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503-588-6173

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE NO.: SPR-ADJ25-11

APPLICATION NO.: 24-120825-PLN

NOTICE OF DECISION DATE: June 18, 2025

REQUEST: A Class 3 Site Plan Review application for a proposed new 8,000 square-foot retail building, including a convenience store and second retail tenant lease space, and associated off-street parking and site improvements; together with a Class 2 Adjustment to the development standards of the Fairview Refinement Plan II refinement plan to:

- 1) Allow the minimum required floor-area-ratio (density/lot coverage) of the development to be less than 0.75 FAR.
- 2) Allow less than 70 percent of the lot frontage of the property abutting Strong Road SE and Lindburg Road SE to be occupied by buildings placed at the minimum setback line;
- 3) Allow the proposed building to exceed the maximum 20-foot side street setback abutting the private internal street - Village Center Loop; and
- 4) Allow the off-street parking area to the south and west of the proposed building and the off-street loading space to the south of the building to be setback less than the minimum required 20-foot setback abutting the private internal street - Village Center Loop.

The subject property is approximately 1.08 acres in size, zoned FMU (Fairview Mixed-Use) within the Fairview Refinement Plan II refinement plan, and located at 2110 Strong Road SE (Marion County Assessor's Map and Tax Lot Number: 083W11AB03200).

APPLICANT: Inderjit Singh Dhaliwal, of Gurkirpa LLC (Inderjit Singh Dhaliwal, Harninder Singh, Talwinder Singh Dhaliwal, Ranjit Singh Sarai, Harkeet Singh)

LOCATION: 2110 Strong Rd 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 18, 2025.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review and Class 2 Adjustment Case No. SPR-ADJ25-11 subject to the following conditions of approval:

- Condition 1:** The trash/recycling area shall conform to the solid waste service area standards of SRC 800.055.
- Condition 2:** Exterior lighting provided for the development shall comply with the exterior lighting standards of SRC 800.060.

- Condition 3:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).
- Condition 4:** Prior to issuance of a Certificate of Occupancy, dedicate a public access easement for Village Center Loop SE on the subject property that extends to encompass the proposed sidewalk.
- Condition 5:** Prior to issuance of a Certificate of Occupancy, widen the existing 5-foot sidewalk to an overall 10-foot-wide multi-use path along the development frontage of Strong Road SE and Lindburg Road SE in conformance with the Public Works Design Standards. Where there are existing utility vaults that conflict with the multi-use path, the sidewalk may meander around the vault, as shown on the applicant's site plan.
- Condition 6:** Prior to issuance of a Certificate of Occupancy, construct a 5-foot-wide sidewalk separated from Village Center Loop SE by a 7-foot landscape strip, as shown on the applicant's site plan and in conformance with the Public Works Design Standards.
- Condition 7:** Prior to issuance of a Certificate of Occupancy, provide Private Street Trees in the 7-foot landscape planter along the development side of the street along Village Center Loop SE to the maximum extent feasible and in accordance with the Public Works Design Standards.
- Condition 8:** The applicant shall coordinate with Cherriots to locate and construct a transit stop conforming to applicable Salem Area Mass Transit District Standards and the Public Works Design Standards (PWDS) on Strong Road SE.
- Condition 9:** The proposed off-street parking area and driveways shall be revised to allow two-way vehicle circulation rather than one-way vehicle circulation.
- Condition 10:** At the time of building permit review, the applicant shall provide a full landscaping plan that includes a minimum plant unit density of one plant unit per 16 square feet of landscaped area; and a minimum of two deciduous shade trees shall be planted within the off-street parking area.
- Condition 11:** The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code and the Fairview Refinement Plan II refinement plan, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by July 4, 2029, or this approval shall be null and void.

Application Deemed Complete:	<u>April 9, 2025</u>
Notice of Decision Mailing Date:	<u>June 18, 2025</u>
Decision Effective Date:	<u>July 4, 2025</u>
State Mandate Date:	<u>September 6, 2025</u>

Case Manager: Bryce Bishop, bbishop@cityofsalem.net, 503-540-2399

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 at P.O. Box 14300 Salem, OR 97309, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Thursday, July 3, 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 & CLASS 2)	
ADJUSTMENT CASE NO. SPR-ADJ25-11;)	JUNE 18, 2025
2110 Strong Road SE)	

In the matter of the consolidated Class 3 Site Plan Review and Class 2 Adjustment application submitted by the applicant, Inderjit Singh Dhaliwal, of Gurkirpa LLC, the Planning Administrator, having received and reviewed the evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

A Class 3 Site Plan Review application for a proposed new 8,000 square-foot retail building, including a convenience store and second retail tenant lease space, and associated off-street parking and site improvements; together with a Class 2 Adjustment to the development standards of the Fairview Refinement Plan II refinement plan to:

- 1) Allow the minimum required floor-area-ratio (density/lot coverage) of the development to be less than 0.75 FAR.
- 2) Allow less than 70 percent of the lot frontage of the property abutting Strong Road SE and Lindburg Road SE to be occupied by buildings placed at the minimum setback line;
- 3) Allow the proposed building to exceed the maximum 20-foot side street setback abutting the private internal street - Village Center Loop; and
- 4) Allow the off-street parking area to the south and west of the proposed building and the off-street loading space to the south of the building to be setback less than the minimum required 20-foot setback abutting the private internal street - Village Center Loop.

The subject property is approximately 1.08 acres in size, zoned FMU (Fairview Mixed-Use) within the Fairview Refinement Plan II refinement plan, and located at 2110 Strong Road SE (Marion County Assessor's Map and Tax Lot Number: 083W11AB03200).

PROCEDURAL FINDINGS

1. An application for a Class 3 Site Plan Review and Class 2 Adjustment was submitted by Britany Randall, of BRAND Land Use, on behalf of the applicant and property owner, Gurkirpa LLC, for a proposed new 8,000 square-foot retail building, including a convenience store and second retail tenant lease space, and associated off-street parking and site improvements.

Because multiple land use applications are required in connection with the proposed development, the applicant chose to consolidate and process them together as one pursuant to SRC 300.120(c). When multiple applications are consolidated, the review process for the application follows the highest numbered procedure type

required for the land use applications involved, and the Review Authority is the highest applicable Review Authority under the highest numbered procedure type. Based on these requirements, the proposed consolidated Class 3 Site Plan Review and Class 2 Adjustment is required to be reviewed by the Planning Administrator and processed as a Type II procedure.

2. After additional requested information was provided by the applicant, the application was deemed complete for processing on April 9, 2025, and notice of filing of the application was sent pursuant to Salem Revised Code (SRC) requirements.
3. The 120-day state mandated local decision deadline for the application is September 6, 2025.

SUBSTANTIVE FINDINGS

1. Background

The application under review by the Planning Administrator is a consolidated Class 3 Site Plan Review and Class 2 Adjustment for development of an approximate 1.08-acre property located at 2110 Strong Road SE (**Attachment A**).

The proposal includes development of a new 8,000 square-foot retail building, including a convenience store and second retail tenant lease space, and associated off-street parking and site improvements. Vehicular access to the proposed development will be provided by Village Center Loop SE, a private street which abuts the property to the south and west, and connects to Lindburg Road SE to the east and Strong Road SE to the north.

Bicycle and pedestrian access to, within, and through the development will be provided via sidewalks along existing streets on the perimeter of the site as well as a proposed new internal pedestrian path within the site and a new sidewalk on Village Center Loop SE.

2. Applicant's Plans and Statement

Land use applications are required to include a statement addressing the applicable standards and approval criteria of the Salem Revised Code and must be supported by proof they conform to such standards and approval criteria. The plans submitted by the applicant depicting the proposed development, and in support of the proposal, are attached to the decision as follows:

- Site Plan: **Attachment B**
- Building Floor Plan & Elevations: **Attachment C**

3. Summary of Record.

The following items are submitted to the record and are available: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater

reports; 2) Any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public; and 3) All documents referenced in this decision.

All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 24 120825.

4. Existing Conditions

Salem Area Comprehensive Plan (SACP)

The subject property is located inside the Salem Urban Growth Boundary and the corporate city limits. The property is designated "Mixed-Use" on the Salem Area Comprehensive Plan (SACP) Map. The comprehensive plan map designations of surrounding properties are as follows:

Comprehensive Plan Map Designations of Surrounding Properties	
North	Across Strong Road SE, Mixed-Use
South	Mixed-Use
East	Across Lindburg Road SE, Mixed-Use
West	Mixed-Use

Relationship to Urban Service Area

The Urban Service Area is that territory within City where all required public facilities (*streets, water, sewer, storm water, and parks*) necessary to serve development are already in place or fully committed to be extended. The subject property lies outside the Urban Service Area.

Pursuant to the urban growth management requirements contained under SRC Chapter 200 (Urban Growth Management), properties located outside the Urban Service Area are required to obtain an Urban Growth Preliminary Declaration if development will proceed prior to the necessary public facilities being extended to the property and the Urban Service Area being expanded to incorporate the property.

Two UGA preliminary declarations have been approved for the Fairview property identifying the required linking public facilities for streets, water, sewer, storm water, and parks that are required to be extended to or provided on the site in order to adequately serve the property.

The first UGA preliminary declaration (Case No. UGA04-10) was approved on September 30, 2004, and applied to the 32.5 acres of the Fairview property included within the Pringle Creek Community Refinement Plan. The second UGA preliminary declaration (Case No. UGA04-08) was approved on November 15, 2004, and

applied to the remainder of the Fairview property. On August 4, 2011, an amendment to UGA04-08 was approved modifying the public facility requirements.

Zoning Map Designation

The subject property is zoned FMU (Fairview Mixed-Use). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	Across Strong Road SE, FMU (Fairview Mixed-Use)
South	FMU (Fairview Mixed-Use)
East	Across Lindburg Road SE, FMU (Fairview Mixed-Use)
West	FMU (Fairview Mixed-Use)

City Infrastructure

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

Streets			
Street Name		Right-of-way Width	Improvement Width
Strong Road SE (Collector)	Standard:	60-feet	34-feet
	Existing Condition:	60-feet	38-feet
Lindburg Road SE (Collector)	Standard:	60-feet	34-feet
	Existing Condition:	60-feet	38-feet
Village Center Loop SE (Private)	Standard:	N/A Easement	Varies
	Existing Condition:	N/A Easement	Varies

City Utilities and Parks: The existing conditions of city utilities and parks available to serve the subject property are described in the following table:

Utilities & Parks	
Type	Existing Conditions
Water	Water Service Level: S-1
	A 10-inch water main is located in Strong Road SE.
	A 12-inch water main is located in Lindburg Road SE.
Sanitary Sewer	An 8-inch sanitary sewer main is located in Strong Road SE.

Storm Drainage	An 18-inch storm main is located in Strong Road SE.
	A 12-inch storm main is located in Lindburg Road SE.
Parks	The proposed development is served by Fairview Park located across the street from the subject development.

5. Neighborhood Association and Public Comments.

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

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. The applicant contacted the Morningside Neighborhood Association to provide details about the proposal; thereby satisfying the requirements of SRC 300.310.

Neighborhood Association Comments: Notice of the application was provided to the Morningside Neighborhood Association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. No comments were received from the neighborhood association.

Homeowners Association: Pursuant to SRC 300.520(b)(1)(B)(iv), notice is required to be provided to any active and duly incorporated Homeowners' Association (HOA) involving property subject to a Type II land use application. The subject property is not located within a Homeowners' Association; therefore, HOA notice is not applicable.

Public Comments: In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.520(b)(1)(B)(ii), (iii), (vi), & (vii), to property owners and tenants within 250 feet of the subject property. Prior to the comment deadline, one public comment was received that's included as **Attachment D**. The comment expresses concern and opposition to the proposal, in summary, regarding the issues identified below. The applicant's response to the identified issues is included as **Attachment E**.

- A. Insufficient justification for requested adjustments. Concern is expressed that the proposal includes several adjustments and the applicant has not clearly articulated how the criteria are "clearly inapplicable to the proposed development" or how the criteria will be "equally or better met by the proposed development" as required under SRC 250.005(d)(1). It is explained that in regard to the adjustment to the minimum required FAR, the applicant indicates that it is impractical for the proposal to meet the standard but impracticability does not render the criterion inapplicable. In regard to the remaining adjustments it is explained that the applicant relies on the assertion that they will be providing

enhanced landscaping and pedestrian connections but the application lacks the required evidence in support of that statement.

Staff Response: In regard to the adjustment requested to the minimum 0.75 FAR standard of the refinement plan, the findings included in Section 9 of this decision establish that the underlying purpose of the FAR standard is being equally met by the development through the placement of the building on the site in close proximity to Strong Road and Lindburg Road; thereby promoting the appearance of a more intensive and active pedestrian-oriented development pattern along those streets consistent with that envisioned by the minimum FAR standard of Village Center area of the refinement plan while also responding to the physical development constraints of the site related to the private street which loops around and passes through the site.

In regard to the other requested adjustments, the site plan submitted by the applicant identifies the areas of the site that will be landscaped, along with the corresponding landscaping square footage as required under SRC 220. Because the site plan doesn't identify the specific species and density of the plantings that will be provided, a condition has been placed on the approval of the proposed development requiring a full landscaping plan to be provided at the time of building permit review that includes an increased planting density of one plant unit per 16 square feet of landscaped area, together with a minimum of two deciduous shade trees planted within the off-street parking area. As shown on the site plan, the proposed development also includes pedestrian connections throughout, including connections around the perimeter of the site - along the public and private streets, and a connection through the site - that travels along the southern side of the building and connects to the public sidewalks on both Strong Road and Lindburg Road.

- B. Impacts of Parking Setback Reduction Abutting Village Center Loop SE. Concern is expressed that because the subject property and the abutting property to the south/west share a common access road, the surrounding properties will be adversely impacted by the proposed parking lot setback adjustment, including adverse impacts to pedestrian safety.

Staff Response: The underlying purpose of the minimum required 20-foot parking setback from streets is to buffer pedestrians on sidewalks from adjacent parked vehicles. As shown on the site plan, the proposed loading space to the south of the building is setback six to eight feet from Village Center Loop, and the proposed parking lot is setback eight feet from Village Center Loop. Although these areas are setback less than the minimum required 20-foot setback abutting this street, they will be surrounded by increased landscaping and include a grade drop along a majority of the setback area that will serve to separate and buffer the parking and loading area from the street in a manner that equally meets the underlying intent of the standard. In addition, the proposed development includes a system of pedestrian connections, as shown on the site plan, that provide safe and convenient pedestrian access and connectivity both through the site and around the perimeter of the subject property.

- C. Lighting Impacts. Concern is expressed that lighting for the proposed development will have potential negative impacts by reflecting onto adjacent properties and negatively impacting the residents living there.

Staff Response: A lighting plan was not provided for the proposed development. However, as indicated by applicant, the property identified as being potentially impacted by lighting is located at a measurably higher elevation than the subject property. The topography of the area, together with the existing and proposed retaining walls along the property boundary naturally mitigate potential lighting impacts from the proposed development and create a physical buffer that limits the visibility of light fixtures and vehicle headlights from the adjacent property. In order to further ensure that any lighting provided for the development complies with applicable development code standards, a condition has been placed on the approval requiring exterior lighting provided for the development to comply with the exterior lighting standards of SRC 800.060.

- D. Traffic impacts. Concern is expressed regarding the traffic impacts of the proposed development. It is explained that the memorandum prepared by Kittleson and Associates (*dated December 20, 2024*) updates the trip generation numbers as a whole but does not analyze potential traffic impacts specific to the proposed use, such as potential impacts to Strong Road SE, Lindburg Road SE, and Village Center Loop. It is explained that this information can only be addressed first through an amendment to the master plan and then through an amendment to the existing refinement plan. However, since the Fairview Hills Refinement Plan (*dated December 2024*) is draft only, the traffic analysis provided with that plan are premature and cannot satisfy the site plan review criteria until it is adopted.

Staff Response: The subject property and the surrounding area is located within the Fairview Mixed-Use (FMU) zone. The purpose of the FMU zone, and the Fairview Plan and various adopted refinement plans that implement the zone, is to provide for the mixed-use development of the former Fairview Training Center site. In addition, the subject property is also located within the VC (Village Center) area of the FMU zone and the Fairview Refinement Plan II refinement plan which anticipates the allowance of a wide variety of uses, including commercial/retail uses. The FMU zone, under SRC 530.010, describes the Village Center area as comprising:

“...the most intense and pedestrian-oriented residential, commercial, employment, and public services uses. Residential uses will have densities of no less than 16 dwelling units per net acre. Nonresidential uses include a mix of large and small-scale commercial establishments, which cumulatively will be limited to not more than approximately 80,000 square feet of pedestrian-oriented retail. Office uses are encouraged.”

As identified above, non-residential uses are allowed and encouraged in the Village Center area of the FMU zone and therefore envisioned for the subject property.

A traffic analysis was completed for the original Sustainable Fairview Master Plan that provided a list of improvements required, including transportation improvements at various levels of development. As all of the properties have developed, an analysis was completed to track the trips to identify the appropriate mitigation. If the cumulative trip count was below the threshold, no mitigation was required, regardless of the use.

As part of the application materials submitted for the development, the applicant submitted a study prepared by Kittelson & Associates, dated December 20, 2024. As identified in the study, the number of daily trips increase from 12,615 to 12,905, and the next improvement would be required at a cumulative daily traffic volume of 15,000 trips. The study provided does not act to amend the refinement plan or master plan but rather updates trip estimates to reflect the current proposal and confirms that development thresholds triggering off-site improvements are not exceeded. Similarly, because the proposal results in a reduction in the overall amount of commercial use anticipated in the refinement plan from what had been identified in previous studies, specific analysis of Strong Road SE, Lindburg Road SE, and Village Center Loop is not warranted because the proposal is consistent with anticipated land use and intensity levels.

In addition, the Assistant City Traffic Engineer reviewed the proposal and indicated that the intersection of Strong Road SE and Lindburg Road SE is currently ALL-WAY STOP controlled and, as such, it's not anticipated that the proposed development will cause operational or safety issues at this intersection. As the development does not hit the next trip trigger for off-site mitigation, no off-site mitigation has been required as a condition of development.

- E. Use planned for leased space within building. The comment received questions what use is planned for the additional lease space within the building and how it will be determined whether the use will conform to parking, traffic, and other standards that are dependent on employee and customer traffic impacts.

Staff Response: As identified in the comments provided from the applicant, the proposed use for the additional tenant lease space within the building is retail sales and services. As identified in the FMU zone, retail sales and service uses are permitted in the VC area of the refinement plan. Any future tenant within the additional lease space will require an application for site plan review to establish it within the building, and the use will be required to comply with all applicable standards of the refinement plan and Salem Revised Code, including the accepted and adopted traffic impact analysis included with the refinement plan.

- F. Conditions of approval placed on lease space to minimize impacts. The comment received questions what conditions will be placed on the approval to ensure the use of the proposed lease space will be compatible with surrounding residential uses, such as restrictions on lottery and gaming, and restrictions on operating hours.

Staff Response: As previously indicated, the subject property is located within the Village Center (VC) Area of the refinement plan. The VC area of the refinement plan is intended to be the most intense and pedestrian-oriented area within the refinement plan developed with a variety of uses. As such, a wide variety of commercial uses are allowed. Because retail sales is specifically allowed as an outright permitted use within the VC area of the refinement plan, and because the refinement plan does not impose specific operational requirements on such uses, no conditions of approval on the operation of the use are included in this decision. Nevertheless, comments provided from the applicant indicate that no 24-hour uses are proposed.

- G. Vehicular access to Village Center Loop. The comment received questions whether the proposed development will include a vehicular connection to abutting development sites?

Staff Response: As identified in the comments provided from the applicant, the development does not propose any connections to abutting properties but instead provides two driveway connections to Village Center Loop, the private street that loops around and passes through the site.

As identified in the refinement plan, Village Center Loop is required to serve as part of the internal street circulation network for the refinement plan area. As such, it is intended provide vehicle access to both the subject property and the abutting property to the south/west. As part of the previous land use approval creating Village Center Loop, a public access easement was required to be dedicated. As a result, the subject property is allowed access to Village Center Loop as envisioned and intended under the refinement plan.

6. City Department Comments

- A. Building and Safety Division: The City of Salem Building and Safety Division reviewed the proposal and provided comments indicating, in summary, that building permits are required for the new structure in conformance with applicable building codes and accessible route requirements.
- B. Fire Department: The City of Salem Fire Department reviewed the proposal and indicated that fire department access and water supply appear adequate and will be verified at the time of building permit plan review.
- C. Development Services Division: The City of Salem Development Services Division reviewed the proposal and provided comments pertaining to City infrastructure required to serve the proposed development. Comments from the Development Services Division are included as **Attachment F**.

7. Public Agency Comments

- A. The Salem Area Mass Transit District (Cherriots) reviewed the proposal and provided comments that are included as **Attachment G**. Cherriots indicates, in

summary, that a transit stop has been identified as being needed in connection with the proposed development on the south side of Strong Road SE near the intersection with Lindburg Road SE as depicted on Sheet A1.01 of the proposed site plan. Cherriots indicates that the transit stop is required to be constructed as an ADA compliant front door landing pad with curbing, bridging the swale between the curb and sidewalk similar to the existing transit stop on the opposite side of Strong Road SE.

Staff Response: Pursuant to SRC 803.035(r), transit stops conforming to the applicable standards of the Salem Area Mass Transit District are required to be constructed when a transit stop is identified as being needed by the Transit District in connection with a proposed development. Because Cherriots has identified the need for a transit stop on the Strong Road SE frontage of the property, construction of the transit stop is required per SRC 803.035(r). The site plan submitted by the applicant identifies a proposed new transit stop located on the south side of Strong Road. A condition of approval has been established with this decision requiring the transit stop to be constructed in conformance with the requirements of SRC 803.035(r) and Cherriots' applicable standards.

DECISION CRITERIA FINDINGS

8. Analysis of Class 3 Site Plan Review Approval Criteria

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

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

Finding: The subject property is designated "Mixed-Use" on the Salem Area Comprehensive Plan Map and zoned FMU (Fairview Mixed-Use). Pursuant to SRC 530.015, development within the FMU zone is required to be undertaken pursuant to the Fairview plan and subsequent refinement plans. The Fairview Plan is the master plan that identifies the overall goals and policies for development of the Fairview site and refinement plans are detailed regulatory plans that implement the Fairview Plan.

Pursuant to SRC 530.030, standards and processes stipulated in an approved refinement plan supersede the standards and processes of the Unified Development Code (UDC) and shall be used as review criteria for any specific development proposal within the area covered by the approved refinement plan.

Because the subject property is located within an area of the Fairview site which has an approved refinement plan, the standards of the *Fairview Refinement Plan II* refinement plan supersede many of those of the Salem Revised Code (SRC) and are the standards applicable to the proposed development.

The proposed development conforms to the applicable standards of the Fairview Refinement Plan II refinement plan and the applicable standards of the Unified Development Code (UDC) as described below:

Fairview Refinement Plan II

Allowed uses and development standards within Fairview Refinement Plan II are differentiated based on specific overlay areas established by the FMU zone.

Pursuant to Section 3 of the refinement plan (*General Allocation and Identification of Major Proposed Land Uses*), there are three zones/overlay areas defined in the FMU zone and Fairview Plan which are present in the refinement plan. These zones/overlay areas include the MI (Mixed-Intensity), AU (Adaptive Use), and VC (Village Center) areas.

The property proposed for development with this application is located within the VC (Village Center) area of the refinement plan and is therefore subject to the standards of the Fairview Refinement Plan II refinement plan applicable to development within the Village Center (VC) area. The VC area of the FMU zone is intended to be

Refinement Plan Section 2 (Permitted Land Uses)

Allowed uses within the refinement plan are identified under Section 2 (Permitted Land Uses) of the refinement plan. Pursuant to this section, the allowed uses within the refinement plan are, with a few limited exceptions, the uses identified in the Permitted Uses Table of the FMU zone, specifically Table 530-1.

The proposed development includes a new 8,000 square-foot retail building, including a convenience store and second retail tenant lease space. As identified under Table 530-1 of the FMU zone, Retail Sales is specifically identified as a permitted use in the VC area of the refinement Plan.

Pursuant to SRC 400.045(b), Retail Sales uses are characterized by, “...*the sale, lease, or rental of products directly to final consumers, but may include the sale, lease, or rental of products to contractor. Visits by customers are generally not scheduled. Stores are typically open to the general public.*”

As identified under SRC 400.045(b)(2), the Retail Sales use includes a variety of retail activities including, but not limited to, book stores, apparel stores, convenience stores, retail bakeries, meat and seafood markets, electronic stores, and a wide variety of other stores.

Because Retail sales is identified as a Permitted Use in the VC area of the refinement plan, the proposed convenience store and the additional retail tenant lease space are permitted within the refinement plan.

Refinement Plan Section 7 (Table 1) (Development Standards)

▪ **Density:**

Allowed residential densities within the VC area of the refinement plan are identified in the following table:

VC Area Residential Density		
Overlay Area	Min. Density	Max. Density
VC Area	13 du/acre	35 du/acre

The proposal includes the development of an 8,000 square-foot retail building. Because the proposal is for a commercial development rather than a residential development, the residential density requirements of the refinement plan are not applicable to the proposed development.

▪ **Lot Standards:**

Lot size and dimensions requirements applicable within the VC area of the refinement plan are summarized in the following table:

VC Area Lot Standards	
Lot Area	Min. 1,000 sq. ft.
Lot Width	Min. 20 ft.
	Max. 30 ft. per dwelling unit (<i>applicable to multiple family</i>)
Lot Depth	Min. 40 ft.
	Max. 200 ft. (<i>applicable to mixed-use/commercial and multiple family</i>)

The subject property is a legally established unit of land created as Lot 77 of the Legacy Heights subdivision plat that meets the applicable lot standards of the refinement plan.

▪ **Lot Coverage**

Lot coverage requirements applicable within the VC area of the refinement plan are summarized in the following table:

VC Area Lot Coverage Standards	
Building Coverage	Max. 70%
Building Footprint	Max. 10,000 sq. ft.
	Max. 1,000 sq. ft. (<i>applicable to accessory structures</i>)
Floor-Area-Ratio	Min. 0.75

Building Coverage. The proposed development conforms to the maximum building coverage standard of the refinement plan. The proposed development includes an 8,000 square-foot building. The resulting coverage of the proposed building on the 1.08-acre lot equals approximately 17 percent, which does not exceed the maximum building coverage requirement.

Building Footprint. The proposed development conforms to the maximum building footprint requirements for building and accessory structures established under the refinement plan. The proposed building has a building footprint of approximately 8,000 square feet, which does not exceed the maximum 10,000 square-foot building footprint allowed under the refinement plan. Similarly, there are no accessory structures included within the development that have a footprint greater than 1,000 square feet.

Floor-Area-Ratio. Within the VC area of the refinement a minimum floor-area-ratio (FAR) of 0.75 is established. The proposed building, which is approximately 8,000 square feet in size, results in a FAR of 0.17 which falls below the minimum 0.75 FAR required within the VC area of the refinement plan. Because the proposed development does not meet the minimum required FAR, the applicant has requested a Class 2 Adjustment to this standard to reduce the minimum required FAR for the development. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included under Section 9 of this report.

▪ **Setbacks:**

The setbacks for buildings, accessory structures, and parking areas within the VC area of the refinement plan are summarized in the table below:

VC Area Setbacks	
Building & Accessory Structures	
FMU Zone Boundary Setback	Min. 20 ft. <i>(applicable to all buildings and accessory structures)</i>
Strong & Lindburg Roads	Min. 10 ft. / Max. 20 ft.
	Min. 70% of lot frontage shall be occupied by buildings placed at the minimum setback line.
Front Abutting Street	Min. 10 ft. / Max. 20 ft.
Side Street	Min. 10 ft. / Max. 20 ft.
Side Interior	Min. 5 ft. <i>(applicable to multiple family)</i>
	Min. 8 ft. <i>(applicable to any use abutting single family)</i>
	Min. 0 ft. <i>(applicable to all other)</i>
Rear Principal Building	Min. 5 ft.
Rear Other Buildings	Min. 2 ft. <i>(applicable to residential accessory buildings)</i>
	Min. 5 ft. <i>(applicable to all other accessory buildings)</i>
Parking Areas	
Front/Street Setback	Min. 20 ft.
Side Setback Adjacent to Residential	Min. 10 ft.

Side Setback Adjacent to Non-Residential	Min. 5 ft.
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As shown on the site plan, the proposed development conforms to the required setbacks within the refinement plan with the exception of the following areas:

- 1) Maximum side street building setback abutting Village Center Loop. As shown on the site plan, the proposed building exceeds the maximum allowed 20-foot side street setback from Village Center Loop SE abutting the western property line of the subject property.
- 2) Minimum lot frontage abutting Strong Road and Lindburg Road. As shown on the site plan, the proposed development does not include a minimum of 70 percent of the lot frontages of Lindburg Road SE and Strong Road SE with buildings placed at the minimum setback line.
- 3) Minimum parking setback abutting street. As shown on the site plan, the off-street parking area to the south and west of the proposed building and the off-street loading space to the south of the building does not meet the minimum required 20-foot setback abutting Village Center Loop SE.

Allow to be setback less than the minimum required 20-foot setback abutting the private internal street - Village Center Loop.

Because portions of the proposed building and the off-street parking area and loading space do not meet certain required setbacks of the refinement plan, the applicant has requested a Class 2 Adjustment to these standards. Analysis of the Class 2 Adjustment request and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included under Section 9 of this report.

▪ ***Building Dimensions:***

Building dimension requirements applicable within the VC area of the refinement plan are summarized in the following table:

VC Area Building Dimension Standards	
Height	Max. 45 ft. <i>(applicable to buildings)</i>
	Max. 18 ft. <i>(applicable to accessory structures)</i>
Exterior Wall Length	Max. 100 ft. without 4 ft. change of plane <i>(applicable to mixed-use/commercial and multiple family)</i>

Height. As illustrated by the building elevation drawings (**Attachment C**), the height of the proposed building does not exceed the maximum allowed height of 45 feet. Similarly, there are no accessory structures included within the development that exceed the maximum allowed accessory structure height of 18 feet.

Exterior Wall Length. As shown on the site plan (**Attachment B**), the exterior walls of the building facing Village Center Loop to the west and Lindburg Road to the east do not exceed 100 feet in length, and the exterior walls of the building facing Strong Road to the north and Village Center Loop to the south include off-sets; thereby ensuring that no exterior wall of the building exceeds 100 feet without a minimum four-foot change of plane as required by this refinement plan standard.

▪ **Parking & Loading:**

Parking and loading requirements applicable within the VC area of the refinement plan are summarized in the following table:

VC Area Parking & Loading Standards	
Parking Stalls	Min. 1 space per 500 square feet (<i>applicable to non-residential uses</i>)
Eligible On-Street Parking	50% of required parking may be located on street within 200 feet of the lot it serves (<i>applicable to non-residential uses</i>)
Surface Parking Coverage	Max. 40% of parcel
Bicycle Parking	Min. 1 space per 500 square feet (<i>applicable to non-residential uses</i>)

Parking Stalls. As identified in the above table, the refinement plan requires a minimum of one parking space per 500 square feet of building area and a maximum of 50 percent of the required parking may be located on street within 200 feet of the lot it serves. The refinement plan also specifies that parking spaces provided within the development are required to meet the minimum stall dimensions established under the Salem Revised Code (SRC).

In 2023, the City's off-street parking requirements were amended to eliminate minimum required off-street parking. As part of the proposed amendments, the general development standards of the FMU zone under SRC 530.045 were also amended to specify that the minimum and maximum off-street parking requirements included under the City's off-street parking chapter (SRC 806) apply and supersede any specific minimum and maximum off-street parking requirements included in any refinement plan. As such, because SRC Chapter 806 no longer includes a minimum off-street parking requirement, the minimum off-street parking requirement of the refinement plan is not applicable to the proposed development. The maximum off-street parking requirements of SRC 806.015(a) are, however, applicable to the proposed development.

Pursuant to SRC Chapter 806.015(a), Table 806-1, the maximum allowed off-street parking for the proposed development is as follows.

Maximum Off-Street Parking	
Use	Maximum Allowed Off-Street Parking
Retail Sales	1 space per 200 ft. ²

Based on the above identified maximum off-street parking requirement, the proposed 8,000 square-foot retail building is allowed to have up to a maximum of 40 off-street parking spaces. As shown on the site plan, the proposed development includes a total of 26 off-street parking spaces; therefore not exceeding the maximum off-street parking requirements of SRC 806.

Off-Street Parking Area Dimensions. SRC 806.035(e), Table 806-5, establishes minimum dimension requirements for off-street parking stalls and the drive aisles serving them. Based on the layout of the parking spaces within the development, the proposed parking stalls and access aisles must meet the following standards:

Minimum Parking Stall & Drive Aisle Dimensions		
Stall Type	Parking Stall Dimension	Drive Aisle Width ⁽¹⁾
90° Standard Stall	9 ft. x 19 ft.	24 ft.
90° Compact Stall ⁽²⁾	8 ft. x 15 ft.	22 ft.
	8 ft.- 6 in. x 15 ft.	
<u>Notes</u>		
(1) <u>Drive Aisle Width Serving Standard and Compact Stalls:</u> Pursuant to SRC 806, Table 806-6, when a parking lot drive aisle serves both standard and compact size parking stalls of 80 degrees or more, the drive aisle shall be a minimum of 24 feet.		
(2) <u>Compact Stall Dimension Next to Wall or Post:</u> Pursuant to SRC 806, Table 806-6, compact sized parking stalls next to a wall or post must be a minimum of 8-foot 6-inches in width.		

As shown on the site plan, both standard size and compact size parking stalls are provided. The standard size off-street parking stalls conform to the minimum required 9-foot width and 19-foot depth and the compact size off-street parking stalls conform to the minimum required 8-foot width and 15-foot depth. All of the proposed parking spaces are also served by a drive-aisle which exceeds the minimum required width.

Surface Parking Coverage. The proposed development conforms to the maximum surface parking coverage standard of the refinement plan. The total area of the site proposed to be dedicated to surface parking is approximately 11,813 square feet. The resulting approximate 25.1 percent surface parking coverage falls below the maximum 40 percent requirement and therefore conforms to this standard.

Off-Street Parking Area Turnaround. SRC 806.035(f)(2) requires that where a drive aisle in an off-street parking area terminates in a dead-end, a turnaround, as shown in Figure 806-9 and meeting the minimum dimensions set forth under Table 806-7, must be provide.

As shown on the site plan, the proposed off-street parking area does not include any dead-end areas. As such, this standard is not applicable to the proposed development.

Bicycle Parking. Bicycle parking for the proposed development is required to be provided in the minimum amount of one space per 500 square feet of building area. Based on the proposed 8,000 square-foot building size, a minimum of 16 bicycle parking spaces are required for the proposed development.

As shown on the site plan, eight bike racks accommodating a total of 16 bike parking spaces are provided for the development. The proposed bike parking spaces are located within 50 feet of, and are clearly visible from, primary entrances of the building; and are 1.5 feet in width, 6 feet in length, and served by an access aisle greater than 4 feet in width in conformance with the bike parking development standards included under SRC 806.060.

▪ ***Driveway/Curb Cuts:***

Driveway and curb cut requirements applicable within the VC area of the refinement plan are summarized in the following table. The driveway and curb cut standards identified in the refinement plan apply only to private streets. Driveways and curb cuts on public streets are subject to the applicable provisions of the Salem Revised Code.

Driveway & Curb Cut Standards	
Maximum Per Parcel	Max. 2
Access	Only from lesser class right-of-way (ROW)/Easement
Width (<i>Driveway serving 15+ stalls</i>)	Min. 10 ft. / Max. 18 ft.
Width (<i>Driveway serving 4-14 stalls</i>)	Min. 10 ft. / Max. 14 ft.
Width (<i>Driveway serving 1-4 stalls</i>)	Min. 12 ft.
Curb Cuts	Max. 2 per parcel

Vehicle access to the proposed development is provided by a private street, Village Center Loop SE, which loops around the perimeter of the property from Lindburg Road SE on the east to Strong Road SE to the north. As shown on the site plan, the proposed development includes two driveway approaches onto Village Center Loop that serve the 26 off-street parking spaces in the parking lot to the south and west of the proposed building.

The two proposed driveway approaches conform to the maximum two driveway approaches per parcel allowed under the refinement plan; they are 18 feet in width, in conformance within the maximum allowed width for driveways serving 15 or more parking stalls; and they take access from Village Center Loop, which is the street with the lowest street classification abutting the property. The proposed development therefore conforms to driveway and curb cut standards of the refinement plan.

SRC Chapter 530 (Fairview Mixed-Use Zone)

The majority of the standards applicable to the proposed development are contained in the *Fairview Refinement Plan II* refinement plan. The FMU zone, however, includes the following additional standards which apply to development generally with the FMU zone.

SRC 530.045 (General Development Standards)

- Nonresidential development in MI area. Except for activities falling under basic education, no building used exclusively for a nonresidential use within the MI area shall have a building footprint greater than 6,000 square feet. Activities falling under basic education located within the MI area may have a building footprint greater than 6000 square feet.

The subject property is located within the VC (Village Center), not the MI (Mixed-Intensity), overlay area of the refinement plan. This FMU zone standard is therefore not applicable to the proposed development.

- Open space. A minimum of 20 acres of land within the FMU zone shall be reserved as natural open space.

Natural open space areas are identified as part of the refinement plan approval process. The subject property is not identified in the refinement plan as being part of a natural open space area. This FMU zone standard is therefore not applicable to the proposed development.

- Maximum number of dwelling units. The maximum number of dwelling units permitted in the FMU zone shall be 2000.

The proposed development is for a retail building and does not include any residential dwelling units. The number of dwelling units within the FMU zone has not yet reached the maximum limit of 2,000.

- FMU zone boundary setback. All buildings and accessory structures within the FMU zone shall be set back a minimum of 20 feet from the FMU zone boundary.

The subject property is not located on the perimeter of the former Fairview Training Center site and it does not abut the FMU zone boundary. This FMU zone standard is therefore not applicable to the proposed development.

SRC 530.060 (Historic Preservation)

SRC 530.060 requires that any structure existing on December 24, 2003, identified for demolition shall, prior to issuance of a demolition permit, be documented according to the survey and inventory practices set forth by the Oregon State Historical Preservation Office.

There are no longer any existing buildings on the subject property. Buildings that previously existed were documented per the requirements of SRC 530.060 prior to their demolition. This FMU zone standard is therefore no longer applicable to the proposed development.

SRC 530.065 (Natural Resource Guidelines)

The FMU Zone recognizes the importance of the presence of natural resources on the site and how those resources help to define the special character of the property. As such, SRC 530.065 establishes natural resource guidelines to address their preservation. The Fairview Plan, any subsequent refinement plan, and any development within the FMU Zone shall identify how existing natural resources will be protected and how natural hazards will be mitigated through compliance with the following SRC chapters:

- SRC Chapter 808 (Preservation of Trees & Vegetation):

Pursuant to the FMU zone, specifically SRC 530.065, and the provisions of the Fairview Refinement Plan II refinement plan included under Section 10 (Tree Inventory and Preservation Plan), compliance with the City's tree ordinance is the means by which tree preservation and removal is regulated within the refinement plan.

The City's tree preservation ordinance (SRC Chapter 808) protects:

- 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."

As shown on the site plan, there are no trees on the subject property. Because there are no existing trees on the subject property the tree preservation

requirements of SRC Chapter 808 are not applicable to the proposed development.

- 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 wetland 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.

According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any mapped wetlands, waterways, or hydric (*wetland-type*) soils. The requirements of SRC Chapter 809 are therefore not applicable to the proposed development.

- 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.

According to the City's adopted landslide hazard susceptibility maps, there is an area of two mapped landslide hazard susceptibility points located on the subject property. The proposed activity of a commercial building adds three activity points to the proposal; resulting in a cumulative total of five points. Therefore, pursuant to SRC Chapter 810, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Services Report, prepared by Central Geotechnical Services and dated May 17, 2024, was submitted to the City of Salem. This assessment demonstrates the subject property can be developed without increasing the potential for slope hazard on the site or adjacent properties by utilizing the recommendations listed in the report. The proposed development therefore conforms to the requirements of SRC Chapter 810.

SRC 800.055 – Solid Waste Service Areas:

SRC 800.055 establishes design standards that apply to all new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

A solid waste service area is defined under SRC 800.010(e) as, "An area designed and established for the purpose of satisfying the local collection franchisee service requirements for servicing receptacles, drop boxes, and compactors singularly or collectively."

The proposed development includes one trash enclosure/collection area meeting the definition of a solid waste service area under SRC 800.010. As shown on the site plan, the proposed trash collection area is located within a 20-foot-wide and 14-foot-deep enclosure with a front opening width of 14 feet for servicing.

In order to ensure that the proposed trash collection/recycling area conforms to the applicable standards of SRC 800.055, the following condition of approval shall apply:

Condition 1: The trash/recycling area shall conform to the solid waste service area standards of SRC 800.055.

As conditioned, the proposed development will conform to the solid waste service area standards of SRC 800.055.

SRC 800.060 – Exterior Lighting:

SRC 800.060 establishes standards for exterior lighting. As required by this section, exterior lighting shall not shine or reflect onto adjacent properties or cast glare onto the public right-of-way. In addition, exterior light fixtures are required to be located so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, shall be either: 1) Completely shielded from direct view; or 2) No greater than five foot-candles in illumination.

The written statement provided by the applicant indicates that lighting plans will be provided at the time of building permit application, and that the submitted plans will demonstrate compliance with the applicable criteria.

In order to ensure that exterior lighting provided with the development complies with the exterior lighting standards of SRC 806.060, the following condition of approval shall apply:

Condition 2: Exterior lighting provided for the development shall comply with the exterior lighting standards of SRC 800.060.

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.

The proposed development is required to treat and detain stormwater through the use of green stormwater infrastructure (GSI) according to SRC Chapter 71 and the Public Works Design Standards. The applicant's engineer submitted a preliminary stormwater management report, as required by the Stormwater PWDS Appendix 004. The preliminary stormwater report identifies the use of GSI; however, it includes errors and the proposed facilities do not meet the Public Works Design Standards. Modifications to the applicant's site plan may be required to ensure that adequate area for GSI is provided. At time of Building Permit Review, the applicant's engineer shall provide a final stormwater management report that demonstrates compliance with the PWDS. In order to ensure the proposed development conforms to the

stormwater management requirements of SRC Chapter 71, the following condition of approval shall apply:

Condition 3: Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

SRC 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).

Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. The applicant shall design and construct all utilities (*sewer, water, and storm drainage*) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

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.

The subject property is a corner lot with frontage on both Lindburg Road SE and Strong Road SE. Vehicular access to the development is proposed to be provided by Village Center Loop SE, a private street which loops around the property from Lindburg Road SE on the east to Strong Road SE to the north.

Both Lindburg Road SE and Strong Road SE are designated as a collector streets under the City's Transportation System Plan (TSP). The standard for these streets is established in the refinement plan and requires a 28-foot-wide to 36-foot-wide improvement within a 60-foot-wide right-of-way.

Village Center Loop SE is a private local street required under the refinement plan. The standard for this street is established in the refinement plan and further modified by the approved subdivision which created the subject property and the lots in the surrounding area, the Legacy Heights Subdivision (Case No. SUB-

FRPA20-03). The approved standards require Village Center Loop to be improved to a width of 20 feet to 58 feet depending on whether parking is included on the street and the angle of the parking stalls provided.

Comments from the Development Services Division (**Attachment F**) indicate that the streets abutting the development site meet the minimum right-of-way width and pavement width standards established in SRC 803.025 and the refinement plan for their respective street classifications; therefore, additional boundary street improvements are not required.

Because Village Center Loop SE is a private street, a public access easement was required to be dedicated for the street as part of the original land use approval for the adjacent multiple family development to the south and west of the proposed development, which originally created the street. The easement currently encompasses the 24-foot-wide roadway but doesn't extend to cover the new 5-foot-wide sidewalk proposed on the north and east sides of Village Center Loop. In order to ensure that public pedestrian access is afforded along the proposed sidewalk on the development side of Village Center Loop, the following condition of approval shall apply:

Condition 4: Prior to issuance of a Certificate of Occupancy, dedicate a public access easement for Village Center Loop SE on the subject property that extends to encompass the proposed sidewalk.

▪ **Sidewalks**

Pursuant to SRC 803.035(I), all streets are required to be improved with sidewalks to allow for pedestrian access within the street network.

According to the Fairview Refinement Plan II refinement plan and the Legacy Heights Subdivision Decision (*Case No. SUB-FRPA20-03*), Strong Road SE and Lindburg Road SE are required to have a 10-foot-wide multi-use path along the frontage of the subject property. As shown on the site plan, the existing sidewalk along the frontage of the property is currently 5-feet in width. In order to ensure that sidewalks on the perimeter of the site abutting Strong Road SE and Lindburg Road SE conform to the requirements of SRC 803.035(I), the Fairview Refinement Plan II refinement plan, and the decision for the Legacy Heights subdivision, the following condition of approval shall apply:

Condition 5: Prior to issuance of a Certificate of Occupancy, widen the existing 5-foot sidewalk to an overall 10-foot-wide multi-use path along the development frontage of Strong Road SE and Lindburg Road SE in conformance with the Public Works Design Standards. Where there are existing utility vaults that conflict with the multi-use path, the sidewalk may meander around the vault, as shown on the applicant's site plan.

In addition, Village Center Loop is currently improved with sidewalks on its southern and western sides but does not include sidewalks on its northern and eastern sides. As provided in the Legacy Heights Subdivision decision (*Case No. SUB-FRPA20-03*), a 5-foot-wide sidewalk is required along the development side of Village Center Loop SE. In order to ensure compliance with SRC 803.035(l) and the Fairview Refinement Plan II refinement plan, the following condition of approval shall apply:

Condition 6: Prior to issuance of a Certificate of Occupancy, construct a 5-foot-wide sidewalk separated from Village Center Loop SE by a 7-foot landscape strip, as shown on the applicant's site plan and in conformance with the Public Works Design Standards.

▪ ***Street Trees***

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

Along Strong Road SE and Lindburg Road SE, there are existing street trees in the landscape planters. The subject property also abuts Village Center Loop SE, which is considered a private street according to the refinement plan. Pursuant to SRC 803.020(b)(2), private streets are required to meet the public street standards established in SRC Chapter 803 and the Public Works Design Standards, including the provision of street tree plantings. Additionally, the Fairview Refinement Plan II requires street trees along public and private streets. As shown on the site plan, there is a 7-foot-wide landscape planter that runs along the development side of Village Center Loop SE, which is adequate space for the planting of street trees. In order to ensure street trees are provided on Village Center Loop along the development side of the subject property in conformance with SRC 803.035(k), SRC 86.015(e), and the refinement plan, the following condition of approval shall apply:

Condition 7: Prior to issuance of a Certificate of Occupancy, provide Private Street Trees in the 7-foot landscape planter along the development side of the street along Village Center Loop SE to the maximum extent feasible and in accordance with the Public Works Design Standards.

▪ ***Transit Facilities***

Pursuant to SRC 803.035(r), transit stops conforming to the applicable standards of the Salem Area Mass Transit District shall be constructed and right-of-way shall be dedicated, when necessary, to accommodate the stop when a transit stop is identified as being needed by the Transit District in connection with a proposed development.

The Salem Area Mass Transit District (*Cherriots*) reviewed the proposal and provided comments that are included as **Attachment G**. The comments indicate that a transit stop has been identified as being needed in connection with the proposed development on the south side of Strong Road SE near the intersection with Lindburg Road SE as depicted on Sheet A1.01 of the proposed site plan. Cherriots indicates that the transit stop is required to be constructed as an ADA compliant front door landing pad with curbing, bridging the swale between the curb and sidewalk similar to the existing transit stop on the opposite side of Strong Road SE. In order to ensure the proposed development conforms to the requirements of SRC 803.035(r), the following condition of approval shall apply:

Condition 8: The applicant shall coordinate with Cherriots to locate and construct a transit stop conforming to applicable Salem Area Mass Transit District Standards and the Public Works Design Standards (PWDS) on Strong Road SE.

The proposal, as conditioned, ensures that the streets serving the development conform to SRC Chapter 803 and the applicable provisions of the refinement plan.

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.

The development site will be served by two driveway approaches onto Village Center Loop SE, which is a private local street. Driveway Approach Permits are not required for access onto the private local street.

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

Finding: Access to the proposed development will be provided by the network of existing public and private streets that surround the property. As conditioned, the street system in and adjacent to the development will comply with the City's Transportation System Plan (TSP) and provide for the safe, orderly, and efficient circulation of traffic to and from the development. This approval criterion is met.

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

Finding: Vehicle access to the proposed development will provided by the network of existing public and private streets that surround the property, including a private street, Village Center Loop. Village Center Loop travels around the perimeter of the site from Lindburg Road SE on the east to Strong Road SE to the north and provides safe access to the site, and eliminates the need for separate driveways serving the

development onto Lindburg Road SE and Strong Road SE, which are classified as higher traffic volume collector streets.

Pedestrian access to and throughout the development will be provided by the sidewalks on the public streets which abut the site, a new sidewalk that will be constructed on the proposed development's side of Village Center Loop, and a new internal pedestrian path that will travel through the site, around the building, and connect between Lindburg Road and Strong Road.

As shown on the site plan, the off-street parking area provided to serve the development includes a one-way driveway that enters the site from the west off Village Center Loop and exits the site to the south onto Village Center Loop. This one-way vehicle circulation pattern through the site has the potential, however, to result in the inefficient movement of vehicles by requiring people to circulate around the site on Village Center Loop and Strong and Lindburg Roads in order to reach the one-way entrance driveway. As shown on the site plan, however, the proposed internal parking lot drive-aisle through the site meets the minimum required width under SRC Chapter 806 to allow for two-way circulation. In order to ensure that proposed parking area is designed to allow more efficient two-way vehicle circulation through the site and minimize the potential number of vehicles that need to drive around the site in order to reach the entrance driveway, the following condition of approval shall apply:

Condition 9: The proposed off-street parking area and driveways shall be revised to allow two-way vehicle circulation rather than one-way vehicle circulation.

The proposal, as conditioned, ensures that the parking lot and driveways within the development are designed to facilitate the safe and efficient movement of vehicles, bicycles, and pedestrians. This approval criterion is met.

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

Finding: The Development Services Division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the lots within the proposed development, subject to the conditions of approval established in this decision. The proposed development, as conditioned, will therefore be adequately served by City utilities. This approval criterion is met.

9. CLASS 2 ADJUSTMENT APPROVAL CRITERIA

The purpose of the Adjustment Chapter of the City's development code is to provide a process to allow deviations from the development standards of the Salem Revised Code (SRC) for developments that, while not meeting the standards of the code, will continue to meet the intended purpose of those standards. Adjustments provide for an alternative way to meet the purposes of the code and provide flexibility to allow reasonable development of property where special conditions or unusual

circumstances exist. Pursuant to SRC 250.005(a)(1)(B), a Class 2 Adjustment is an adjustment to any development standard in the UDC, other than a Class 1 Adjustment; including an adjustment to any numerical development standard that increases or decreases the standard by more than 20 percent.

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

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

- (i) Clearly inapplicable to the proposed development; or***
- (ii) Equally or better met by the proposed development.***

Finding: The applicant has requested four Class 2 Adjustments to development standards of the Fairview Refinement Plan II refinement plan. The adjustments include:

- 1) Allow the minimum required floor-area-ratio (*density/lot coverage*) of the development to be less than 0.75 FAR.
- 2) Allow less than 70 percent of the lot frontage of the property abutting Strong Road SE and Lindburg Road SE to be occupied by buildings placed at the minimum setback line;
- 3) Allow the proposed building to exceed the maximum 20-foot side street setback abutting the private internal street - Village Center Loop; and
- 4) Allow the off-street parking area to the south and west of the proposed building and the off-street loading space to the south of the building to be setback less than the minimum required 20-foot setback abutting the private internal street - Village Center Loop.

Minimum Required Floor-Area-Ratio:

The applicant has requested a Class 2 Adjustment to allow the minimum required floor-area-ratio (*density/lot coverage*) of the development to be less than 0.75 FAR.

The written statement provided by the applicant indicates, in summary, that because the site includes a portion of Village Center Loop, it's impractical for the proposal to meet this standard and that in order to equally meet the intent of this requirement, the building has been sized at 8,000 square feet which is the maximum practical to still include other amenities like parking and pedestrian paths.

Staff concurs with the findings included in the applicant's written statement. The underlying purpose of the minimum FAR standard is to promote a minimum level of development intensity on a site.

In the case of the proposed development, the subject property is unique because it's not only a corner lot with frontage on two streets, but there is also a private street which loops around the property and passes through it. Based on the 1.08-acre lot size of the property, an approximate 35,283 square-foot building would be required on the site to conform to the minimum required 0.75 FAR of the refinement plan.

As shown on the site plan, the underlying purpose of this standard is being equally met by the development through the placement of the building on the site in close proximity to Strong Road and Lindburg Road; thereby promoting the appearance of a more intensive and active pedestrian-oriented development pattern along those streets consistent with that envisioned by the minimum FAR standard of Village Center area of the refinement plan while also responding to the physical development constraints of the site related to the private street which loops around and passes through the site.

Through the building's siting adjacent to the intersection of Strong and Lindburg Roads together with the additional design elements incorporated into the building to give it a more urban and pedestrian-friendly appearance, the proposed development includes measures to equally meet the underlying purpose of this standard. This approval criterion is met.

Minimum Building Frontage Requirement Abutting Strong Road SE & Lindburg Road SE:

The applicant has requested a Class 2 Adjustment to allow less than 70 percent of the lot frontage of the property abutting Strong Road SE and Lindburg Road SE to be occupied by buildings placed at the minimum setback line.

The written statement provided by the applicant indicates, in summary, that the underlying purpose of this standard is to enhance the pedestrian experience abutting the Strong Road and Lindburg Road and that in order to equally meet this intent the proposal includes pedestrian amenities such as wider sidewalks, enhanced landscape areas along the building frontages, larger windows at the corner of the building facing Lindburg Road and Strong Road, and bench for seating adjacent to the building at the intersection of Lindburg Road and Strong Road.

Staff concurs with the findings included in the applicant's written statement. Strong Road SE and Lindburg Road SE are prominent streets within the former Fairview Training Center Site that provide east-west and north-south street connectivity. In order to promote an urban and pedestrian-friendly environment along these streets the Fairview Refinement Plan II refinement plan establishes a maximum building setback of 20 feet from these streets while also requiring that a minimum of 70 percent of the street frontage of a lot abutting these streets must be occupied by buildings placed at the minimum setback line.

As shown on the site plan, the proposed building is located in the northeast portion of the site adjacent to the intersection of Strong Road and Lindburg Road. While the proposed building is not setback further than the maximum allowed 20-foot setback

from these streets, a minimum of 70 percent of the lot frontage of Lindburg Road and Strong Road are not occupied by building placed at the minimum required 10-foot setback line.

As previously identified, the underlying purpose of the lot frontage standard is to promote a welcoming and pedestrian-friendly environment where buildings are located in close proximity to the street and the presence of vehicles are minimized.

In the case of the proposed development, the subject property is unique because it is not only a corner lot with frontage on two streets but there is also an additional private street which loops around the site resulting in a large amount of street frontage associated with the property. In order to meet this standard a minimum of 70 percent of the street frontages of the lot abutting both Lindburg Road SE and Strong Road SE would be required to be occupied by buildings placed at the setback line. To achieve this, the building would have to be designed as a long and narrow building stretched out along the frontages of these two streets, which would make the building less functional. As shown on the site plan, the proposed building has instead been sited at the northeast corner of the lot adjacent to the intersection of Strong Road and Lindburg Road so it can be near this visually prominent street intersection within the Fairview development, with the presence of parking minimized with its location to the side and rear of the building.

In addition to siting the building adjacent to the intersection of Strong Road and Lindburg Road, the proposed site and building design incorporates additional design details, as identified in the applicant's written statement, including wider sidewalks, enhanced landscape areas along the building frontages, larger windows at the corner of the building facing Lindburg Road and Strong Road, and a bench for seating adjacent to the building at the intersection of Lindburg Road and Strong Road; all of which help to promote a pedestrian-friendly environment in keeping with the underlying purpose of this lot frontage standard.

Due to the physical constraints associated with the site resulting from it being surrounded by three streets, and through the building's siting adjacent to the intersection of Strong and Lindburg Roads together with the additional design elements incorporated into the site and building design to give it a more urban and pedestrian-friendly appearance, the proposed development incorporates measures to equally meet the underlying purpose of this standard. This approval criterion is met.

Maximum Side Street Building Setback:

The applicant has requested a Class 2 Adjustment to allow the proposed building to exceed the maximum 20-foot side street setback abutting Village Center Loop.

The written statement provided by the applicant indicates, in summary, that the purpose of the reduced setbacks abutting streets is to enhance the pedestrian experience along the sidewalk but in this case the applicant had to make a choice about which streets should be treated as primary streets due to the property having

frontage on three streets. As such the proposal includes parking beside and behind the building along the private street, Village Center Loop, requiring the building to be setback more than 20 feet from the street from Village Center Loop along its western side. The applicant explains that the standard being adjusted is equally met by providing landscaping and pedestrian connections along the private street which will enhance the pedestrian experience and provide a complete and safe connections for pedestrians.

Staff concurs with the findings included in the applicant's written statement. The subject property is unique in that it has street frontage on four sides (*two frontages that abut public streets and two frontages that abut a private street*). As shown on the site plan, the proposed building is sited adjacent to the intersection of Strong Road and Linburg Road in order to respond to the prominence of this intersection and promote an active and pedestrian-friendly environment. In order to meet the maximum 20-foot building setback abutting Village Center Loop SE to the west, the building would have to be stretched out and designed to be long and narrow which would ultimately result in a less functional building. The underlying purpose of this standard is to ensure that buildings are located in relatively close proximity to streets in order to promote an active and inviting pedestrian environment along the street. Due to the number of street frontages adjacent to the property, and in order to develop a functional building on the site, the building has been sited to prioritize placement adjacent to Strong Road and Linburg Road. The building's placement adjacent to this street intersection ensures that a pedestrian-friendly environment is created along Strong Road and Lindburg Road in a manner that meets the underlying purpose of the standard. This approval criterion is met.

Minimum Parking & Loading Setback Abutting Street:

The applicant has requested a Class 2 Adjustment to allow the off-street parking area to the south and west of the proposed building and the off-street loading space to the south of the building to be setback less than the minimum required 20-foot setback abutting the private internal street - Village Center Loop.

The written statement provided by the applicant indicates, in summary, that the refinement plan requires parking lots to be setback a minimum 20 feet from streets; and that the parking lot is currently setback more than 20 feet from Lindburg Road and Strong Road but is not setback more than 20 feet from Village Center Loop. The applicant explains that the proposed parking lot setbacks from Village Center Loop equally meet the intent of the standard by providing enhanced landscaping that will enhance the pedestrian experience and provide safe pedestrian access.

Staff concurs with the findings included in the applicant's written statement. The underlying purpose of this standard is to ensure that parking areas are adequately separated from the street in order to promote a pedestrian-friendly environment and to buffer pedestrians on the sidewalk from the parked cars in the adjacent parking lot. As shown on the site plan, the proposed loading space to the south of the building is setback six to eight feet from Village Center Loop, and the proposed parking lot is setback eight feet from Village Center Loop. Due to the size of the

property and its frontage on three streets, there isn't sufficient room to accommodate the parking proposed while still meeting the minimum required 20-foot setback from Village Center Loop.

Although the proposed parking lot and loading space are setback less than the required 20 feet, the topography of the site necessitates these areas generally be located below the level of the adjacent street and sidewalk and, as such, a retaining wall is proposed along a majority of the southern and western edges of the parking lot. This change in elevation between the parking lot and the adjacent street and sidewalk serves as a physical and visual buffer similar to what's allowed in the City's off-street parking chapter under SRC 806.035(c)(2)(C), which allows parking lots to be setback a minimum of six feet from the public street right-of-way when developed in conjunction with a minimum three-foot drop in grade from the elevation of the adjacent right-of-way. In order to ensure pedestrian safety along those portions of Village Center Loop where a retaining wall with grade drop is proposed, the site plan identifies the installation of a 42-inch-tall steel guardrail that will be secured to the top of the retaining wall.

In the remaining areas of the site where there is not a drop in grade between the parking/loading area and the adjacent sidewalk, the proposal includes landscaping in the setback area to provide a physical and visual buffer. The written statement provided by the applicant indicates that the landscaping will be enhanced in order to promote an enhanced pedestrian experience. Pursuant to SRC 220, site plans are required to identify all landscape areas on the site. The site plan submitted by the applicant complies with this requirement by identifying the areas of the site that will be landscaped, along with the corresponding square footage of landscaping that will be provided. The site plan doesn't, however, identify the specific plant units that will be provided to result in an enhanced landscaped area. The City's Landscaping chapter (SRC 807) establishes a base-line landscaping planting density requirement of one plant unit per 20 square feet of landscaped area. The highest planting density included under SRC Chapter 807 is one plant unit per 16 square feet of landscaped area. In order to ensure that the landscaping included within the development provides enhanced landscaping that enhances the pedestrian experience along Village Center Loop and throughout the site in a manner that equally meets the intent of the underlying standard, as indicated in the applicant's written statement, a planting density of more than one plant unit per 20 square feet of landscaped area is required. As such, the following condition of approval shall apply:

Condition 10: At the time of building permit review, the applicant shall provide a full landscaping plan that includes a minimum plant unit density of one plant unit per 16 square feet of landscaped area; and a minimum of two deciduous shade trees shall be planted within the off-street parking area.

As conditioned, the proposed development will include enhanced landscaping as identified in the applicant's statement; and although the proposed parking and loading area will be setback less than the minimum required 20 feet from Village Center Loop SE, they will be surrounded by increased landscaping and include a grade drop along a majority of the setback area to separate and buffer the parking

and loading area from the street in a manner that equally meets the intent of the standard. This approval criterion is met.

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

Finding: The subject property is zoned FMU. Pursuant to SRC 110.025(a), Table 110-1, the FMU zone is a mixed-use zone rather than a residential zone. Because the subject property is not located within a residential zone, this approval criterion is not applicable to the proposed development.

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: A total of four Class 2 Adjustments have been requested in conjunction with the proposed development. The written statement provided by the applicant indicates that because each of the individual adjustments equally meets the intent of the standard being adjusted, the project is still consistent with the overall purpose of the zone.

Staff concurs with the findings included in the applicant's written statement. Pursuant to SRC 530.001, the overall purpose of the FMU zone is to encourage innovative planning resulting in mixed-use development, improved protection of open spaces and natural features, and greater housing and transportation options. The provisions of the Fairview Refinement Plan II refinement plan implement this overall purpose.

The four Class 2 Adjustments requested in conjunction with the proposed development will not cumulatively result in a project that is inconsistent with the overall purposes of the FMU zone, the Fairview Plan, or the Fairview Refinement Plan II refinement plan. The proposed development instead will introduce commercial use that has been intended for this area of for the former Fairview Training Center site and envisioned in the refinement plan. The proposed development provides for pedestrian connectivity within and through the site and includes safe and convenient vehicular access.

The four requested adjustments are limited to the minimum amount necessary to accommodate the proposed development without compromising the purpose of the zone and refinement plan.

In order to ensure that any future further development on the property maintains conformance with the overall purpose of the FMU zone, the following condition of approval shall apply:

Condition 11: The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall

conform to all applicable development standards of the Unified Development Code and the Fairview Refinement Plan II refinement plan, unless adjusted through a future land use action.

The proposed development, as conditioned, conforms to this approval criterion.

10. Conclusion

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

IT IS HEREBY ORDERED

Class 3 Site Plan Review and Class 2 Adjustment Case No. SPR-ADJ25-11 is hereby **APPROVED** subject to SRC Chapters 220 and 250, the applicable standards of the Salem Revised Code and the Fairview Refinement Plan II refinement plan, conformance with the approved site plan included as Attachment B, and the following conditions of approval:

- Condition 1:** The trash/recycling area shall conform to the solid waste service area standards of SRC 800.055.
- Condition 2:** Exterior lighting provided for the development shall comply with the exterior lighting standards of SRC 800.060.
- Condition 3:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards (PWDS)*.
- Condition 4:** Prior to issuance of a Certificate of Occupancy, dedicate a public access easement for Village Center Loop SE on the subject property that extends to encompass the proposed sidewalk.
- Condition 5:** Prior to issuance of a Certificate of Occupancy, widen the existing 5-foot sidewalk to an overall 10-foot-wide multi-use path along the development frontage of Strong Road SE and Lindburg Road SE in conformance with the Public Works Design Standards. Where there are existing utility vaults that conflict with the multi-use path, the sidewalk may meander around the vault, as shown on the applicant's site plan.
- Condition 6:** Prior to issuance of a Certificate of Occupancy, construct a 5-foot-wide sidewalk separated from Village Center Loop SE by a 7-foot landscape strip, as shown on the applicant's site plan and in conformance with the Public Works Design Standards.

- Condition 7:** Prior to issuance of a Certificate of Occupancy, provide Private Street Trees in the 7-foot landscape planter along the development side of the street along Village Center Loop SE to the maximum extent feasible and in accordance with the Public Works Design Standards.
- Condition 8:** The applicant shall coordinate with Cherriots to locate and construct a transit stop conforming to applicable Salem Area Mass Transit District Standards and the Public Works Design Standards (PWDS) on Strong Road SE.
- Condition 9:** The proposed off-street parking area and driveways shall be revised to allow two-way vehicle circulation rather than one-way vehicle circulation.
- Condition 10:** At the time of building permit review, the applicant shall provide a full landscaping plan that includes a minimum plant unit density of one plant unit per 16 square feet of landscaped area; and a minimum of two deciduous shade trees shall be planted within the off-street parking area.
- Condition 11:** The adjusted development standards shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to all applicable development standards of the Unified Development Code and the Fairview Refinement Plan II refinement plan, unless adjusted through a future land use action.

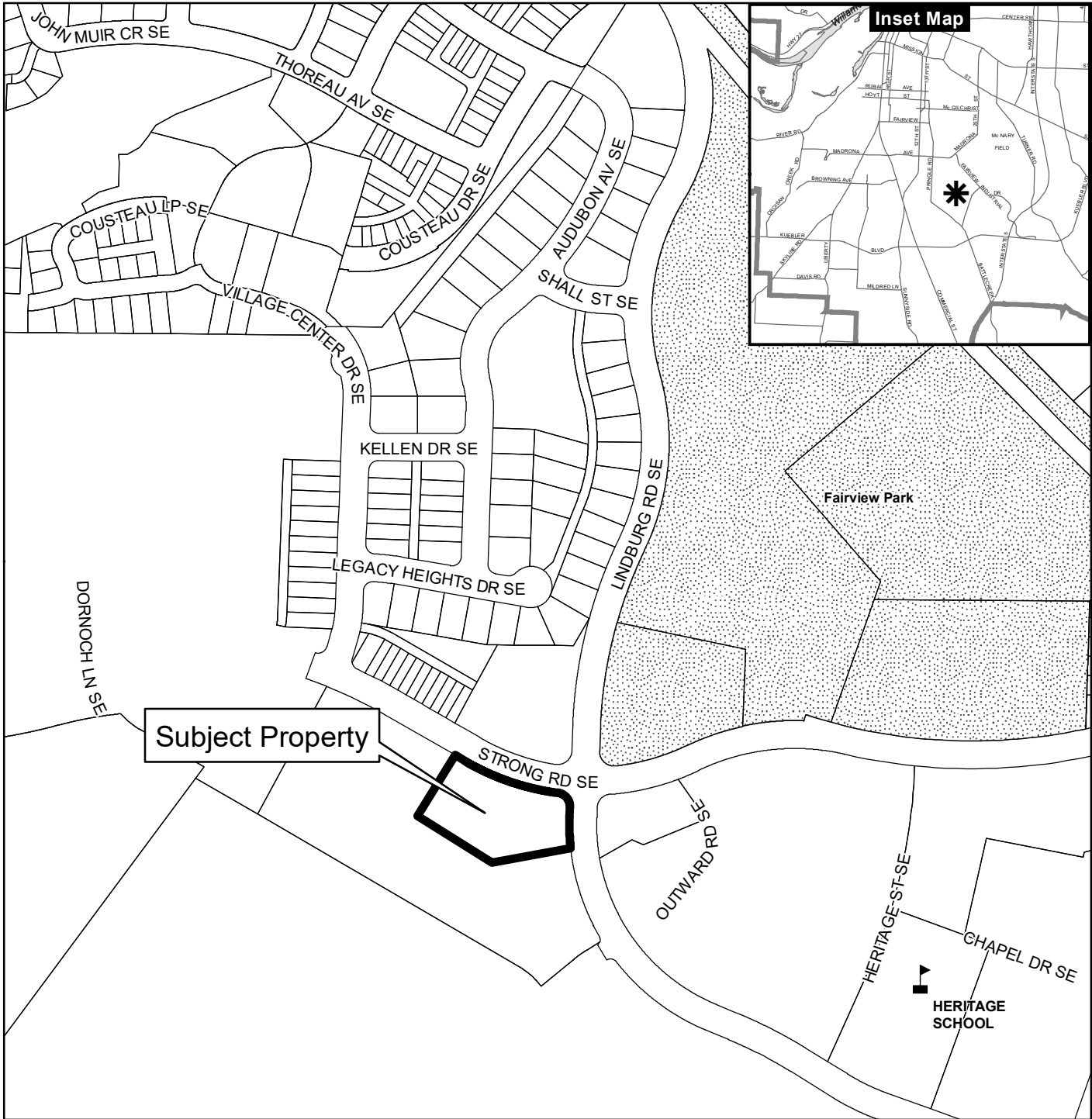


Bryce Bishop, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

- Attachments:
- A. Vicinity Map
 - B. Site Plan
 - C. Building Floor Plan and Elevations
 - D. Public Comment Received
 - E. Applicant's Response to Comment
 - F. City of Salem Development Services Division Comments
 - G. Salem Area Mass Transit District (Cherriots) Comments

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

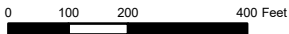
Vicinity Map 2110 Strong Road SE



Legend

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

Parks



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BETWEEN THE ORIGINAL SIGNED AND SEALED
DOCUMENTS PREPARED BY THE ARCHITECTS
AND/OR THEIR CONSULTANTS, AND ANY COPY OF
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PROJECT # 2023-032
DATE: 3/19/2025
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New Retail Building
Fairview
2110 Strong Road SE - Salem, OR 97302

SITE PLAN C Attachment B

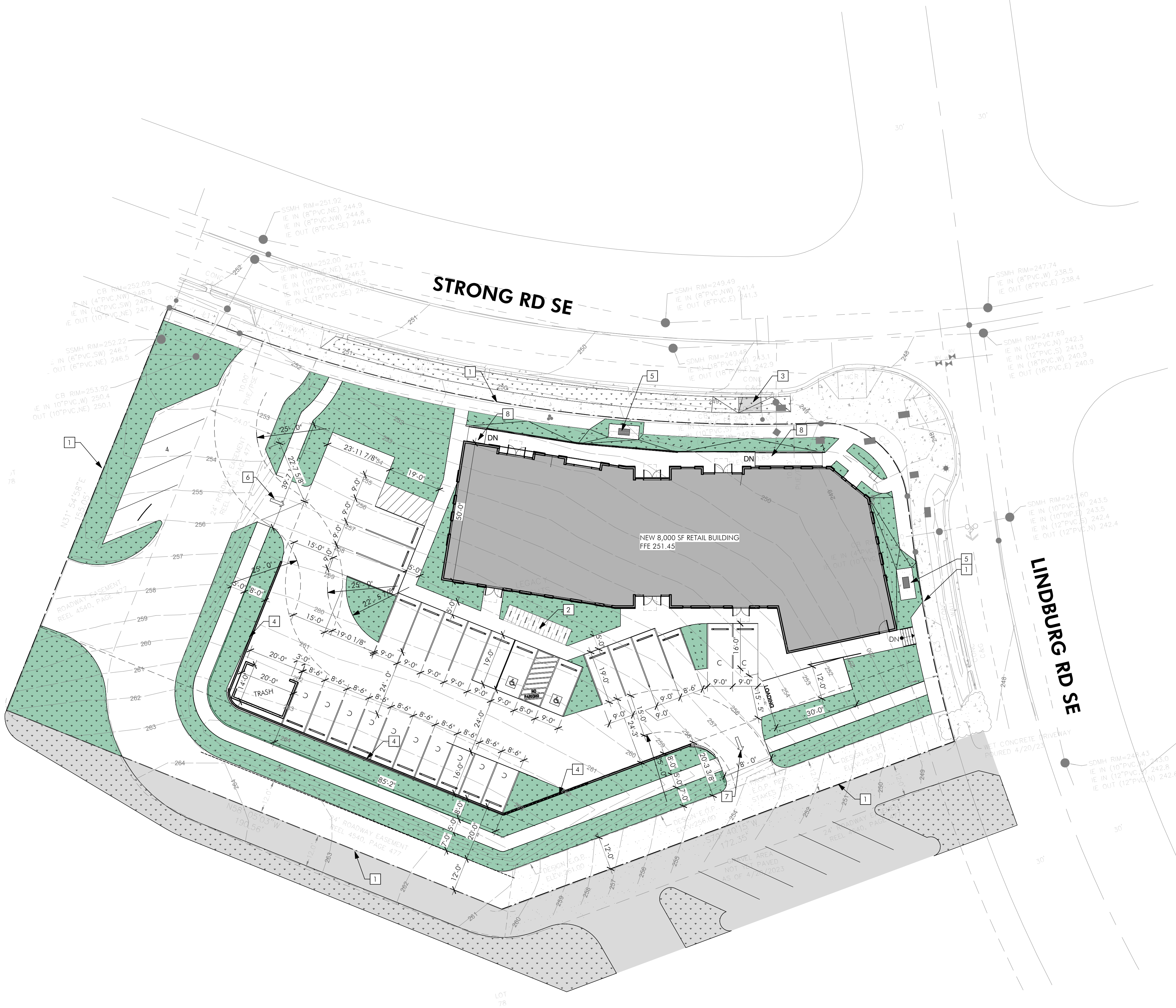
- THE LOCATIONS OF EXIST UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVES. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTORS FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
- REQUIRED TO MEET THE LAWS OF FFA AND ADA. ACCESSIBLE ROUTES SHALL NOT EXCEED 5% (1 IN 20) OR CROSS SLOPES SHALL NOT EXCEED 2% (1 IN 50). ALL AT GRADE SIDEWALKS ARE ACCESSIBLE ROUTES.
- JOINTS IN CONCRETE WALKS NOTED AS E.J. ARE TO BE CONSTRUCTED AS EXPANSION JOINTS. ALL OTHER JOINTS SHOWN, TO BE TOOLED CONTROL JOINTS, SEE CIVIL.
- PROVIDE CONSTRUCTION FENCING AS REQUIRED TO SECURE SITE AND BUILDING DURING CONSTRUCTION.
- SEE LANDSCAPE DRAWINGS FOR LANDSCAPE AND IRRIGATION ELEMENTS.
- EXTREME CARE SHOULD BE TAKEN TO PRESERVE EXISTING ROOTS OF TREES TO REMAIN.
- SEE ELECTRICAL DRAWINGS FOR SITE LIGHTING.

SITE DEVELOPMENT CODE REVIEW:

- SITE AREA: 47,069.47 sf = 1.08 ac
NET SITE AREA: 35,242.10 sf = 0.809ac,
ZONING: FMU/VC Fairview Mixed Use - Village Center
- SURFACE AREA:
• LANDSCAPING: 11,917 SF
• BUILDING: 8,000 SF
• SIDEWALKS/PARKING/ON-SITE ROADWAY: 27,152 SF
- BUILDING AREAS:
• BLDG 1 LEVEL 01: 8,000 sf Retail
- PARKING:
• PARKING PROVIDED: 30 TOTAL - 26 NEW
• MAX PARKING FOR SHOPPING CENTER: 1 SPACE/200 SQ FT
40 MAX PARKING ALLOWED
26 TOTAL PROVIDED
- BIKE PARKING:
• BICYCLE PARKING FOR SHOPPING CENTER: 1 SPACE PER 500 SQUARE FEET
8 SPACES REQUIRED
8 SPACES PROVIDED
- LOADING SPACES:
• MINIMUM LOADING FOR RETAIL SALES AND SERVICE
1 SPACE FOR BUILDINGS 5,000 TO 60,000 SQ FT
REQUIRED DIMENSIONS: 12' X 30'

SITE PLAN NOTES:

- PROPERTY LINE.
- INVERTED U-RACK. (8) TOTAL RACKS.
- NEW BRIDGE FOR TRANSIT STOP. COORDINATE FINAL DESIGN WITH CHERIOTS.
- 42" TALL STEEL GUARDRAIL SECURED TO TOP OF CONCRETE RETAINING WALL.
- RAISED UTILITY VAULT REMAIN. ROUTE SIDEWALK AROUND VAULT AS SHOWN.
- ENTRANCE ONLY.
- EXIT ONLY.
- CONCRETE RAMP AND WALKWAY WITH GUARDRAIL.



FLOOR PLAN NOTES:

PLAN LEGEND:

GENERAL P

Attachment C

1 SAMPLE PLAN NOTE

1. GENERAL NOTES APPLY TO

2. DRAWINGS ARE DIAGRAMMATIC ONLY AND SHOULD NOT BE SCALED. NOTIFY ARCHITECT OF ANY DISCREPANCIES IMMEDIATELY UPON DISCOVERY. OBTAIN CLARIFICATION OF DIMENSIONS OR DISCREPANCIES PRIOR TO PROCEEDING WITH AREA OF REQUIRED WORK.

3. DIMENSIONS ARE TO FACE OF FRAMING. DIMENSIONS STATED AS CLEAR ARE TO FACE OF FINISH.

4. SEE WALL SECTIONS FOR DESCRIPTION OF EXTERIOR WALL MATERIALS.

5. ALL INTERIOR PARTITIONS TO RECEIVE GLASS FIBER INSULATION, FULL HEIGHT.

6. COORDINATE LOCATION OF RECESSED OR SEMI-RECESSED ITEMS TO AVOID BACK TO BACK INSTALLATION AND TO REDUCE NOISE TRANSFER THROUGH PARTITIONS.

7. INSTALL WALL BACKING FOR ALL WALL MOUNTED ITEMS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: DOOR STOPS, FIXTURES, WALL CABINETS, SHELVING, COUNTERS, TOILET ACCESSORIES, SECURITY EQUIPMENT, TACK BOARDS AND MARKER BOARDS, HAND RAILS AND WINDOW COVERING TRACKS.

8. SEPARATE AREAS IN WHICH WORK IS BEING CONDUCTED FROM OTHER AREAS THAT ARE STILL OCCUPIED.

A. PROVIDE, ERECT, AND MAINTAIN TEMPORARY DUSTPROOF PARTITIONS OF SUITABLE CONSTRUCTION IN LOCATIONS INDICATED ON DRAWINGS OR AS DIRECTED.
9. STRUKING AND BRACING IF NECESSARY.

B. PERFORM CUTTING TO ACCOMPLISH REMOVALS NEATLY AND AS SPECIFIED FOR CUTTING NEW WORK.

C. REPAIR ADJACENT CONSTRUCTION AND FINISHES DAMAGED DURING REMOVAL WORK.

D. PATCH AS SPECIFIED FOR PATCHING NEW WORK.

10. REMOVE DEBRIS, JUNK, AND TRASH FROM SITE.

11. REMOVE FROM SITE ALL MATERIALS NOT TO BE REUSED ON SITE; DO NOT BURN OR BURY.

12. LEAVE SITE IN CLEAN CONDITION, READY FOR SUBSEQUENT WORK.

13. CLEAN UP SPILLAGE AND WIND-BLOWN DEBRIS FROM PUBLIC AND PRIVATE LANDS.

14. WORK SHOWN ON THESE DRAWINGS IS TO BE SUPPLIED, FURNISHED, CONSTRUCTED, INSTALLED ALL AS PER THE GENERAL CONDITIONS AND THE SPECIFICATIONS: EXCEPTIONS AS DESCRIBED BY THE FOLLOWING ABBREVIATIONS:

A. CFCI - CONTRACTOR FURNISHED - CONTRACTOR INSTALLED.

B. OFCI - OWNER FURNISHED - CONTRACTOR INSTALLED.

C. OFOI - OWNER FURNISHED - OWNER INSTALLED.

D. NIC OR N.I.C. - NOT IN CONTRACT OR NOT A PART OF THIS CONTRACT.

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3

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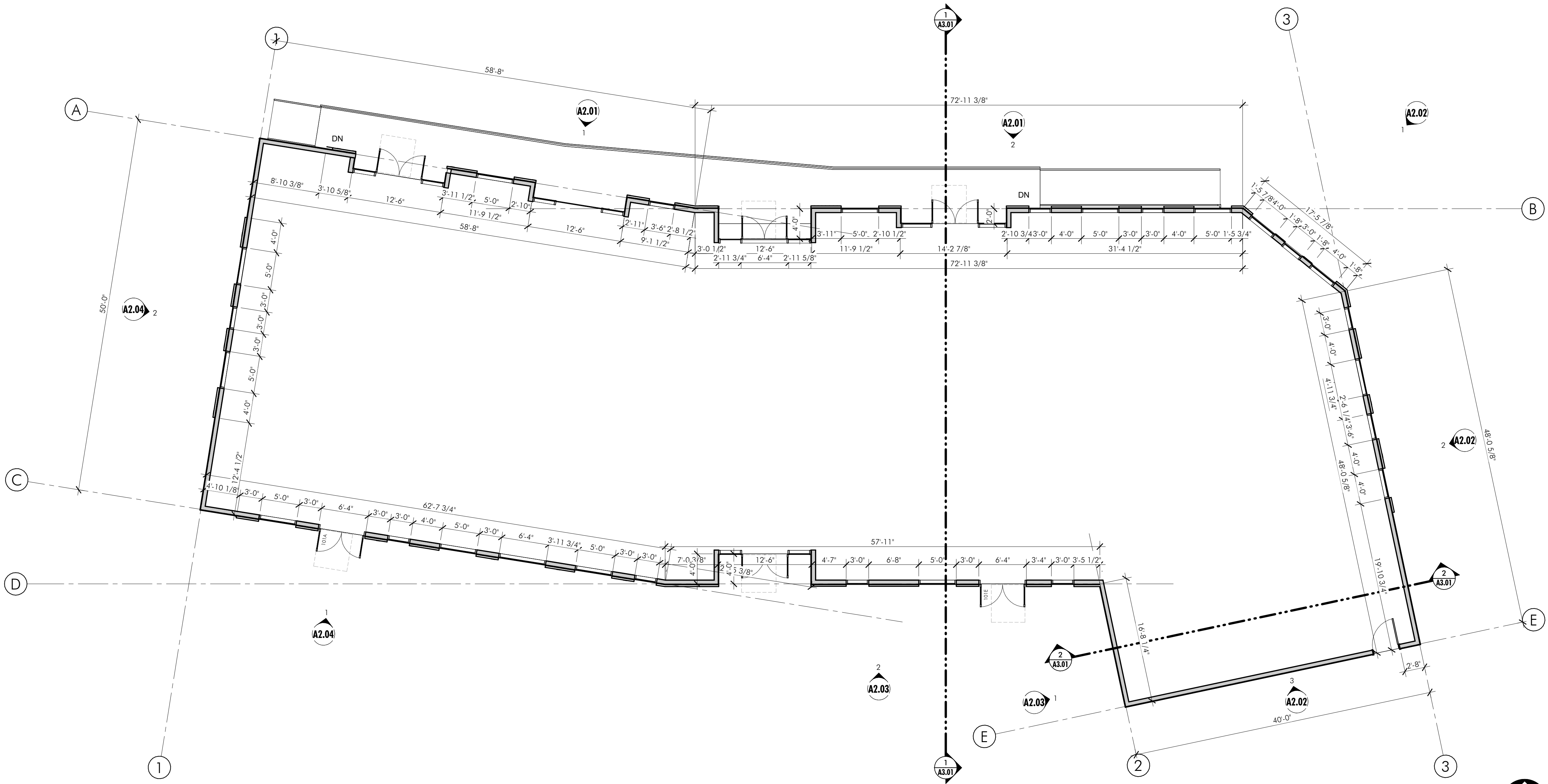
IN THE EVENT CONFLICTS ARE DISCOVERED BETWEEN THE ORIGINAL SIGNED AND SEALED DOCUMENTS PREPARED BY THE ARCHITECTS AND/OR THEIR CONSULTANTS, AND ANY COPY OF THE DOCUMENTS TRANSMITTED BY MAIL, FAX, ELECTRONICALLY OR OTHERWISE, THE ORIGINAL SIGNED AND SEALED DOCUMENTS SHALL GOVERN.

PROJECT # 2023-032
DATE: 3/19/2025
REVISIONS

New Retail Building
Fairview
2110 Strong Road SE - Salem, OR 97302

SHEET:

A1.21



1 LEVEL 01 - FLOOR PLAN

ELEVATION NOTES:

1

VERTICALLY OREINTED METAL SIDING, MULTICOLOR.

2

FIBER CEMENT PANEL. COLOR:TBD

3

FIBER CEMENT PANEL. COLOR 2:TBD

4

STONE VENEER

5

PRE-FINISHED METAL PARAPET CAP.

6

STEEL CANOPY. PAINT FINISH. PREFINISHED METAL ROOF. LIGHTING PROVIDED UNDER ROOF.

7

ALUMINUM STOREFRONT. DOOR/WINDOW.

8

ALUMINUM FRAMED WINDOW.

STUDIO

3

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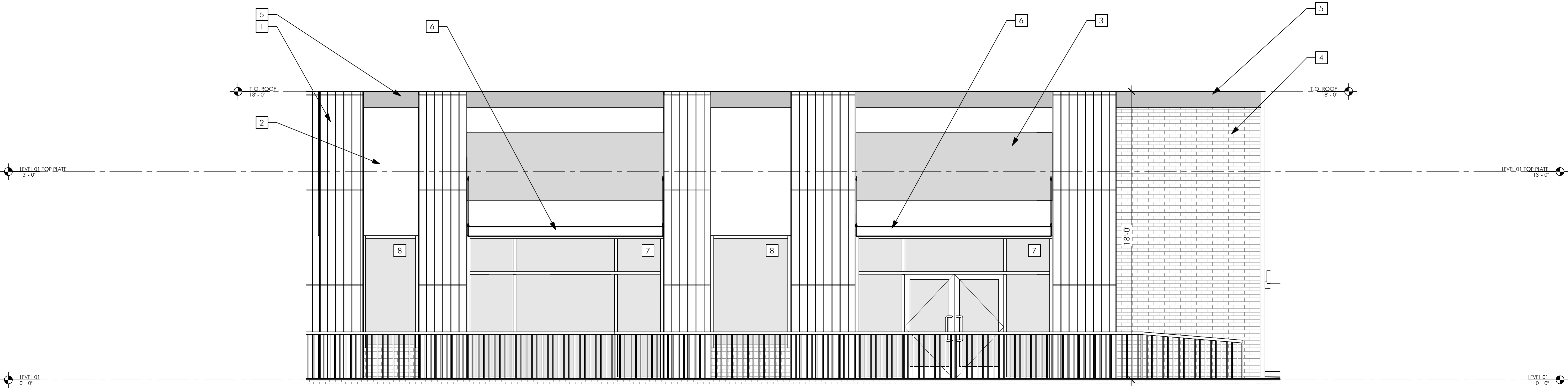
New Retail Building

Fairview

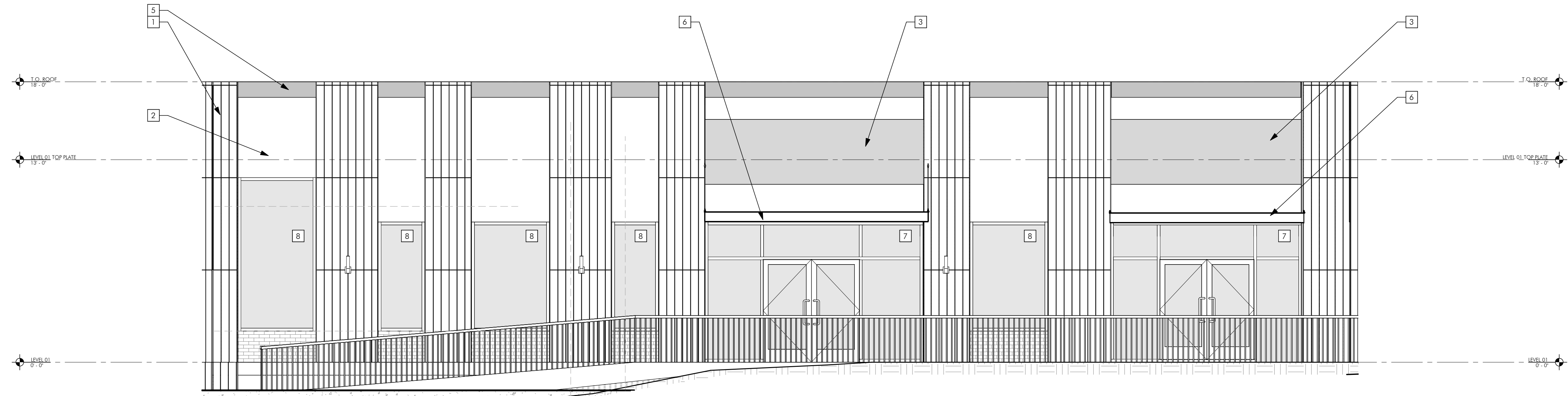
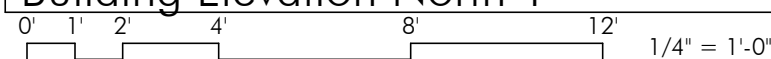
2110 Strong Road SE - Salem, OR 97302

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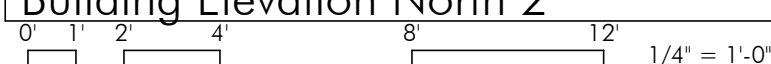
A2.01



1 Building Elevation North 1

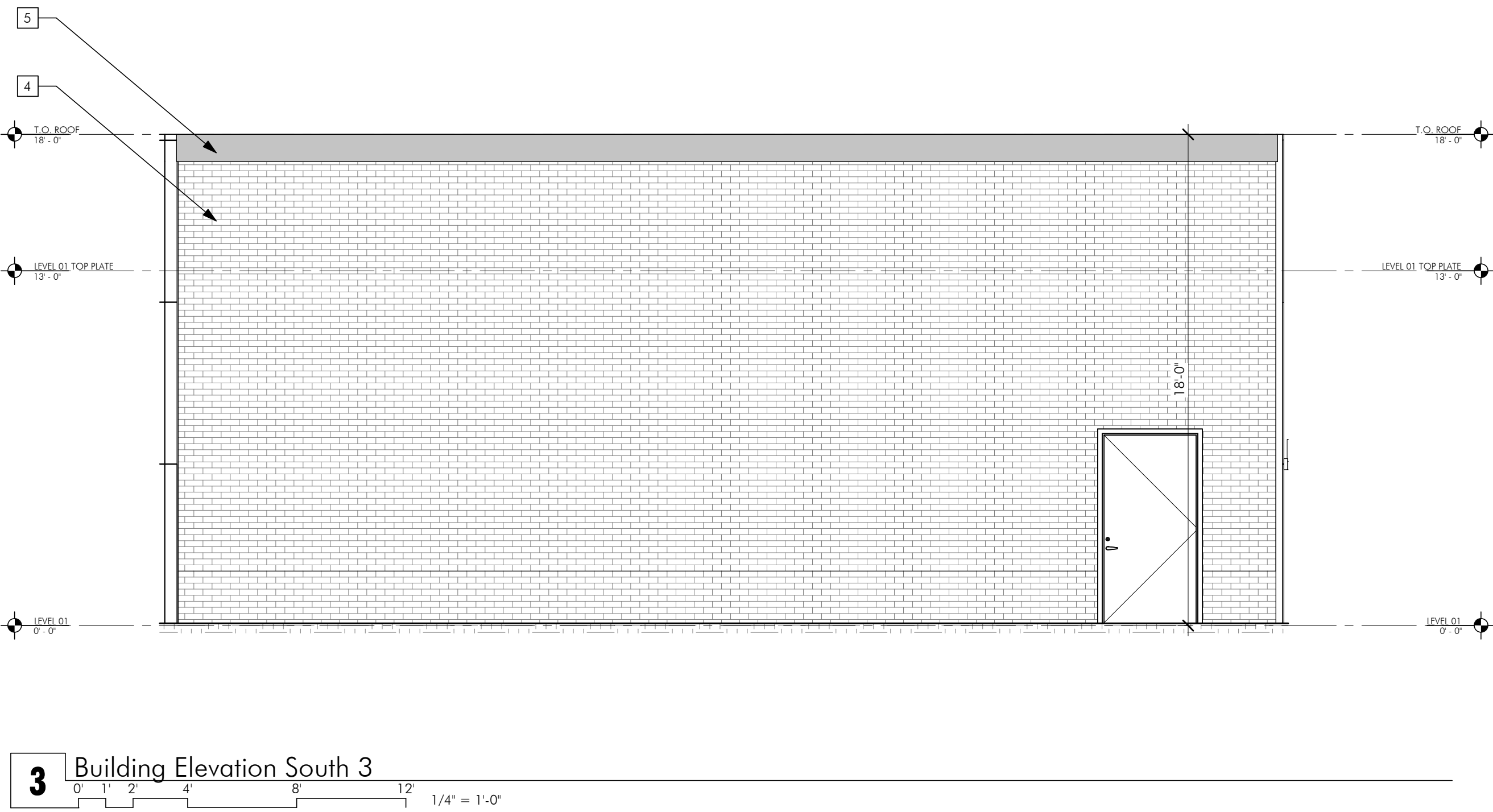
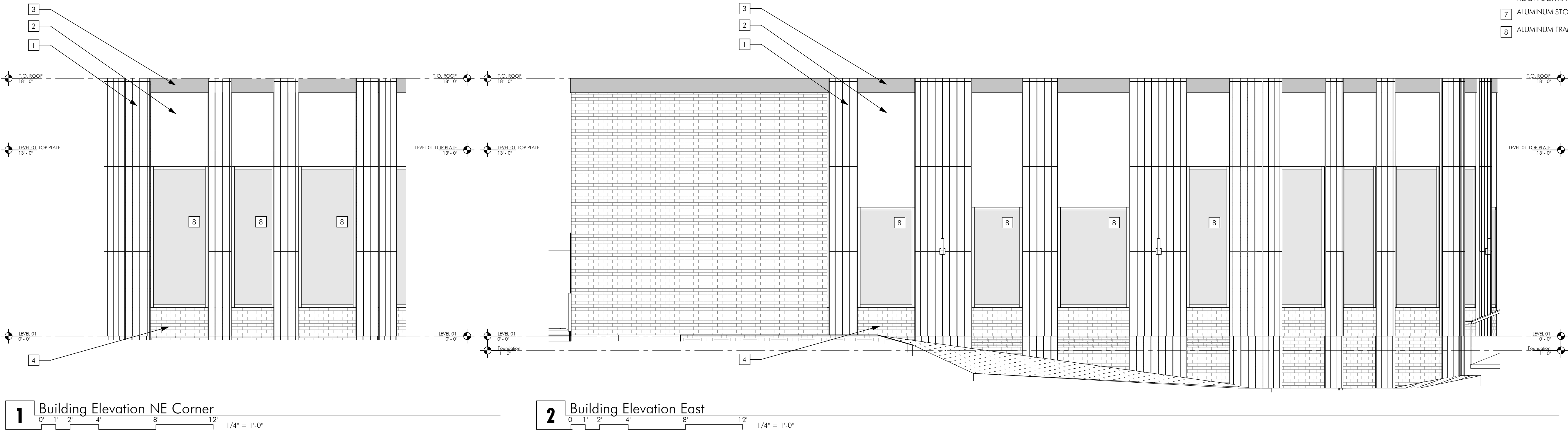


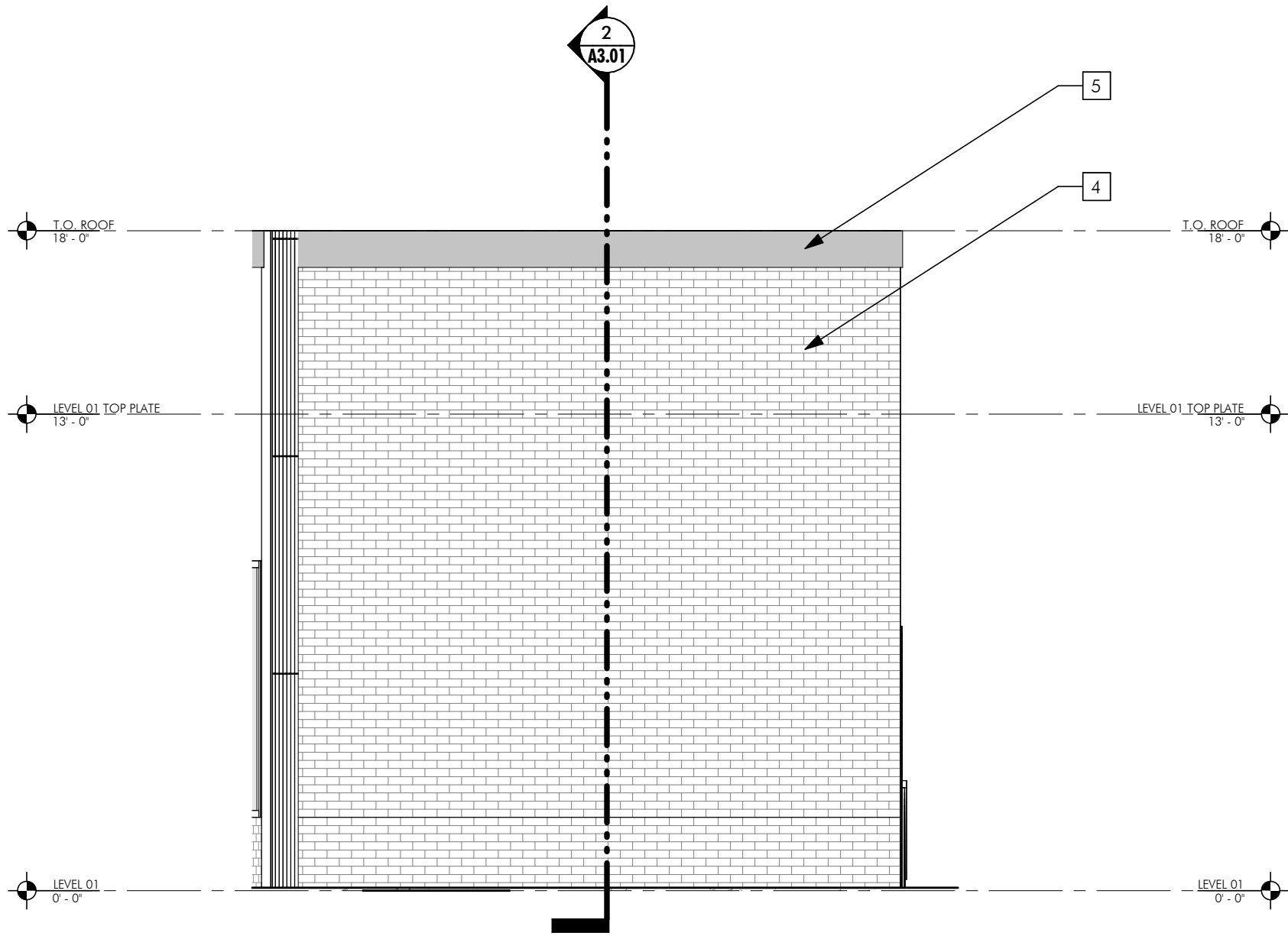
2 Building Elevation North 2



ELEVATION NOTES:

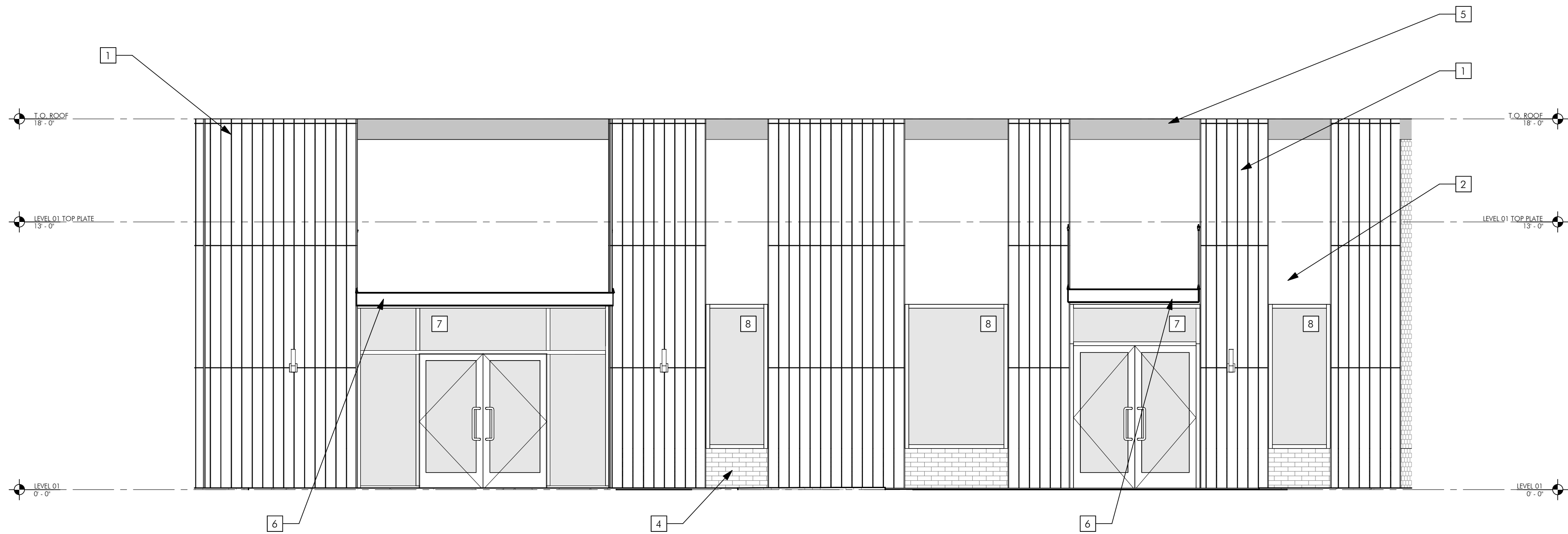
- 1 VERTICALLY OREINTED METAL SIDING, MULTICOLOR.
- 2 FIBER CEMENT PANEL. COLOR:TBD
- 3 FIBER CEMENT PANEL. COLOR 2:TBD
- 4 STONE VENEER
- 5 PRE-FINISHED METAL PARAPET CAP.
- 6 STEEL CANOPY. PAINT FINISH. PREFINISHED METAL ROOF. LIGHTING PROVIDED UNDER ROOF.
- 7 ALUMINUM STOREFRONT. DOOR/WINDOW.
- 8 ALUMINUM FRAMED WINDOW.





1 Building Elevation West 2

0' 1' 2' 4' 8' 12' 1/4" = 1'-0"

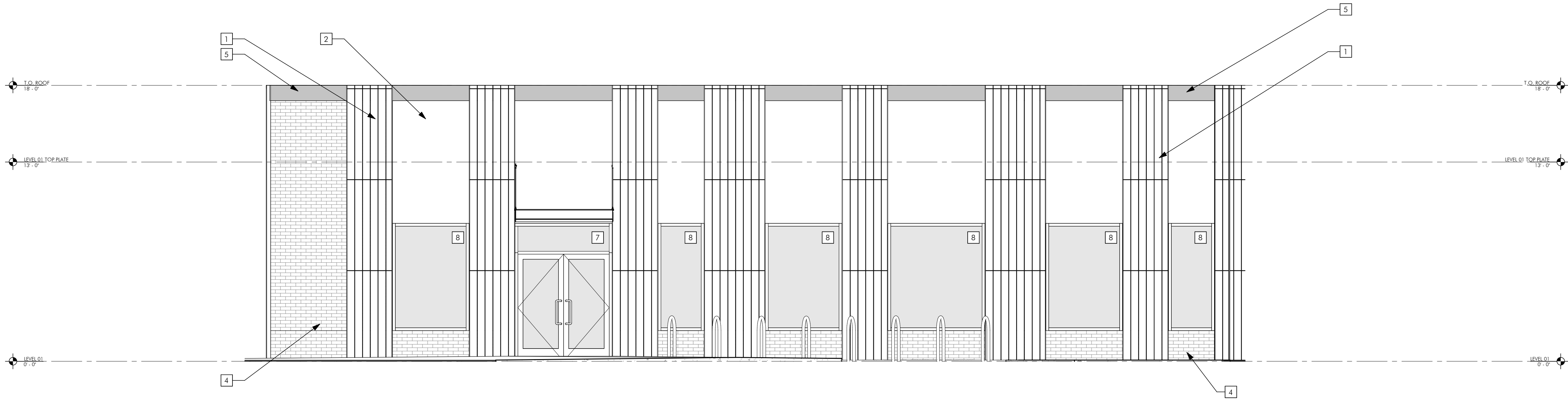


2 Building Elevation South 2

0' 1' 2' 4' 8' 12' 1/4" = 1'-0"

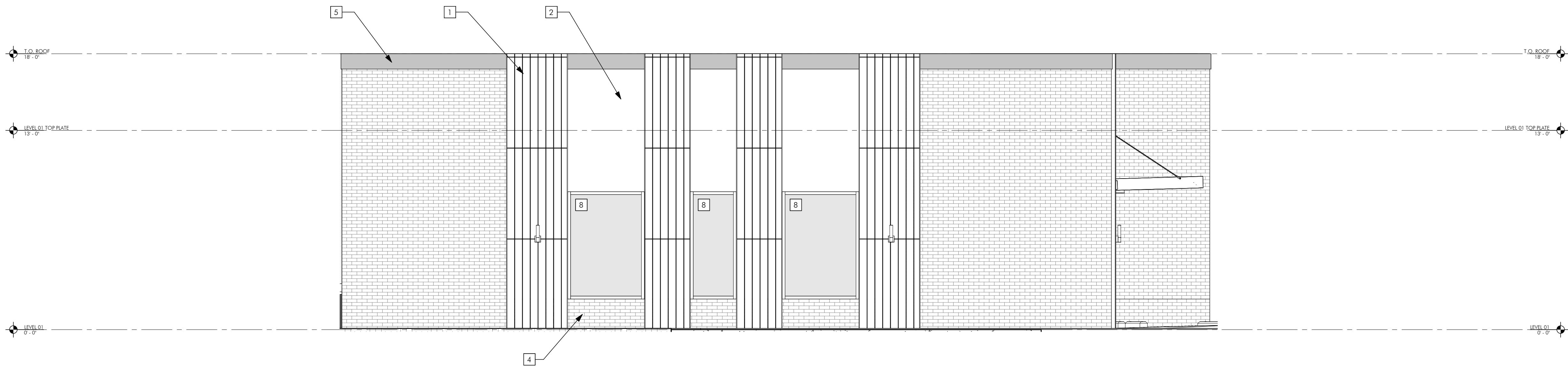
ELEVATION NOTES:

- 1 VERTICALLY OREINTED METAL SIDING, MULTICOLOR.
- 2 FIBER CEMENT PANEL. COLOR:TBD
- 3 FIBER CEMENT PANEL. COLOR 2:TBD
- 4 STONE VENEER
- 5 PRE-FINISHED METAL PARAPET CAP.
- 6 STEEL CANOPY. PAINT FINISH. PREFINISHED METAL ROOF. LIGHTING PROVIDED UNDER ROOF.
- 7 ALUMINUM STOREFRONT. DOOR/WINDOW.
- 8 ALUMINUM FRAMED WINDOW.



1 Building Elevation South 1

0' 1' 2' 4' 8' 12' 1/4" = 1'-0"



2 Building Elevation West 1

0' 1' 2' 4' 8' 12' 1/4" = 1'-0"



STOP N'
SAVE



April 23, 2025

Submitted via PAC Portal

Original to follow via first class mail

Bryce Bishop, Planner III
City of Salem Planning Division
555 Liberty Street SE, Room 305
Salem, OR 97301

RE: Public Comment on Application Case No. SPR-ADJ25-11
Our File No: 30001-31382

Dear Bryce:

Our office represents MWIC Grove, LLC, MWIC Grove 2, LLC, and MWIC Grove 2 Commercial, LLC adjacent (collectively "**MWIC Grove**"). MWIC Grove, LLC is the owner of those certain real properties identified as Marion County Assessor Map No. 083W11A, Tax Lots 600 and 800, which are adjacent to the east of the Subject Property. MWIC Grove 2 Commercial, LLC is the owner of that certain real property identified as Marion County Assessor Map No. 083W11AB, Tax Lot 3100, which is also adjacent to the east of the Subject Property. MWIC Grove 2, LLC is the owner of that certain real property identified as Marion County Assessor Map No. 083W11AB, Tax Lot 3300, which is directly adjacent to the west and south of the Subject Property. MWIC Grove 2, LLC is also the owner of that certain real property identified as Marion County Assessor Map No. 083W11A, Tax Lot 1002, which is located to the east of the Subject Property.

This letter provides initial questions and comments in response to Class 3 Site Plan Review / Class 2 Adjustment Case No. SPR-ADJ25-11. We respectfully request that this letter be entered into the record for the application referenced above.

SALEM
Park Place, Suite 200
250 Church Street SE
Salem, Oregon 97301

Post Office Box 470
Salem, Oregon 97308

tel 503.399.1070
fax 503.371.2927

BEND
Vision Plaza
404 SW Columbia St
Suite 150
Bend, Oregon 97702
tel 541.693.1070

Except for the MWIC Grove 2 Commercial, LLC property, the MWIC Grove properties mentioned above are developed with residential uses. MWIC Grove has several concerns regarding potential impacts and whether the proposed use complies with all applicable criteria.

The applicant has requested several adjustments to approval criteria. However, the applicant has not articulated how the criteria are “clearly inapplicable to the proposed development” or how the criteria will be “equally or better met by the proposed development” as required by SRC 250.005(d)(1). For adjustment number 1 concerning the minimum floor area ratio, Applicant states that “it is impractical for the proposal to meet this standard.” Impracticality does not render the criterion inapplicable. The evidence fails to meet the substantial evidence standard, and it does not support that the criteria is equally or better met.

For adjustments number 2 through 5, the applicant relies on the assertion that they will be providing “enhanced landscaping and pedestrian protections” in order to justify that the proposed design will equally or better meet the criteria. However, the application lacks the requisite evidence needed. The applicant stated on page 40 of the narrative statement that applicant will provide landscaping plans to demonstrate compliance with SRC Chapter 807 during building permit review. This cannot be completed during building permit review.

SRC 807.001 states that part of the purpose of the Chapter is to “promote compatibility between land uses.” MWIC Grove 2, LLC owns the property directly adjacent to the north and west of the Subject Property. The properties share a common access road, and the surrounding properties would be adversely affected by the proposed parking lot setback adjustment. MWIC Grove is concerned about the impact on pedestrian safety as well. The information provided by the applicant is insufficient to properly evaluate and comment on potential impacts and to demonstrate compliance with the applicable criteria.

MWIC Grove has concerns about the proposed aesthetic and lighting impacts. The applicant’s narrative statement under SRC 800.060 regarding exterior lighting states that applicant will provide lighting plans during building permit review to demonstrate compliance with the criteria. These issues cannot be delayed until building permit review. MWIC Grove owns properties adjacent to the Subject Property and is concerned that the lighting will reflect onto its properties and negatively impact the residents living there.

MWIC Grove also has concerns about traffic impacts, including how noise from traffic will impact its residents. The memorandum dated December 20, 2024 prepared by Kittleson and Associates updates the traffic memorandum for the Sustainable Fairview part of Phase II of the development as a whole and determines whether the updated trip generation numbers trigger pre-planned improvements. However, the memorandum does not analyze potential traffic impacts specific to the proposed use, such as potential impacts to Strong Rd SE, Lindburg Rd SE, and Village Center Loop. Moreover, such information can only be addressed first through an amendment to the master plan and then through an amendment through the existing refinement plan. The City of Salem’s Fairview Mixed-Use Zone identifies the Fairview Hills refinement plan dated December 2024 as a draft only. Until such modifications are adopted by the City of Salem City Council, the traffic analysis is premature and cannot satisfy the site plan review criteria. Additionally, the lack of clarity as to the actual uses within the proposed development precludes the ability to accurately calculate traffic impacts.

MWIC Grove also has several questions regarding the proposed use, which were unclear based on the submitted application materials. MWIC Grove requests responses to the following questions:

1. MWIC Grove is concerned about the impact on its residents, please provide additional information on the use for the space to be leased. Without such information, it is unclear as to whether parking standards, traffic standards, and other standards that are dependent on employee and customer traffic impacts have been satisfied.
2. What conditions will be placed to ensure the leased space complies with all use restrictions? For example, will there be restrictions on lottery and gaming?
3. Will there be any restrictions placed on the operating hours to ensure compatibility with the surrounding residential uses?
4. The narrative statement under SRC 800.065(a)(5) states that no vehicular connections are provided from the applicant's development site to abutting development sites. However, the site plan appears to show access driveways on the western and southern property lines, which connect to the adjacent MWIC Grove 2, LLC property. Please confirm that the proposed development will not connect to any MWIC Grove properties.

Our office respectfully requests a copy of all future notices and decisions in this matter. Thank you for your time and consideration.

Sincerely,



ALAN M. SOREM
asorem@sglaw.com
Voice Message #303

AMS/EAR:arf
Enclosures
cc: Client

BRAND

Land Use

May 28, 2025

Bryce Bishop, Planner III
City of Salem Community Planning & Development Department
555 Liberty Street SE, Room 305
Salem, OR 97301

Re: MWIC Grove, LLC Public Comment for Application No. SPR-ADJ25-11

Dear Bryce,

The applicant appreciates the opportunity to respond to the concerns raised by MWIC Grove and wishes to emphasize that the proposal conforms to the applicable provisions of the Salem Revised Code (SRC), including all relevant approval criteria for the requested Class 3 Site Plan Review and Class 2 Adjustments. Below is a detailed response to the issues raised.

1. Adjustments – Findings and Evidence

MWIC Grove asserts that the applicant failed to meet the standards of SRC 250.005(d)(1), which require the applicant to demonstrate that the standard is “clearly inapplicable” or “equally or better met.” This assertion overlooks the extensive findings provided in the application narrative. Each requested adjustment is accompanied by mitigation strategies, including enhanced pedestrian amenities, larger sidewalks, and improved landscaping, which are specifically crafted to fulfill the intent of the development standards. The applicant does not rely on mere impracticality but instead demonstrates how the adjusted design fulfills or exceeds the goals of the underlying standards, including promoting pedestrian access, visual appeal, and urban design consistency in the FMU zone.

The comment suggests that the applicant relies solely on the assertion of “impracticality” to justify Adjustment No. 1 regarding the minimum required floor area ratio (FAR), and that this rationale fails to meet the substantial evidence standard. However, this mischaracterizes both the basis for the adjustment and the supporting findings submitted with the application.

To clarify, the applicant acknowledges that SRC 250.005(d)(1) requires either that the standard is clearly inapplicable or that the standard is equally or better met by the proposed development. In this case, the applicant demonstrates that the

standard is equally or better met because the intent behind the minimum FAR requirement, namely, to ensure urban density and discourage underutilization of land, is fulfilled through alternative means.

As outlined in the narrative, the calculated FAR for this site is disproportionately impacted by the inclusion of a significant area within a public access easement and within the right-of-way. These portions of the site, while technically part of the tax lot, are not eligible for development. This physical limitation is not a matter of mere convenience but a substantive constraint on developable area, rendering full compliance with the numerical FAR standard infeasible without constructing additional stories and eliminating onsite parking and vehicular circulation which would further intensify the development in ways that would be inconsistent with the refinement plan's emphasis on compatibility with surrounding residential uses. Rather than maximizing square footage through vertical construction, which would increase scale, massing, and visual impacts, the applicant proposes a single-story commercial building with active retail and service uses that are entirely consistent with the Village Center designation. This approach fulfills the underlying purpose of the FAR standard by promoting an active, mixed-use streetscape and discouraging low-value or low-intensity uses, while also preserving compatibility with adjacent residential development.

In sum, the FAR standard is not being disregarded; it is being applied in a manner that aligns with its intent and the character of the refinement plan. The proposal satisfies SRC 250.005(d)(1)(B) by demonstrating that the development equally or better meets the purpose of the standard while thoughtfully balancing design objectives with contextual sensitivity. This constitutes substantial evidence and supports approval of the requested adjustment.

The comment from MWIC Grove references SRC 807.001, emphasizing its purpose to "promote compatibility between land uses," and expresses concern that the proposed parking lot setback adjustment along Village Center Loop will adversely affect adjacent residential properties and compromise pedestrian safety. However, this interpretation overlooks both the context of the site and the substantial modifications made by the applicant to enhance compatibility, safety, and conformance with the code's intent.

First, it is important to clarify that the setback adjustment in question pertains solely to the internal private street, Village Center Loop, and not to any public street or directly shared property boundary with MWIC Grove. The proposed parking lot meets or exceeds the 20-foot setback requirement from Lindburg Road SE and Strong Road SE. Along Village Center Loop, a 20-foot distance is maintained between the paved travel lane and the parking area. The need for an adjustment arises only because the sidewalk is considered part of the private right-of-way, which shifts the technical starting point of the measurement. This is a nuanced interpretation of setback measurement, not a substantive reduction in buffer or compatibility.

The adjustment is justified under SRC 250.005(d)(1)(B) because the proposal equally meets the purpose of the standard. Enhanced landscaping will be provided between the sidewalk and the parking area, delivering a visually buffered and pedestrian-friendly edge. The applicant is also providing a robust internal pedestrian circulation system with clear, dedicated paths that connect building entrances to the surrounding sidewalk network. These improvements promote both compatibility and safety, consistent with the objectives of SRC 807.001.

Rather than diminishing the pedestrian experience or threatening adjacent uses, the applicant's design enhances the public realm and maintains appropriate transitions between uses. The suggestion that the application lacks sufficient information is unfounded; detailed site plans and narrative findings were submitted, demonstrating compliance with applicable criteria and addressing both vehicular and pedestrian functionality. The applicant's adjustment request not only maintains compatibility with adjacent development but also introduces improved design elements that promote pedestrian safety and support the goals of the FMU zone. The criteria for the adjustment are met, and the concerns raised have been directly addressed through thoughtful site planning and circulation design. The commenter's own development plans (FRPADR-SPR-ADJ-DAP21-02) sought class 2 adjustments to pedestrian requirements which is common practice in development. Thoughtful design occasionally requires deviation from the prescriptive standards which is acceptable if the underlying goals are still achievable which the applicant has demonstrated in this case, that they are.

2. Landscaping and Lighting Plans

The commenter raises concerns about potential light spillover and inadequate landscaping, asserting that the absence of detailed lighting and landscaping plans at the land use stage precludes proper evaluation. However, this concern is both overstated and inconsistent with standard land use practice in the City of Salem. First, it is important to note the physical context of the site. The commenter's property lies to the east and south of the subject property and is situated at a measurably higher elevation. The topography of the area, combined with existing and proposed retaining walls along the property boundary, naturally mitigates potential light trespass from the subject development. This elevation difference creates a physical buffer that limits the visibility of light fixtures and vehicle headlights from the subject property to the adjacent MWIC Grove site, particularly from the parking lot and drive aisle areas. This site condition is significant and materially reduces the potential for adverse impacts, even before formal lighting mitigation strategies are implemented. While detailed lighting and landscaping plans are not included at this stage, their deferral is in accordance with City of Salem procedures. It is common and accepted practice for design details such as lighting placement, fixture shielding, and final landscape planting plans to be reviewed and confirmed during the building permit phase, once land use entitlements are secured. This approach allows for technical refinement and utility coordination without undermining compliance with applicable code provisions.

The applicant does not seek to bypass or weaken any applicable standards. To the contrary, the applicant is prepared to accept a condition of approval that lighting and landscaping plans submitted at the time of building permit must fully comply with the requirements of SRC Chapters 800 and 807. These chapters include clear and enforceable standards designed to prevent light trespass, ensure aesthetic compatibility, and provide buffering between uses, standards which staff will be able to verify during building permit review.

In summary, the topographical separation and physical design features already mitigate many of the commenter's concerns, and the applicant's willingness to accept a compliance condition ensures that final design elements will be subject to full regulatory oversight. The proposal remains consistent with the intent of the code and with City of Salem review protocols.

3. Compatibility with Adjacent Residential Uses

MWIC Grove raises generalized concerns about compatibility, particularly with regard to aesthetics, lighting, and setbacks. However, the proposed development is consistent with the adopted Fairview Refinement Plan, which anticipates pedestrian-oriented commercial uses in this Village Center (VC) area. The site is not being developed with auto-oriented uses such as drive-throughs and includes significant buffers, screening, and building orientation strategies to reduce potential impacts on adjacent uses. There is no evidence of incompatibility beyond speculation, and the applicant has shown consistency with SRC 807.001 in promoting compatibility between land uses.

4. Traffic Impact and Master Plan Conformance

The applicant submitted a trip generation estimate prepared in accordance with the City's adopted methodologies and consistent with the original Fairview Refinement Plan assumptions. Contrary to the commenter's claim, the TIA addendum submitted by Kittelson & Associates does not attempt to amend the refinement plan or master plan. Rather, it updates trip estimates to reflect current data and confirms that development thresholds triggering off-site improvements are not exceeded. Specific off-site analysis for Strong Road SE, Lindburg Road SE, and Village Center Loop is not warranted because the proposal is consistent with anticipated land use and intensity. The suggestion that the refinement plan must be amended prior to approval is unsupported by any provision of the SRC and contradicts the City's adopted FMU procedures.

5. Questions Regarding the Use and Access

The commenter poses several questions regarding the nature of the proposed use and access:

- **Leased Use and Restrictions:** The proposed use is for retail sales and services, which is a permitted use in the Fairview Mixed-Use (FMU) zone. As with all commercial developments, any future tenants will be subject to the applicable use restrictions of the Salem Revised Code (SRC), including but not limited to those governing noise, signage, and permitted use categories. If a use such as lottery or gaming were proposed and determined to be incompatible or otherwise restricted, the City would evaluate that use during the business license review or tenant improvement permit stage. It is also important to note that the City of Salem does not impose minimum off-street parking requirements. As such, any future change of use within the building will not trigger additional off-street parking obligations. All proposed uses must comply with the accepted and adopted Traffic Impact Analysis included with each Refinement Plan.
- **Hours of Operation:** The SRC does not impose use-specific operational hour limits within the FMU zone, and the narrative does not propose any 24-hour uses. Any concerns regarding nuisance conditions would be addressed through the City's enforcement process, not land use review.
- **Access Connectivity:** The comment expresses concern that the proposed development may establish vehicular connections to MWIC Grove properties. However, this concern is misplaced and inconsistent with the facts and the recorded easement structure governing Village Center Loop. The application clearly shows no proposed vehicular access connections to MWIC Grove's private properties. The drive aisle connections depicted on the west and south boundaries of the subject site align with Village Center Loop, a private street constructed within a shared easement corridor. These connections are to the easement itself, not to the commenter's residential property, and are essential for circulation within the Fairview Mixed-Use (FMU) zone.

Importantly, Village Center Loop was constructed by MWIC Grove pursuant to Condition 8 of their own land use approval for their multifamily development. That condition required the construction of the street to serve as part of the internal circulation network contemplated under the Fairview Refinement Plan. Easements benefiting other properties within the master plan area, including the applicant's site, were established in conjunction with that requirement. Accordingly, the applicant is entitled to access Village Center Loop via the existing street easement, and the proposed connections fully conform to that legal right and the adopted refinement plan.

While the site plan illustrates access to Village Center Loop in accordance with the easement, it does not establish any physical or functional connection to MWIC Grove's private residential parcels. To further address the concern, the applicant is willing to accept a condition of approval confirming that no

vehicular connections to MWIC Grove's property will be permitted without the written consent of MWIC Grove.

Conclusion

The comment letter from MWIC Grove raises concerns that are either addressed by the application materials or stem from misunderstandings of the applicable review process. The proposal is consistent with the FMU zoning, the adopted refinement plan, and the applicable SRC provisions. The applicant respectfully requests that the City continue processing the application in accordance with its adopted procedures, and find that the criteria for approval are met or will be met at time of building permit issuance.

Additionally, we wish to thank you for the time and effort you have committed to reviewing our application materials, your thoughtful input on design, and your collaborative approach when discussing this project. If any additional information would be helpful as you process the decision in this case, please feel free to contact me.

Thank you,

A handwritten signature in black ink that reads "B. Randall". The signature is stylized with a large, looped "B" and a cursive "Randall".

Britany Randall

Britany@BRANDLandUse.com

503-370-8704 (Office)



MEMO

TO: Bryce Bishop, Planner III
Community Planning and Development Department

FROM: Laurel Christian, Infrastructure Planner III
Community Planning and Development Department

DATE: June 10, 2025

SUBJECT: **Infrastructure Memo**
SPR-ADJ25-11 (24-120825-PLN)
2110 Strong Road SE
Convience Store and Retail Building

PROPOSAL

A Class 3 Site Plan Review application for a proposed new 8,000 square-foot retail building, including a convenience store and second retail tenant lease space, and associated off-street parking and site improvements; together with a Class 2 Adjustment to the development standards of the Fairview Refinement Plan II. The subject property is approximately 1.08 acres in size, zoned FMU (Fairview Mixed-Use) within the Fairview Refinement Plan II refinement plan, and located at 2110 Strong Road SE (Marion County Assessor Map and Tax Lot Number: 083W11AB03200).

RECOMMENDED CONDITIONS OF APPROVAL

1. Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).
2. Prior to issuance of a Certificate of Occupancy, widen the existing 5-foot sidewalk to an overall 10-foot-wide multi-use path along the development frontage of Strong Road SE and Lindburg Road SE in conformance with the Public Works Design Standards. Where there are existing utility vaults that conflict with the multi-use path, the sidewalk may meander around the vault, as shown on the applicant's site plan.
3. Prior to issuance of a Certificate of Occupancy, construct a 5-foot-wide sidewalk separated from Village Center Loop SE by a 7-foot landscape strip, as shown on the applicant's preliminary site plan and in conformance with the Public Works Design Standards.
4. Prior to issuance of a Certificate of Occupancy, provide Private Street Trees in the 7-

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).

foot landscape planter along the development side of the street along Village Center Loop SE to the maximum extent feasible and in accordance with the Public Works Design Standards.

SITE PLAN REVIEW DECISION CRITERIA

The following Code references indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

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

Finding—As proposed and conditioned in the findings within the memo, the development meets all the applicable standards in the UDC as follows:

City Utility 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
	A 10-inch water main is located in Strong Road SE.
	A 12-inch water main is located in Lindburg Road SE.
Sanitary Sewer	An 8-inch sanitary sewer main is located in Strong Road SE.
Storm Drainage	An 18-inch storm main is located in Strong Road SE.
	A 12-inch storm main is located in Lindburg Road SE.
Parks	The proposed development is served by Fairview Park located across the street from the subject development.

SRC Chapter 200 - Urban Growth Management:

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

Finding: The subject property is located outside of the Urban Service Area. Because the proposed development does not precede construction of required facilities, an UGA permit is not required.

SRC Chapter 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 required to treat and detain stormwater through the use of green stormwater infrastructure (GSI) according to SRC Chapter 71 and the Public Works Design Standards. The applicant's engineer submitted a preliminary stormwater management report, as required by the Stormwater PWDS Appendix 004. The preliminary stormwater report identifies the use of GSI; however, has errors in the report and the proposed facilities do not meet the Public Works Design Standards. Modifications to the applicant's site plan may be required to ensure that adequate area for GSI is provided. At time of Building Permit Review, the applicant's engineer shall provide a final stormwater management report that demonstrates compliance with the PWDS.

Condition: Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

SRC 802 – Public Improvements:

▪ Development to be served by City utilities:

SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS).

Finding: Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

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
Strong Road SE	Standard:	60-feet	28-to-36-feet

(Collector)	Existing Condition:	60-feet	38-feet
Lindburg Road SE (Collector)	Standard:	60-feet	28-to-36-feet
	Existing Condition:	60-feet	38-feet
Village Center Loop SE (Private)	Standard:	N/A Easement	Varies
	Existing Condition:	N/A Easement	Varies

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: Along the northern property boundary, the subject property abuts Strong Road SE, classified as a Collector street according to the Salem Transportation System Plan (TSP). Along the eastern property boundary, the subject property abuts Lindburg Road SE, classified as a Collector street according to the Salem Transpiration System Plan. Along the southern and western property boundaries, the subject property abuts Village Center Loop SE, which is a private local street that extends around the subject property. The streets abutting the development site meet the minimum right-of-way width and pavement width standards established in SRC 803.025 and the refinement plan for their respective street classifications; therefore, additional boundary street improvements are not required.

▪ *Sidewalks*

SRC 803.035(l) requires that all streets be improved with sidewalks to allow for pedestrian access within the street network.

Finding: According to the Fairview Refinement Plan II and the Legacy Heights Subdivision Decision (SUB-FRPA20-03, Strong Road SE and Lindburg Road SE are required to have a 10-foot multi-use path along the frontage of the subject property. The existing sidewalk along the frontage of the property is 5-feet in width. The applicant shall be required to extend the sidewalk to establish a 10-foot multi-use path along the development frontage except where there are existing utility vaults which conflict with the multi-use path. Additionally, according to the Legacy Heights Subdivision Decision (SUB-FRPA20-03), a 5-foot-wide sidewalk is required along the development side of Village Center Loop SE, which is a private street. In order to ensure compliance with SRC 803.035(l) and the Fairview Refinement Plan II, the following conditions apply:

Condition: Prior to issuance of a Certificate of Occupancy, widen the existing 5-foot sidewalk to an overall 10-foot-wide multi-use path along the development frontage of Strong Road SE and Lindburg Road SE in conformance with the Public Works Design Standards. Where there are existing utility vaults that conflict with the multi-use path, the sidewalk may meander around the vault, as shown on the applicant's site plan.

Condition: Prior to issuance of a Certificate of Occupancy, construct a 5-foot-wide sidewalk separated from Village Center Loop SE by a 7-foot landscape strip, as shown on the applicant's preliminary site plan and in conformance with the Public Works Design Standards.

▪ ***Street Trees***

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

Finding: Along Strong Road SE and Lindburg Road SE, there are existing street trees in the landscape planters. The subject property abuts Village Center Loop SE, which is considered a Private street according to the Refinement Plan. Pursuant to SRC 803.020(b)(2), private street shall be required to meet public street standards established in SRC Chapter 803 and the Public Works Design Standards, including the provision of street tree plantings. Additionally, the Fairview Refinement Plan II requires street trees along public and private streets. As shown on the applicants Site Plan, there is a 7-foot landscape planter that runs along the development side of Village Center Loop SE, which is adequate space for the planting of street trees. Private street trees shall be provided along Village Center Loop SE as a condition of approval.

Condition: Prior to issuance of a Certificate of Occupancy, provide Private Street Trees in the 7-foot landscape planter along the development side of the street along Village Center Loop SE to the maximum extent feasible and in accordance with the Public Works Design Standards.

▪ ***Traffic Impact Analysis***

Pursuant to SRC 803.015(b)(1) a Traffic Impact Analysis (TIA) is required for any development that will generate 200 or more Average Daily Trips (ADTs) onto a local street, or 1,000 ADTs onto a collector or arterial roadway.

Finding: As required by SRC 803.035(b)(1), a Traffic Impact Analysis (TIA) was submitted with the application package. The TIA was prepared by Kittelson & Associates and dated December 20, 2024. The TIA provides supplemental findings to the original 2004 Fairview Training Center Redevelopment Master Plan TIA and documents the changes to uses and their trip generations established in the original TIA. As described in the TIA, the changes proposed are expected to result in an

increase in new daily trips, but do not result in new transportation impacts identified in the Area Facilities Plan. The TIA concludes that no transportation improvements identified in the Area Facilities plan are required as a condition of development. The Assistant City Traffic Engineer reviewed the TIA and agree with its findings.

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 two driveway approaches onto Village Center Loop SE, which is a private local street. Driveway Approach Permits are not required for access onto the private local street.

Natural Resources

SRC 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 805 – Vision Clearance:

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

Finding: The proposal does not cause a vision clearance obstruction per SRC Chapter 805. The proposed structure meets the vision clearance standards established in SRC Chapter 80

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: According to the Salem-Keizer Local Wetland Inventory (LWI) and the Fairview Refinement Plan II the subject property does not contain any wetland areas or hydric soils.

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-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 5 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A Geotechnical Engineering Services Report, prepared by Central Geotechnical Services and dated May 17, 2024, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by utilizing the recommendations listed in the report.

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

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

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

Finding: The development site is served by two driveway approaches onto Village Center Loop SE, which is a private local street. The proposed driveway is designed to facilitate safe and efficient movement of vehicles.

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

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

Response to Comments

- 1. Traffic Impacts:** Comments received express concerns for the additional traffic that will be generated by the development site and if the Traffic Impact Analysis adequately addresses the impacts.

Staff Response: As required by SRC 803.035(b)(1), a Traffic Impact Analysis (TIA) was submitted with the application package. The TIA was prepared by Kittelson & Associates and dated December 20, 2024. This proposed development is subject to the Sustainable Fairview Master Plan that identified a wide variety of uses including commercial/retail uses. The properties at the intersection of Strong Road SE and Lindburg Road SE were identified as being the “commercial center” of the Fairview Master Plan Area. A traffic analysis was completed for the original Sustainable Fairview Master Plan that provided a list of improvements required, including transportation improvements at various level of development. As all of the properties have developed, an analysis was completed to track the trips to identify the appropriate mitigation. If the cumulative trip count was below the threshold, no mitigation was required, regardless of the use.

As discussed in the TIA dated December 20, 2024 prepared by Kittelson and Associates, the daily trips increase from 12,615 to 12,905 and the next improvement would be required at a cumulative daily traffic volume of 15,000 trips. The intersection of Strong Road SE and Lindburg Road SE is currently ALL-WAY STOP controlled. It is not anticipated that this proposed development would cause operational or safety issues at this intersection. As the development does not hit the next trip trigger for off-site mitigation, no off-site mitigation has been required as a condition of development.

Prepared by: Laurel Christian, Infrastructure Planner III
cc: File



RESPONSE TO REQUEST FOR COMMENTS

DATE: 04/17/2025

CASE/APP NUMBER: SPR-ADJ25-11

PROPERTY LOCATION: 2110 Strong Rd SE

CASE MANAGER: Bryce Bishop, Planner III, City of Salem

Email: bbishop@cityofsalem.net

COMMENTS FROM: Jolynn Franke, Transit Planner II, Salem Area Mass Transit District

Email: planning@cherriots.org

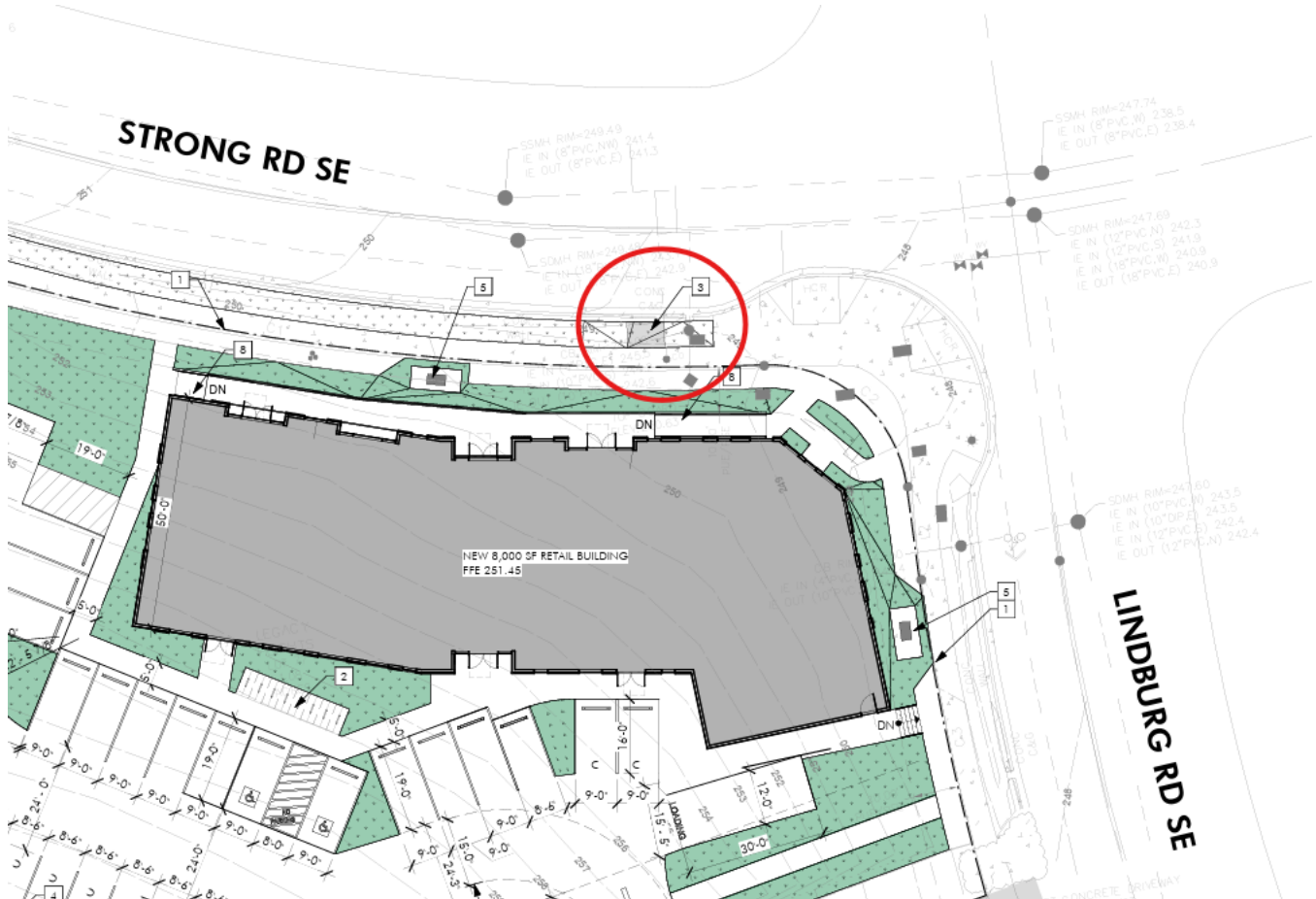
COMMENTS: A transit stop has been identified as needed in connection with this proposed development. The Salem Area Mass Transit District (the District) requests a transit stop conforming to the applicable standards of the District to be constructed and right-of-way dedication, if necessary, to be provided as part of the street improvements for this development. On-street parking shall be restricted in the area of the transit stop in order to ensure unobstructed access by transit.

The transit stop shall be located on the south side of Strong Rd SE near the intersection with Lindburg Rd SE as depicted in sheet A1.01 of the site plan (see screenshot on following page). The transit stop shall be constructed as an ADA compliant front door landing pad with curbing, bridging the swale between the curb and sidewalk similar to the existing transit stop on the opposite side of Strong Rd SE. Photos of the existing transit stop have been provided in the following pages for reference.

To meet District and ADA requirements, the landing pad must be six feet wide with a cross slope of less than 2%. Each side of the landing pad shall have curbing running perpendicular to the roadway to prevent mobility devices from rolling off the edges of the pad (see photos for reference).



Screenshot of sheet A1.01 of site plan:



SITE PLAN NOTES:

- 1 PROPERTY LINE.
- 2 INVERTED U-RACK. (8) TOTAL RACKS.
- 3 NEW BRIDGE FOR TRANSIT STOP. COORIDNATE FINAL DESIGN WITH CHERRIOTS.



Photos of existing transit stop on the opposite side of Strong Rd SE:

