaic Drive SE with the Kuebler Village Subdivision (SUB-UGA-ADJ-DAP24-03). |
| | 4. A 24-inch sanitary sewer main is located in 27 th Avenue SE. |
| Storm Drainage | 6. Private stormwater mains will be constructed with the Kuebler Village Subdivision (SUB-UGA-ADJ-DAP24-03). |
| | 7. A 30-inch storm main is located in 27 th Avenue SE. |

SRC Chapter 200 – Urban Growth Management

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

Finding: The subject property is located outside of the Urban Service Area. An Urban Growth Preliminary declaration (UGA) was issued for the subject property with the Kuebler Village Subdivision (SUB-UGA-ADJ-DAP24-03). According to the UGA, development on the property is subject to a Temporary Access Fee (TAF) for water, based on the following findings provided in SUB-UGA-ADJ-DAP24-03:

Water - The subject property is located within the S-1 and S-2 water pressure levels. Public S-1 water facilities are lacking in the vicinity of the subject property. The Water System Master Plan specifies that the subject property is to be served by the future Coburn Reservoir and future Boone Road S-1 pump station. Temporary capacity is available in the Mill Creek Reservoir and Deer Park Pump Station through payment of a temporary access fee pursuant to SRC 200.080(a...In lieu of constructing Coburn Reservoir and Boone Road Pump Station, the applicant has the option of paying a Temporary Access Fee (TAF). The TAF for this area of the S-1 service area is based on approximately \$16,898,029 million dollars of improvements needed to serve 1,150 acres of undeveloped land based on current Engineering News-Record Construction Costs, totaling \$14,000 per acre of development within the S-1 Water Service Level. The temporary access fee shall be due prior to issuance of development on lots within the S-1 water pressure level as determined at time of Site Plan Review for each lot.

In order to comply with the UGA issued for the subject property, the applicant shall be required to pay the TAF prior to issuance of a building permit.

Condition 8: Prior to issuance of building permits, pay the required S-1 Water Temporary Access Fee established within the Kuebler Village Subdivision Decision (SUB-UGA-ADJ-DAP24-03).

As conditioned, the proposed development complies with SRC Chapter 200 (Urban Growth Management).

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. GSI facilities are being constructed with the Kuebler Village Subdivision (SUB-UGA-ADJ-DAP24-03) to serve the proposed development. 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.

SRC 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: The proposed development is within the Kuebler Village Subdivision (SUB-UGA-ADJ-DAP24-03). The subdivision decision has been conditioned to provide on-site and off-site public water, sanitary sewer, and stormwater infrastructure. These improvements are being reviewed under a Public Construction Permit, which at time of writing this decision, has not been issued (24-117851-PC). According to the Subdivision Decision, public infrastructure improvements are required to be constructed prior to final plat approval, or secured through an improvements agreement per SRC 205.035(c)(7)(B). The improvement agreement provides security for the required improvements to ensure their completion. To ensure that the proposed development is served by public utility infrastructure, as required by SRC 802.015, the plat for the Kuebler Village Subdivision shall be recorded prior to issuance of a Building Permit. The following condition applies:

Condition 9: Prior to issuance of a Building Permit, the Kuebler Village Subdivision Plat (SUB-UGA-ADJ-DAP24-03) shall be recorded.

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

❖ 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 |
| 27th Avenue SE (Collector) | Standard: | 60-feet | 34-feet |
| | Existing Condition: | 66-to-210-feet | 46-to-190-feet |
| | Special Setback: | N/A | |
| Kuebler Boulevard SE (Parkway) | Standard: | 120-feet | 80-feet |
| | Existing Condition: | 256-feet | 84-feet |
| | Special Setback: | N/A | |

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: The proposed development abuts 27th Avenue SE, classified as a collector street according to the Salem Transportation System Plan (TSP); Kuebler Boulevard SE, classified as a parkway street; and proposed Mosaic Drive, which is classified as a private local street according to the Kuebler Village Subdivision decision (SUB-UGA-ADJ-DAP24-03). The subdivision establishes multiple on-site and off-site street improvements required as a condition of approval for the subdivision. Upon completion of these improvements, the boundary streets of the subject property will conform to the standards in SRC 803.025. The required on-site and off-site improvements are being reviewed under a Public Construction Permit, which at time of writing this decision, has not been issued (23-115581-PC/24-117851-PC). According to the Subdivision Decision, public infrastructure improvements are required to be constructed prior to final plat approval, or secured through an improvements agreement per SRC 205.035(c)(7)(B). The improvement agreement provides security for the required improvements to ensure their completion. Conditions of approval within this decision establish that the plat shall be recorded prior to issuance of a Building Permit for the proposed development, which will ensure that adequate street improvements are provided to serve the development.

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 will be served by a driveway approach onto a private street, Mosaic Drive. Driveway approach permits are not required for driveways onto private streets.

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.

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. As conditioned, the required improvements will ensure that 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: Pursuant to SRC 803.015(a)(1) a Traffic Impact Analysis (TIA) was provided with the Kuebler Village Subdivision to address the cumulative impacts of development within all lots of the subdivision (SUB-UGA-ADJ-DAP24-03). The subdivision establishes multiple on-site and off-site street improvements required as a condition of approval for the subdivision. Upon completion of these improvements, the impacts to the transportation system will be adequately mitigated in accordance with the TIA. The required on-site and off-site improvements are being reviewed under a Public Construction Permit, which at time of writing this decision, has not been issued (23-115581-PC/24-117851-PC). According to the Subdivision Decision, public infrastructure improvements are required to be constructed prior to final plat approval, or secured through an improvements agreement per SRC 205.035(c)(7)(B). The improvement agreement provides security for the required improvements to ensure their completion. Conditions of approval within this decision establish that the plat shall be recorded prior to issuance of a Building Permit for the proposed development, which will ensure that adequate street improvements are provided to serve the development.

Additionally, the property is subject to a Transportation Planning Rule (TPR) Analysis, which established a trip-cap for the subject property. The Comprehensive Plan Change/Zone Change for the subject property establishes a cumulative trip cap of 25,348 Average Daily Trips (CPC-ZC21-04 Condition 5). The proposed development complies with the established trip cap.

Within conditions of approval listed in this decision, this criterion is met.

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

Finding: The proposed development is within the Kuebler Village Subdivision (SUB-UGA-ADJ-DAP24-03). The subdivision decision has been conditioned to provide on-site and off-site public water, sanitary sewer, and stormwater infrastructure. These improvements are being reviewed under a Public Construction Permit, which at time of writing this decision, has not been issued (24-117851-PC). According to the Subdivision Decision, public infrastructure improvements are required to be constructed prior to final plat approval, or secured through an improvements agreement per SRC 205.035(c)(7)(B). The improvement agreement provides security for the required improvements to ensure their completion. To ensure that the proposed development is served by public utility infrastructure, conditions of approval established in this decision will ensure the subdivision plat is recorded prior to issuance of a building permit. This criterion is met.

7. Analysis of Class 2 Adjustment Approval Criteria

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:

(i) Clearly inapplicable to the proposed development; or

(ii) Equally or better met by the proposed development.

Finding: The applicant is requesting four Class 2 Adjustments to:

1. Eliminate five-foot landscaped setback to future property line (SRC 535.015(c));
2. Increase the minimum setback for a building abutting Kuebler Boulevard SE without provided a pedestrian amenity (SRC 535.015(c));
3. Allow Off-street Parking location between the building and Mosaic Drive SE (SRC 535.015(g)(1));
4. Eliminate building entrance requirement along Kuebler Boulevard SE (SRC 535.015(g)(4));
5. Eliminate ground-floor window requirement along Kuebler Boulevard SE (SRC 535.015(g)(5));
6. Reduce ground-floor window requirement along 27th Avenue SE (SRC 535.015(g)(5)); and
7. Reduce required vehicle use area setback abutting a street from 10-feet to four feet abutting Kuebler Blvd (SRC 806.035(c)(2));

Eliminate five-foot landscaped setback to future property line (SRC 535.015(c)).

The applicant is requesting an adjustment to SRC 535.015(c) to eliminate the required five-foot-wide interior side setback for vehicle use areas abutting a Mixed-Use (MU) zone. This standard typically ensures visual screening, separation of uses, and integration of landscaping into site design.

The majority of the area in question is a driveway, which does not require a setback. However, since the applicant is proposing parking on the eastern side of the building, the five-foot setback is required. The removal of this setback is necessary to provide adequate access, particularly as an internal shared driveway is the best option for ensuring that both proposed lots have sufficient access.

While the adjustment will displace approximately 306 square feet of required perimeter landscaping, the submitted site plan demonstrates that the overall site provides approximately 1,046 square feet additional landscaping in excess of what is otherwise required.

Additionally, the applicant is required by a condition of approval to pave 22-feet behind the parking spaces, which will cross the proposed lot line. Since the condition of approval is required for adequate maneuvering of the parking spaces on the eastern side of the building an additional adjustment is needed for the eastern side of the proposed lot line.

The two adjustments would displace 712 square feet of landscaping, with the applicant's proposed 1, 046 square feet of additional landscaping would equally or better meet the requirement. Therefore, the following condition applies:

Condition 10: At the time of building permit, the landscaping plans shall include 17.4% of the site landscaped.

Increase the minimum setback for a building abutting Kuebler Boulevard SE without provided a pedestrian amenity (SRC 535.015(c)).

The intent of SRC 535.015(c) is to promote a walkable, pedestrian-friendly environment by requiring pedestrian amenities within the maximum 30-foot setback for buildings adjacent to major streets in the MU-III zone. This standard aims to enhance the pedestrian experience by encouraging active building frontages and accessible amenities along public streets.

In this case, the building abuts Kuebler Boulevard SE on the north side. However, due to existing site conditions, the delineated wetland (ditch), mature vegetation, and significant elevation changes, the pedestrian access from Kuebler Boulevard to the north side of the building is not feasible in this location. The complex has proposed a connection to Kuebler Blvd further east in the development.

The west side of the building, facing 27th Avenue SE, serves as the primary pedestrian interface. This side includes direct access to the building, an existing sidewalk system, and pedestrian-oriented features. The applicant proposes to install a bench, sidewalk extensions, and bicycle parking along this frontage, which is where pedestrians will enter and interact with the site.

By providing the required pedestrian amenities on the west side, the proposal better serves the intent of the standard by enhancing the pedestrian experience in a practical location, equally meeting the intent of the standard.

Allow Off-street Parking location between the building and Mosaic Drive SE (SRC 535.015(g)(1)).

The applicant is requesting an adjustment to SRC 535.015(g)(1), which prohibits new off-street surface parking and vehicle maneuvering areas from being located between a building or structure and a street. The purpose of this standard is to promote an active, pedestrian-oriented street frontage by ensuring that buildings, rather than parking lots, define the public realm.

The current site configuration places off-street surface parking on Lot 1 between the proposed building and Mosaic Drive. This situation arises because Lot 3, located directly between Lot 1 and Mosaic Drive, is currently designated as a public plaza and does not contain any structure that meets the definition of a “building” under the SRC.

The applicant seeks this adjustment not because the design undermines the code’s intent, but because the timing and nature of improvements on the adjacent Lot 3 are still under evaluation. The development team is assessing the ultimate programming for this space, which may or may not include a structure that qualifies as a building. In the meantime, the applicant aims to maintain the current site plan layout, which already incorporates significant pedestrian-oriented features.

The small lot in front will serve as a pedestrian amenity, providing a plaza that separates the street from the parking area. This highly activated, publicly accessible space will include pedestrian walkways, gathering areas, landscaping, and amenities designed to attract people from the street.

The visual relationship between the parking area and the street is enhanced through architectural detailing, landscape buffering, and direct pedestrian connections. The plaza

design invites public interaction and encourages walking, gathering, and community use in ways that traditional building placement alone may not achieve. The proposed layout upholds the goals of the code. The applicant shows a pedestrian connection through Lot 3; therefore, the following condition applies:

Condition 11: At the time of building permits, the applicant shall connect the pedestrian path through Lot 3 to connect to the public sidewalk on 27th Avenue.

Eliminate building entrance requirement along Kuebler Boulevard SE (SRC 535.015(g)(4)).

The applicant is requesting an adjustment to the requirement for a front door to face Kuebler Blvd. The significant grade and elevation change from Kuebler Blvd to the site makes it difficult for pedestrians and motorists to visually identify any entrance from the street. This topographical difference reduces the effectiveness of a direct entrance facing Kuebler Blvd, compromising visibility and accessibility.

Kuebler Blvd is designated as a Parkway in the Salem Transportation Plan, primarily designed for vehicular traffic. As a result, pedestrians are less likely to access the site directly from this roadway, with most pedestrian traffic expected to come from adjacent residential and commercial areas. The proposed building has a pedestrian-friendly entrance from 27th Avenue. This entrance is strategically located to accommodate anticipated pedestrian flow and aligns with the overall design intent of promoting walkability.

The proposed adjustment addresses the site's topographical challenges and supports a more accessible, pedestrian-oriented environment through the designated entrance on 27th Avenue, which equally meets the intent of the standard.

Eliminate ground-floor window requirement along Kuebler Boulevard SE (SRC 535.015(g)(5)).

The applicant has requested a Class 2 Adjustment to reduce the minimum 50 percent window coverage requirement for the ground-floor building façade facing the street, as specified by the pedestrian-oriented design standards of SRC 535.015(g)(5). The intent of this requirement is to create visually inviting and appealing structures along the street front for buildings within the maximum setback of the MU-III zone.

The building's north elevation does not serve as a primary façade, and there are no pedestrian access points or public entrances along this side. This elevation is situated approximately 100 feet from the public sidewalk along Kuebler Boulevard and is separated from the street by a six-foot elevation change. Additionally, mature vegetation and trees associated with the adjacent delineated wetland (ditch) provide further screening from public view. These topographical and vegetative buffers significantly reduce the visual prominence of the north façade, thereby reducing the pedestrian activation of windows along the façade.

Although no windows are proposed on this elevation, the applicant has incorporated design treatments to ensure the building remains visually engaging. The elevation features a mix of materials, including dark gray Hardie plank paneling designed to mimic the scale and appearance of window openings. These design elements provide architectural articulation and prevents the façade from appearing blank or monotonous.

Considering the significant physical separation, natural screening, lack of pedestrian activity along this frontage, and the enhanced architectural detailing applied to the façade, the proposal equally meets the intent of SRC 535.015(g)(5).

Reduce ground-floor window requirement along 27th Avenue SE (SRC 535.015(g)(5)).

The applicant has requested a Class 2 Adjustment to reduce the minimum 50 percent window coverage requirement for the ground-floor building façade facing the street, as outlined by the pedestrian-oriented design standards of SRC 535.015(g)(5). The intent of this requirement is to create visually inviting and appealing structures along the street front for buildings within the maximum setback of the MU-III zone.

This standard specifies that windows must not be mirrored or treated to obstruct visibility into the building, and they must have a minimum visible transmittance (VT) of 37 percent. The building's west elevation, which faces 27th Avenue and is located within the maximum setback, includes ground-floor windows greater than six feet in height. Applying SRC 112.030(b) the proposed façade has windows covering 43 percent of the façade.

The applicant has proposed a faux window that does not satisfy the VT requirement of SRC 535.015(g)(5). This faux window is located in an area designated for back-of-house operations, where interior visibility is not functionally feasible. Although it does not meet the literal transmittance requirement, the faux window effectively replicates the scale, proportion, and appearance of a true transparent window, thereby preserving the visual continuity of the façade and supporting the pedestrian-oriented design intent of the standard.

The design features a combination of transparent windows and one faux window to maintain visual rhythm and architectural consistency. The faux window is strategically placed in a back-of-house area, where functional constraints limit visibility into the building. Nonetheless, it mimics the appearance of a true window in size, proportion, and placement, contributing to an active and articulated streetscape. With the inclusion of the faux window, the west elevation achieves 56 percent window coverage, surpassing the minimum 50 percent threshold.

The remaining windows on the west elevation are transparent, enhancing the building's engagement with the street. Collectively, the window design creates an articulated, human-scaled façade that avoids blank walls and supports a vibrant streetscape. By achieving the required window coverage and reinforcing architectural detailing the proposal equally meets the intent of the standard.

Reduce required vehicle use area setback abutting a street from 10-feet to four feet abutting Kuebler Blvd (SRC 806.035(c)(2)).

The applicant is requesting an adjustment to SRC 806.035(c)(2)(A), which requires a minimum ten-foot setback for off-street parking and vehicle use areas from the street right-of-way. This standard aims to reduce glare and headlight spillover into the public right-of-way and ensure adequate perimeter landscaping.

To maintain internal site circulation and align with adjacent drive aisles, the applicant proposes to reduce the setback to four feet along a portion of the internal driveway. This reduction results in approximately 28 square feet of displaced landscaping. The submitted landscape plan shows that the overall site exceeds minimum landscaping requirements, accounting for the displaced area.

The site has existing topography and natural buffering along Kuebler Boulevard. The vehicle use area is situated approximately six feet above the public right-of-way, providing visual screening and headlight mitigation similar to that of a ten-foot landscaped setback. A mature vegetative buffer obscures views of the vehicle use area from the public realm, preventing headlight glare from reaching the right-of-way.

The topographic separation and existing natural buffers, the applicant has demonstrated that the proposal equally of meets the intent of SRC 806.035(c)(2)(A).

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 a Mixed Use-III (MU-III) 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: Seven 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.

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.

Building permits are required for the proposed development.

Next steps:

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

IT IS HEREBY ORDERED

Final approval of Class 3 Site Plan Review, and Class 2 Adjustment Case No. SPR-ADJ25-10 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:** Prior to issuance of building permits for any building, the applicant shall obtain an Airport overlay zone height variance.
- Condition 2:** At the time of building permit, pedestrian paths shall meet design and materials standards of SRC 800.065(b).

- Condition 3:** At the time of building permit, pedestrian paths shall meet design and materials standards of SRC 800.065(c).
- Condition 4:** At the time of building permit, the applicant shall construct 22-feet behind the compact parking spaces on the eastern side of the building.
- Condition 5:** At the time a building permit, a lighting plan for the off-street parking and vehicle use areas shall be provided meeting all standards of the Salem Revised Code.
- Condition 6:** At the time of building permit review, the applicant shall provide a full landscape plan demonstrating how the development site meets Type A landscaping.
- Condition 7:** Per SUB-UGA-ADJ-DAP24-03 Condition 21, Prior to submittal of a Building permit, provide a final report from a geotechnical engineer that describes construction monitoring activities for all site earthwork and addresses the geotechnical considerations for the building lot.
- Condition 8:** Prior to issuance of building permits, pay the required S-1 Water Temporary Access Fee established within the Kuebler Village Subdivision Decision (SUB-UGA-ADJ-DAP24-03).
- Condition 9:** Prior to issuance of a Building Permit, the Kuebler Village Subdivision Plat (SUB-UGA-ADJ-DAP24-03) shall be recorded.
- Condition 10:** At the time of building permit, the landscaping plans shall include 17.4% of the site landscaped.
- Condition 11:** At the time of building permits, the applicant shall connect the pedestrian path though Lot 3 to connect to the public sidewalk on 27th Avenue.



Olivia Dias, Current Planning Manager



Laurel Christian, Infrastructure Planner III

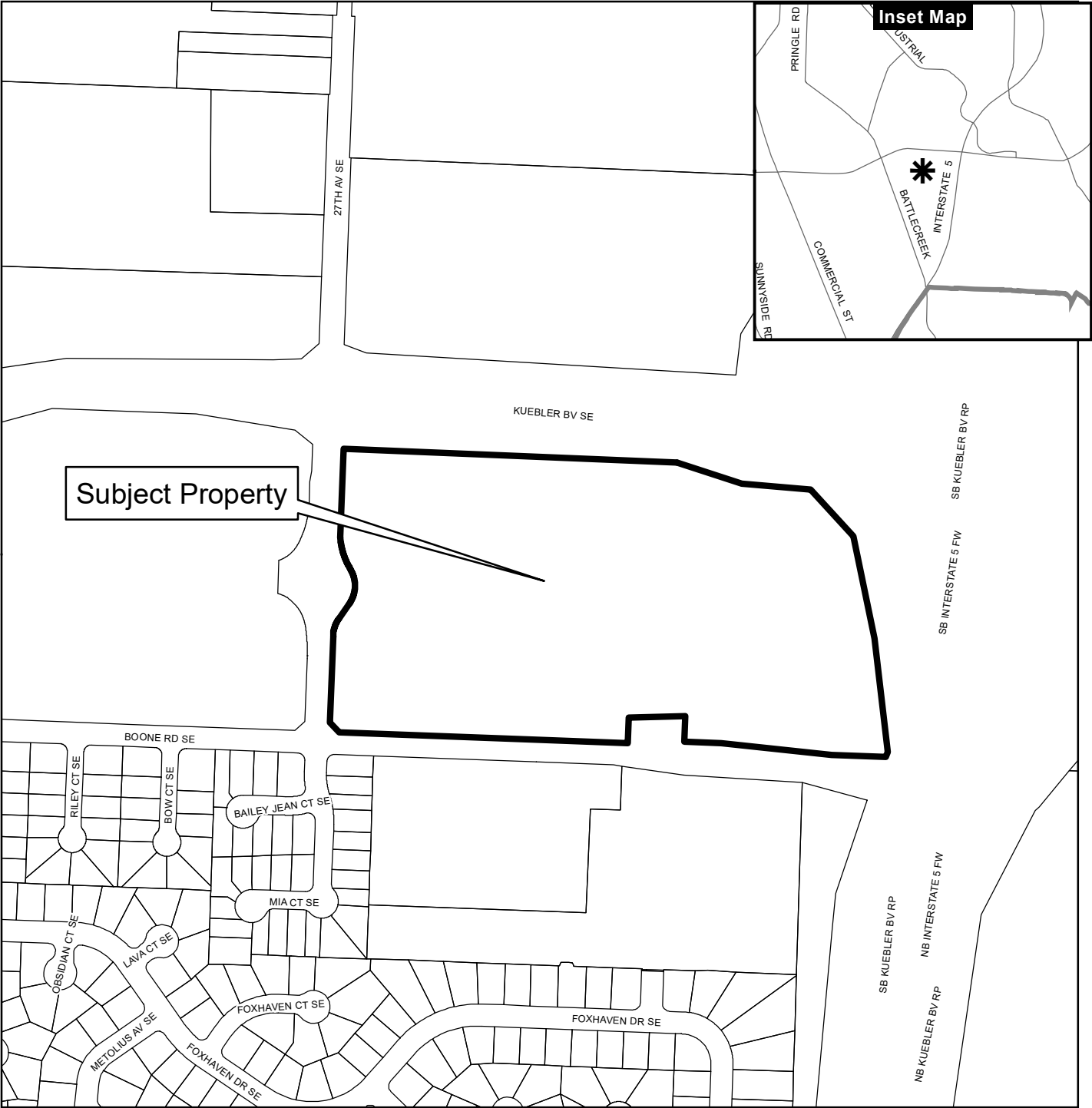
On behalf of Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Proposed Development Plans

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

Vicinity Map

4900 Block of 27th Avenue SE



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

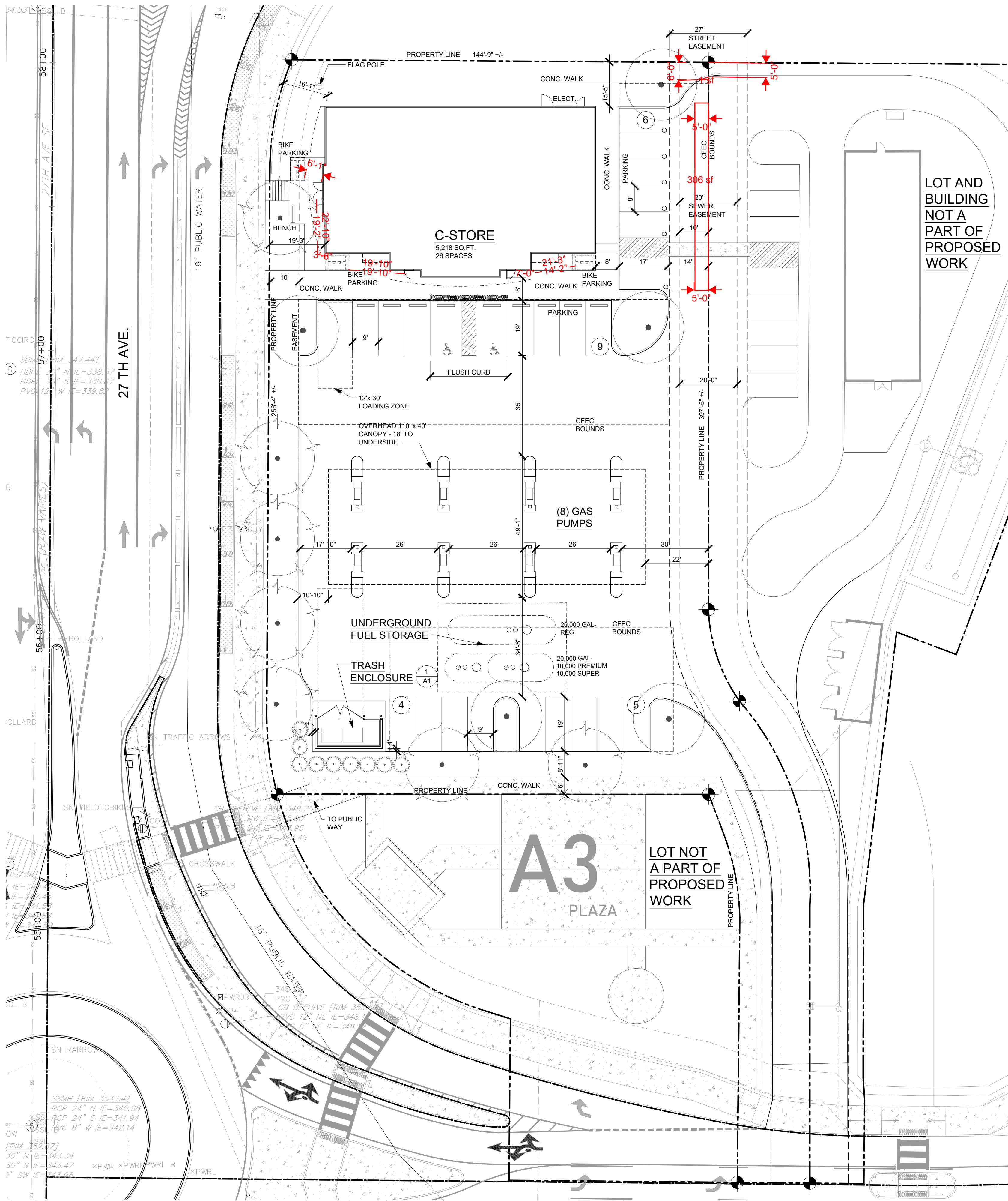
CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

0 100 200 400 Feet



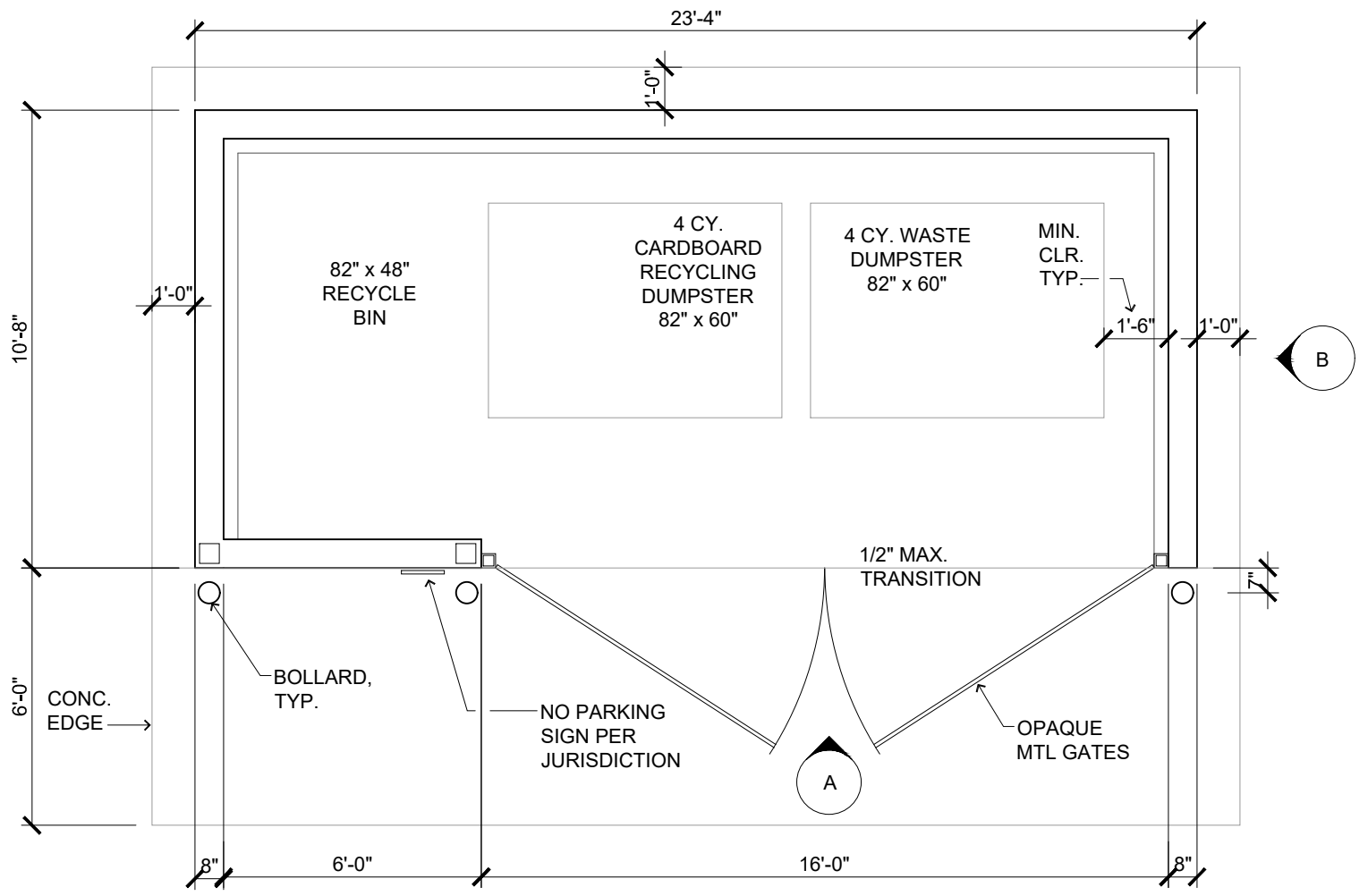
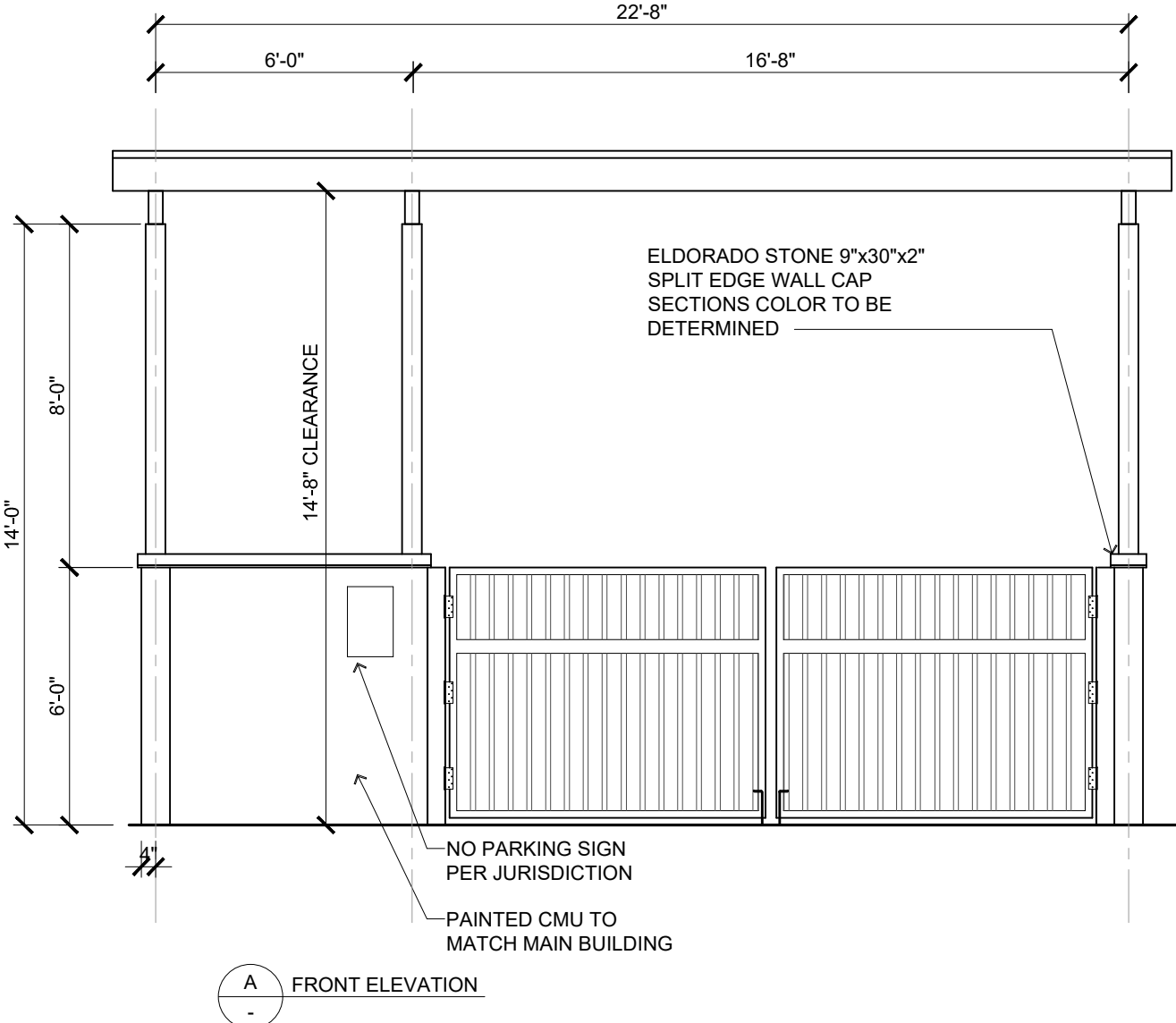
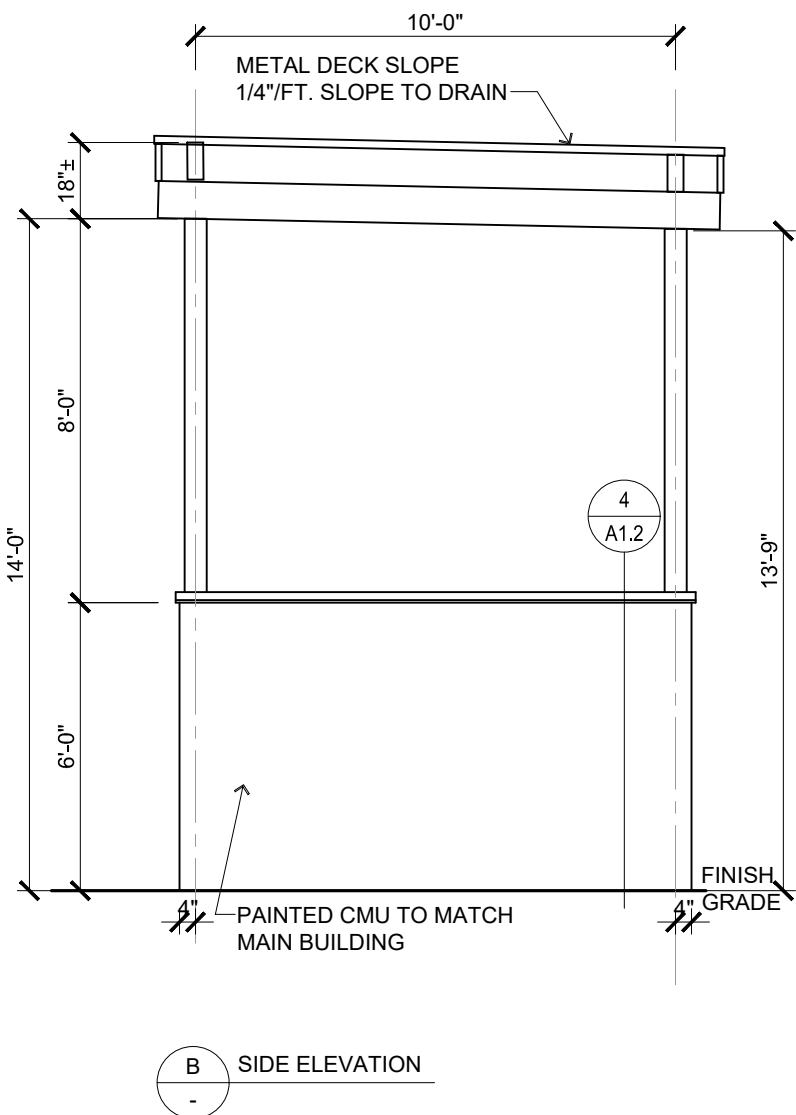
This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

\\saw\c0000205 6:21 AM daveh p:\c0000205\04-096_c\salmon_2000\usmarket\builddrawings\prospective\architect\site plan.dwg A1



LOT AND BUILDING NOT A PART OF PROPOSED WORK

LOT NOT A PART OF PROPOSED WORK



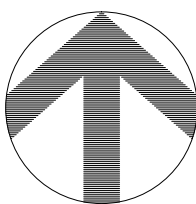
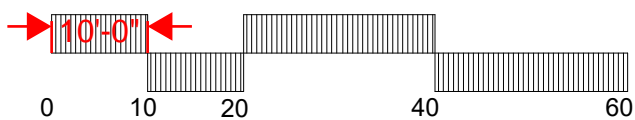
1 TRASH AND RECYCLING ENCLOSURE (PLAN) (UNDER SEPARATE PERMIT)
SCALE: 1/4" = 1'-0"

| Site and Project Information | |
|------------------------------|---------------------------------------|
| Site Location: | 2900 Kuebler Blvd., Salem OR 97317 |
| Parcel Number: | 083W12C002201 |
| Taxlot Number: | 2201 |
| Parcel Size: | ±0.99 AC |
| Zoning: | MU-III – Mixed Use-III |
| Overlay: | NA |
| Abutting Zone(s): | MU-II – Mixed Use-II |
| Existing Use: | Vacant Lot |
| Proposed Use: | Convenience store, 8 pump Gas Station |

| MU-III – Mixed Use III | | | |
|------------------------|-------------------------------------|--|--|
| Code Section: | Minimum Lot Size: | Required | Proposed |
| Table 535-2 | Minimum Lot Size: | None | 43,056 SF (0.99 AC) |
| Table 535-3 | Setbacks | 5' min 30' max Up to the first 10 ft of the setback area can be used exclusively for pedestrian amenities At least 50 percent of the remaining setback area must be landscaped. | North Setback – 15'-5" South Setback – 6'-0" West Setback – 10'-0" East Setback - |
| Table 535-5 | Lot Coverage: Max. Height: | No Max. 70' | 1 Story – 35' max. |
| Table 535-5 (e) (3) | Min Landscaping | Min 15% of development site (6458 SF) | 7504 SF Landscape Provided |
| Table 535-5 (e) (4) | Gas Station Min Landscaping | 1 Plant Unit (PU) per 16 SF of Landscaped Area | 407 Plant Units Provided for 6458 SF required Landscape Area |
| Table 807-1 806.035 | Landscape Types Type A | Min. 1 PU per 16 sq. ft. of landscaped area Required Screening - None | 407 Plant Units Provided for 6458 SF Landscaped Area |
| Table 806-1 | Maximum Off-street Parking: | • 5,178 SF C-Store for Gas Stations: 5,178/200 = 25.89 26 Total | 20 Standard 6 Compact |
| Table 806-2 | Parking Space Dimensions | Compact: 8' x 15' Standard: 9' x 19' | 6 Compact 20 Standard |
| Table 806-4 | Off-Street Parking Area Landscaping | 12,138 SF – Min 5% (607 SF) | 1902 SF Provided |
| Table 806-9 | Bicycle Parking | Retail Sales: 4 spaces Max % of Long-term spaces allowed: 25% | 5 stalls provided 0 Long Term |
| Table 806-10 | Minimum Bicycle Parking Space Size | Standard: 2' x 6' Side-by-side: 1.5' x 6' | 5 stalls provided |
| 806.015(c) | Compact: 8' x 16' | 75% allowed | 6 stalls provided |
| 8.0510.8 | Loading Zone: | Min: 1 (12'x30') loading zone req'd (Total Retail Sales and Service buildings: 5,000 SF-60,000 SF) | 1 Provided |

SITE PLAN

DATE: 04/28/2025
1" = 20'



lenity
architecture, inc.

3150 Kettle Court SE, Salem, Oregon 97301
P: 503.399.1060 F: 503.399.0565 W: lenityarchitecture.com



US MARKET
2900 KUEBLER BLVD.
SALEM, OR 97306

ARCHITECTURAL
SITE PLAN

DATE
11/22/2024

REVISED DATE

SHEET

A1

© 2025 Lenity Architecture, Inc.