

# NOTICE OF DECISION

PLANNING DIVISION  
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SALEM, OREGON 97301  
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*Si necesita ayuda para comprender esta informacion, por favor llame  
503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**CLASS 3 SITE PLAN REVIEW / CLASS 2 ADJUSTMENT CASE NO.: SPR-ADJ22-04**

**APPLICATION NO.: 21-119096-RP, 21-119101-ZO**

**NOTICE OF DECISION DATE:** February 24, 2022

**SUMMARY:** An application for various site improvements, including reconfiguration of an existing parking lot and relocation of a trash enclosure.

**REQUEST:** A consolidated application containing a Class 3 Site Plan Review for various site improvements, including new pedestrian paths and ADA parking spaces within an existing off-street parking area, relocation of a trash enclosure, and a new propane tank. The application includes Class 2 Adjustments to:

- 1) Reduce the minimum setback between a proposed accessory structure and the north property line from 15 to 10 feet;
- 2) Eliminate a required pedestrian connection through an existing off-street parking area;
- 3) Eliminate a required pedestrian connection to an abutting property; and
- 4) Reduce the minimum percentage of interior parking lot landscaping for an existing off-street parking area from five to two percent.

The subject property is approximately 1.86 acres in size, zoned CO (Commercial Office), and located at 2450 Lancaster Drive NE (Marion County Assessor map and tax lot number: 072W18CD / 300).

**APPLICANT:** Joel Smallwood, Salem Keizer School District 24J

**LOCATION:** 2450 Lancaster Dr NE, Salem OR 97305

**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 February 24, 2022.

**DECISION:** The **Planning Administrator APPROVED** Class 3 Site Plan Review / Class 2 Adjustment Case No. SPR-ADJ22-04 subject to the following conditions of approval:

- Condition 1:** The applicant shall install a locked gate across the vehicular connection on the northern property line, from the parking lot of the subject property to the abutting property to the north, limiting the use to emergency vehicle access only.

- Condition 2:** A minimum of five shade trees shall be planted between the vehicle use area and the south property line.
- Condition 3:** 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, unless adjusted through a future land use action.

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

Class 3 Site Plan Review	<u>March 12, 2026</u>
Class 2 Adjustment	<u>March 12, 2024</u>

Application Deemed Complete:	<u>January 18, 2022</u>
Notice of Decision Mailing Date:	<u>February 24, 2022</u>
Decision Effective Date:	<u>March 12, 2022</u>
State Mandate Date:	<u>May 18, 2022</u>

Case Manager: Brandon Pike, [bpike@cityofsalem.net](mailto:bpike@cityofsalem.net), 503-540-2326

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Friday, March 11, 2022. 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 Chapter(s) 220, 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, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM**

**DECISION**

<b>IN THE MATTER OF APPROVAL OF</b>	)	<b>FINDINGS &amp; ORDER</b>
<b>CLASS 3 SITE PLAN REVIEW AND</b>	)	
<b>CLASS 2 ADJUSTMENT</b>	)	
<b>CASE NO. 22-04</b>	)	
<b>2450 LANCASTER DRIVE NE</b>	)	<b>February 24, 2022</b>

In the matter of the application for a Class 3 Site Plan Review and Class 2 Adjustment submitted by Saalfeld Griggs PC on behalf of the applicant and property owner, Joel Smallwood, Salem-Keizer School District 24J, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

**REQUEST**

**Summary:** An application for various site improvements, including reconfiguration of an existing parking lot and relocation of a trash enclosure.

**Request:** A consolidated application containing a Class 3 Site Plan Review for various site improvements, including new pedestrian paths and ADA parking spaces within an existing off-street parking area, relocation of a trash enclosure, and a new propane tank. The application includes Class 2 Adjustments to:

- 1) Reduce the minimum setback between a proposed accessory structure and the north property line from 15 to 10 feet;
- 2) Eliminate a required pedestrian connection through an existing off-street parking area;
- 3) Eliminate a required pedestrian connection to an abutting property; and
- 4) Reduce the minimum percentage of interior parking lot landscaping for an existing off-street parking area from five to two percent.

The subject property is approximately 1.86 acres in size, zoned CO (Commercial Office), and located at 2450 Lancaster Drive NE (Marion County Assessor map and tax lot number: 072W18CD / 300).

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

**FINDINGS**

1. Class 3 Site Plan Review Applicability

Site plan review is intended to provide a unified, consistent, and efficient means to review proposed development that requires a building permit, other than single-family, duplex residential, and installation of signs, to ensure that such development meets all applicable requirements imposed by the Salem Revised Code (SRC). SRC

220.005(b)(3) requires Class 3 Site Plan Review for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

Class 3 Site Plan Review is required for this application pursuant to SRC 220.005(b)(3)(F) because Class 2 Adjustments are included in the request.

## 2. Background

On October 11, 2021, a consolidated Class 3 Site Plan Review and Class 2 Adjustment application was submitted for the proposal.

After receiving additional required information from the applicant, the consolidated application was deemed complete for processing on January 18, 2022 and notice of filing of the application was sent pursuant to SRC requirements on January 20, 2022. The 120-day state-mandated local decision deadline is May 18, 2022.

The applicant's proposed site plan and written statement are included as **Attachment B** and **Attachment C**, respectively.

### **Summary of Record:**

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

### **Neighborhood Association, Citizen, and Homeowners Association Information:**

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

#### Applicant Neighborhood Association Contact

SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. The applicant's representative contacted NOLA in August 2021 to provide details about the proposal.

#### Neighborhood Association Comment

Notice of the application was provided to NOLA 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. Prior to the close of the comment period, no comments were received from the neighborhood association.

### Public Comment

Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(vi) and (vii), to all property owners and tenants within 250 feet of the subject property. Prior to the end of the public comment period, no comments were received from members of the public.

### Homeowners Association

The subject property is not located within a Homeowners Association.

### **City Department Comments:**

The Public Works Department reviewed the proposal and provided a memo which is included as **Attachment D**.

The Building and Safety Division reviewed the proposal and indicated no concerns.

The Fire Department reviewed the proposal and provided the following comment: *The propane tank shall comply with the applicable sections of Salem Revised Code chapter 58, and the applicable sections of the Oregon Fire Code.*

### **Public Agency Comments:**

Notice of the proposal was provided to public agencies, and to public and private service providers. No comments were received prior to the close of the comment period.

### 3. Analysis of Class 3 Site Plan Review Approval Criteria

SRC 220.005(f)(3) states:

An application for Class 3 Site Plan Review shall be granted if:

- (1) The application meets all applicable standards of the UDC;
- (2) 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;
- (3) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and
- (4) The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

#### Criterion 1:

The application meets all applicable standards of the UDC.

**Finding:** The proposal includes reconfiguration of an existing off-street parking area, relocation of a trash enclosure, and a new 1,000-gallon propane tank on a concrete pad.

The proposed development conforms to SRC Chapter 521 and all other applicable development standards of the Salem Revised Code as follows:

**Development Standards – CO (Commercial Office) Zone:**

*SRC 521.005(a) – Uses:*

**Finding:** Allowed uses within the CO zone are identified under SRC 521.005, Table 521-1. The existing tenant, Salem-Keizer School District, is classified as an *office* use. The proposal does not include a change of use. Within the CO zone, *office* uses are allowed as a permitted use.

*SRC 521.010(a) – Lot Standards:*

Within the CO zone, the minimum lot size for all uses not falling within the *household living* use category is 6,000 square feet. For all uses except for *single family*, *two family*, *three family*, *four family*, and *multiple family*, there is no minimum lot width or depth. The minimum street frontage requirement for all uses except for *single family* is 16 feet.

**Finding:** The existing lot complies with the lot standards of the CO zone and no changes to the lot size or dimensions are proposed.

*SRC 521.010(b) – Setbacks:*

Setbacks within the CO zone shall be provided as set forth in SRC Table 521-3 and Table 521-4.

*Abutting Street*

**South:** Adjacent to the south is right-of-way for Wolverine Street NE. There is a minimum setback of 12 feet for buildings, accessory structures greater than 4 feet in height, and vehicle use areas.

**Finding:** The proposed development does not change the existing development's setbacks along this property line, and no changes are required.

**West:** Adjacent to the west is right-of-way for Lancaster Drive NE. There is a minimum setback of 12 feet for buildings, accessory structures greater than 4 feet in height, and vehicle use areas.

**Finding:** The proposed site plan shows a setback of 13 feet between the proposed accessory structure and the west special setback line, with no changes to the existing nonconforming setbacks between the nearest vehicle use area and the west property line. Except for existing nonconforming setbacks mentioned herein, the proposal meets the setback standards of the zone.

*Interior Property Lines*

**North:** Adjacent to the north is property zoned RM-I (Multiple Family Residential-I). Minimum zone-to-zone setbacks to this property line for buildings, accessory structures, and vehicle use areas for all uses not falling within the *household living* use category

are established within the zone-to-zone setback table, SRC Table 521-4. For buildings, accessory structures, and vehicle use areas there is a minimum setback of 15 feet, with Type C landscaping and screening.

**Finding:** Except where the applicant has requested an adjustment to reduce the minimum setback to this property line for the proposed propane tank structure, the proposed development does not change the existing development's setbacks along this property line, and no changes are required.

**East:** Adjacent to the east is property zoned PE (Public and Private Educational Services). Minimum zone-to-zone setbacks to this property line for buildings, accessory structures, and vehicle use areas for all uses not falling within the *household living* use category are established within the zone-to-zone setback table, SRC Table 521-4. There is no minimum setback for buildings or accessory structures, and vehicle use areas require a minimum setback of five feet. Landscaping and screening shall comply with the Type A standard per Chapter 807.

**Finding:** The proposed development does not change the existing development's setbacks along this property line, and no changes are required.

*SRC 521.010(c) – Lot Coverage, Height:*

Pursuant to SRC Table 521-5, the maximum lot coverage for all uses is 60 percent, and the maximum allowed height for buildings and accessory structures for all uses not falling within the *household living* use category is 70 feet.

**Finding:** The applicant's site plan shows a lot coverage of approximately 24.3 percent ( $19,648 / 81,022 = 24.25$ ), and the proposed height of the accessory structures are each less than 10 feet. The proposal meets these standards.

*SRC 521.010(d) – Landscaping:*

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

**Finding:** The proposal includes the alteration of an existing off-street parking and vehicle use area, where a portion of the existing paved surface is being replaced with a new paved surface; therefore, the off-street parking and vehicle use area development standards of SRC 806.035(a) are applicable.

The property is approximately 81,022 square feet in size, requiring a minimum of 12,153 square feet of landscaped area ( $81,022 \times 0.15 = 12,153.3$ ). The site plan indicates 16,891 square feet of landscaped area is provided.

Additionally, vehicle use areas greater than 5,000 square feet in size require interior landscaping. The development site has two existing vehicle use areas; a 6,354-square-foot parking lot on the southwestern corner of the site and a 32,748-square-foot parking lot on the eastern side of the site. A minimum of five percent of interior landscaping is required for each area, or 318 for the smaller area ( $6,354 \times 0.05 = 317.7$ ) and 1,637 square feet for the larger area ( $32,748 \times 0.05 = 1,637.4$ ). The applicant's site plan indicates approximately 427 square feet is provided for the smaller off-street parking area, thereby meeting the standard. The proposal includes 755 square feet of existing interior landscaping for the larger off-street parking area. The applicant has requested a Class 2 Adjustment for relief from this standard. Findings for this adjustment are included within this decision.

### **General Development Standards (SRC Chapter 800):**

*SRC 800.055 – Solid Waste Service Areas.*

*SRC 800.055(a) – Applicability.*

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of one cubic yard or larger is proposed; and where any change is proposed to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.

**Finding:** The proposed development includes one new solid waste service area with a receptacle of one cubic yard or larger. The standards of SRC 800.055 apply.

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

All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of four inches thick, or on an asphalt pad that is a minimum of six inches thick. The pad shall have a slope of no more than a three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.

**Finding:** The proposal calls for a new trash enclosure on an existing asphalt pad. The applicant's development plans show the receptacle will be placed at grade, with a slope of two percent or less. The proposal meets the standard.

*SRC 800.055(b)(1) – Pad Area.*

The pad area shall extend a minimum of one foot beyond the sides and rear of the receptacle; and the pad area shall extend a minimum three feet beyond the front of the receptacle. In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

**Finding:** The applicant's development plans show the pad area extends a minimum of one foot beyond the sides and rear of the receptacle, and a minimum of three feet beyond the front of the receptacle. The proposal does not include receptacles which face each other. The proposal meets the standard.



*SRC 800.055(b)(2) – Minimum Separation.*

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

**Finding:** The applicant's development plans show adequate area to allow a minimum of 1.5 feet between the receptacle and the side wall of the enclosure, with no combustible walls, roof eaves, or building or structure openings located within five feet of the receptacle. The proposal meets the standard.

*SRC 800.055(b)(3) – Vertical Clearance.*

Receptacles two cubic yards or less in size shall be provided with a minimum of eight feet of unobstructed overhead or vertical clearance for servicing. Receptacles greater than two cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing; provided, however, overhead or vertical clearance may be reduced to eight feet: For enclosures covered by partial roofs, where the partial roof over the enclosure does not cover more than the rear eight feet of the enclosure, as measured from the inside of the rear wall of the enclosure (see Figure 800-6); or where a physical barrier is installed within, and a maximum of eight feet from the front opening of, the enclosure preventing the backward movement of the receptacle (see Figure 800-7).

**Finding:** The applicant's development plans show at least 14 feet of unobstructed overhead or vertical clearance for servicing. The proposal meets the standard.

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

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

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

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

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

**Finding:** The applicant's development plans show the proposed solid waste service area will be screened with a six-foot-tall sight-obscuring fence and gate. The proposal meets the standard.

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

When enclosures are used for required screening or aesthetics, such enclosures shall conform to the standards set forth in this subsection. The overall dimensions of an enclosure are dependent upon the number and size of receptacles the enclosure is designed to accommodate.

*SRC 800.055(e)(1) – Front Opening of Enclosure.*

The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.

**Finding:** The applicant's development plans show an enclosure with a front opening of 15 feet. The proposal meets the standard.

*SRC 800.055(e)(2) – Measures to Prevent Damage to Enclosure.*

Enclosures constructed of wood or chainlink fencing material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts. Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts. The requirements under subsections (e)(2)(A) and (B) of this section shall not apply if the enclosure is designed to be separated: A minimum distance of two feet from the sides of the container or receptacles; and a minimum of three feet from the rear of the container or receptacles.

**Finding:** The applicant's development plans show an enclosure constructed of chain-link fence with slats, with a bumper curb inside the perimeter of the outside walls of the enclosure. The proposal meets the standard.

*SRC 800.055(e)(3) – Enclosure Gates.*

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

**Finding:** The proposed development includes an enclosure with an opening greater than 15 feet, with gates which open a minimum of 90 degrees. Restrainers are shown in both the open and closed positions. The proposal meets the standard.

*SRC 800.055(e)(4) – Prohibited Structures.*

Receptacles shall not be stored in buildings or entirely enclosed structures unless as set forth in this section.

**Finding:** The proposed site plan does not show a receptacle within an entirely enclosed structure. The proposal meets the standard.

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

*SRC 800.055(f)(1) – Vehicle Operation Area.*

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

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

- (B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:
- (i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);
  - (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or
  - (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.
- (C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.
- (D) Vehicle operation areas shall have a minimum vertical clearance of 14 feet.
- (E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.

**Finding:** The proposed site plan shows a vehicle operation area which is coincident with a parking lot drive aisle and has a minimum vertical clearance of 14 feet. The proposal meets the standard.

*SRC 800.065 – Pedestrian Access.*

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

**Finding:** The pedestrian access standards of SRC Chapter 800 apply to the proposed development.

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

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

the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street.

**Finding:** The provided site plan indicates that pedestrian access is provided from the existing building to both Lancaster Drive and Wolverine Street. The proposal meets the standard.

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

**Finding:** There are no existing or planned transit stops along the development site's street frontage. This standard does not apply to the proposed development.

*SRC 800.065(a)(2) – Connection Between Buildings on the Same Development Site.* Where there is more than one building on a development site, a pedestrian connection(s), shall be provided to connect the primary building entrances of all of the buildings.

**Finding:** The Lancaster Professional Center and McKay High School properties abut each other and both sites are under common ownership. However, the sites are not functionally or conceptually integrated and do not accommodate a single development. Lancaster Professional Center and McKay High School were developed independently of each other with each property having its own parking area, setbacks, and screening. Therefore, because the Lancaster Professional Center and McKay High School are not on the same development site, a direct pedestrian connection is not required between the two sites. The proposal meets the standard.

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

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

**Finding:** The proposal includes an existing off-street parking area greater than 25,000 square feet in size. The applicant has requested an adjustment to this standard, with findings included within this decision.

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

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

*SRC 800.065(a)(4) – Pedestrian Connection to Existing or Planned Paths and Trails.*  
Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:

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

**Finding:** There are no planned paths or trails passing through the development site; therefore, this standard is not applicable.

*SRC 800.065(a)(5) – Pedestrian Connection to Abutting Properties.*  
Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided, except as identified within this subsection.

**Finding:** The development site provides a vehicular connection to an abutting property to the north. The applicant has requested a Class 2 Adjustment for relief from the required pedestrian connection to an abutting property.

*SRC 800.065(b) – Design and Materials.*  
Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza.

*SRC 800.065(b)(1) – Walkway Design and Materials*  
Walkways shall conform to the following:

- (A) Materials and width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and a minimum of five feet in width.
- (B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.
- (C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.

**Finding:** Except for existing nonconforming walkways, the proposal includes pedestrian walkways which meet the materials, width, and other standards of this section.

*SRC 800.065(b)(2) – Wheel Stops.*

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

**Finding:** The proposed site plan shows wheel stops where necessary to prevent the encroachment of vehicles onto required pedestrian connections. The proposal meets the standard.

*SRC 800.065(c) – Lighting.*

The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.

**Finding:** The proposed plans show lighting placed throughout the site, adjacent to the pedestrian circulation system. Full adherence with this standard will be ensured at the time of building permit review.

**Off-Street Parking, Loading, and Driveways SRC 806**

*SRC 806.005 - Off-Street Parking; When Required.*

Off-street parking shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

**Finding:** The proposed development does not include a trigger identified within this section. However, the proposal calls for reconfiguration of an existing off-street parking area. Some of off-street parking development standards of this chapter apply, as identified herein.

*SRC 806.010 - Proximity of Off-Street Parking to Use or Activity Served.*

Required off-street parking shall be located on the same development site as the use or activity it serves, or within the additional locations set forth under this section.

*SRC 806.015 - Amount of Off-Street Parking.*

- a) *Minimum Required Off-Street Parking.* The minimum off-street parking requirement for an office use is one per 350 square feet, where the square footage equals the gross floor area.
- b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this chapter may be compact parking spaces.
- c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces, and falling within the public services and industrial use classifications, and the business and professional services use category, shall

designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.

- d) *Maximum Off-Street Parking.* Except as otherwise provided in this section, and otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2A. For uses requiring 20 spaces or less, the maximum number of off-street parking spaces allowed is 2.5 times the minimum number of spaces required. For uses requiring more than 20 spaces, the maximum number of off-street parking spaces allowed is 1.75 times the minimum number of spaces required.

**Finding:** No changes are proposed to the total existing number of off-street parking spaces. Due to the proposed development's limited scope, these standards do not apply.

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

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas, expansion or alteration of existing off-street parking and vehicle use areas where existing paved surface is replaced with a new paved surface, or the paving of an unpaved area.

**Finding:** The proposal includes alteration of an existing off-street parking and vehicle use area. The development standards of this section apply to the proposed development.

- b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks, as set forth in this subsection, shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

**Finding:** No changes are proposed to the existing perimeter setbacks for the off-street parking areas. Except where existing nonconforming situations are in place, the proposed reconfigured off-street parking area complies with all applicable location and perimeter setback requirements.

- d) *Interior Landscaping.* Except as otherwise set forth in this section, interior landscaping shall be provided in amounts not less than those set forth in Table 806-5.

**Finding:** The development site has two existing vehicle use areas; a 6,354-square-foot parking lot on the southwestern corner of the site and a 32,748-square-foot parking lot on the eastern side of the site. A minimum of five percent of interior landscaping is required for each area, or 318 for the smaller area ( $6,354 \times 0.05 = 317.7$ ) and 1,637 square feet for the larger area ( $32,748 \times 0.05 = 1,637.4$ ). The applicant's site plan indicates approximately 427 square feet is provided for the smaller off-street parking

area, thereby meeting the standard. The proposal includes 755 square feet of existing interior landscaping for the larger off-street parking area. The applicant has requested a Class 2 Adjustment for relief from this standard. Findings for this adjustment are included within this decision.

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

**Finding:** The proposed reconfigured off-street parking spaces comply with the minimum dimensional requirements of Table 806-6. No further changes to the existing off-street parking area dimensions are proposed.

- f) *Additional Off-Street Parking Development Standards 806.035(f)-(m).*

The proposed reconfigured off-street parking area is developed consistent with the additional development standards for grade, surfacing, drainage, bumper guards, and striping. The parking area marking, signage, and lighting shall comply with the standards of SRC chapter 806. No additional off-street parking area screening per SRC 806.035(m) is required for the proposed reconfigured vehicle parking area.

## **Bicycle Parking**

*SRC 806.045(a) - General Applicability.*

Bicycle parking shall be provided and maintained for each proposed new use or activity, any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity, or any intensification, expansion, or enlargement of a use or activity.

**Finding:** The proposed development does not include any of the triggers identified within this section. The bicycle parking development standards of this chapter do not apply.

## **Off-Street Loading Areas**

*SRC 806.065 - General Applicability.*

Off-street loading areas shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

**Finding:** The proposed development does not include any of the triggers identified within this section. The loading area development standards of this chapter do not apply.

## **Landscaping**

*SRC 807 – Landscaping and Screening:* All required setbacks shall be landscaped to the Type A standard, with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a



combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

**Finding:** The proposal includes the alteration of an existing off-street parking and vehicle use area, where a portion of the existing paved surface is being replaced with a new paved surface; therefore, the off-street parking and vehicle use area development standards of SRC 806.035(a) in relation to landscaping are applicable.

Except where the applicant has requested adjustments and in the case of existing nonconforming situations, the proposed site plan meets the landscaping standards of the SRC. At the time of development, the applicant will be required to provide a landscaping plan showing the information required under SRC chapter 807.

## **Natural Resources**

*SRC 601 - Floodplain Overlay Zone:* Public Works staff 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 808 - Preservation of Trees and Vegetation:* The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon white oak greater than 24 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

**Finding:** No trees or native vegetation protected under SRC chapter 808 are identified for removal.

*SRC 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.

**Finding:** According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas or hydric soils.

*SRC 810 - Landslide Hazards:* According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810, the subject property does not contain any mapped landslide hazard areas.

Criterion 2:

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:** The existing street system is adequate to serve the proposed development, and the proposal does not include a building addition subject to SRC 803.040(a). Therefore, no right-of-way dedication or street improvements are required. This criterion is met.

Criterion 3:

Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

**Finding:** The applicant's proposed site plan includes on-site vehicle, pedestrian, and bicycle infrastructure which will allow for safe and efficient movement throughout the site's parking areas, driveways, and walkways.

Criterion 4:

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 Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The applicant does not show any new connections to public infrastructure. As proposed, this criterion is met.

4. Analysis of Class 2 Adjustment Approval Criteria

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 underlined, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment application, or for the issuance of certain conditions to ensure the criteria are met.

Criterion 1:

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 adjustments to: 1) Reduce the minimum setback between a proposed accessory structure and the north property line from 15 to 10 feet; 2) Eliminate a required pedestrian connection through an existing off-street parking area; 3) Eliminate a required pedestrian connection to an abutting property; and 4) Reduce the minimum percentage of interior parking lot landscaping for an existing off-street parking area from five to two percent.

- *Adjustment to Reduce the Minimum Setback Between a Proposed Accessory Structure and the North Property Line from 15 to 10 Feet*

The applicant has requested a Class 2 Adjustment to reduce the minimum setback between a proposed accessory structure (a propane tank and associated enclosure) and the north property line to 10 feet, where SRC 521.010(b) requires a minimum of 15 feet.

In summary, the applicant's written statement notes the underlying purpose of setback standards is to provide separation between developments on abutting properties. The applicant points to the site's existing landscaped areas and large setbacks as justification for the adjustment, noting that existing landscaping within the subject setback will be maintained. The applicant also notes the proposed propane tank cannot be shifted to the south to meet the setback due to building codes which require the propane tank to maintain a certain separation from the adjacent building. Finally, the applicant states the small size of the proposed propane tank, measuring 20 feet at its widest point, means the proposal will not have a significant impact on the abutting property, especially since the abutting property is owned and operated by the applicant.

Staff concurs with the applicant and finds the purpose underlying the specific development standard proposed for adjustment is equally or better met by the proposed development.

- *Adjustment to Eliminate a Required Pedestrian Connection Through an Existing Off-Street Parking Area*

The applicant has requested a Class 2 Adjustment to eliminate a required pedestrian connection through an existing off-street parking area, where SRC 800.065(a)(3)(A) requires off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles to include pedestrian connections through the parking area to the primary building entrance.

The applicant states that the purpose of the pedestrian access requirement is to provide for the safe movement of people through vehicle use areas. The applicant explains that the existing parking area is relatively small, and there have been no known safety incidents associated with pedestrian crossings. The traffic within the subject property is well controlled and the intent and purpose of this standard is equally met by the existing configuration.

The two existing off-street parking areas are separated by a driveway. The existing parking lot on the west side of the site does not require a pedestrian connection due to its small size. The parking lot on the east side of the site is approximately 32,747 square feet in size with a width of approximately 165 feet at its widest point. Pursuant to SRC 800.065(a)(3)(A)(iii), a pedestrian connection provided between a primary building entrance and a street may be counted as a required connection through an off-street parking area. Although no pedestrian connection is proposed through the wider portion of the lot, the applicant's site plan indicates a new pedestrian connection between the primary building entrance and Wolverine Street

NE will extend through a narrower portion of the parking area on the south side of the lot, partially breaking up the off-street parking area as intended by this standard.

Staff notes the existing development was developed under previous versions of the SRC, when pedestrian access standards were not in effect. To apply each of the standards of SRC 800.065 would require very significant changes to the site, eliminating existing parking spaces and potentially bringing the site into noncompliance with off-street parking requirements of the SRC.

Staff finds that, due to the relatively small scope of the project and the addition of a pedestrian connection from the primary building entrance to Wolverine Street, the purpose underlying the specific development standard proposed for adjustment is equally or better met by the proposed development.

- *Adjustment to Eliminate a Required Pedestrian Connection to an Abutting Property*

The applicant has requested a Class 2 Adjustment to eliminate a required pedestrian pathway to an abutting property, where SRC 800.065(a)(5) requires abutting properties with vehicular access to also provide a pedestrian connection between the properties.

The existing vehicular connection between the subject property and the property to the north connects to a driveway which begins at Lancaster Drive NE to the northeast of the property, extending along the subject property's northern property line; the applicant notes the driveway is mostly used for pedestrian access, with the ability to be used as emergency vehicle access, if necessary. The applicant owns the adjacent property and, except for the driveway in question which is used for pedestrian and emergency access, the portion of the adjacent property which abuts the subject property is undeveloped. The applicant argues the requirement to provide pedestrian access to this driveway would encourage pedestrians to cross the existing driveway and undeveloped property, impairing its use as an emergency access and that this is expressly contrary to the intent and purpose of this section of code. As mitigation for the adjustment request, the applicant has proposed the addition of a locked gate across the vehicular connection between the two properties, further limiting the use of this vehicle access to equally or better meet the purpose and intent of this code provision.

The proposal, as mitigated through the applicant's proposed locked gate, would limit the vehicular connection to the abutting property to emergency vehicle access only. To ensure that the vehicular connection to the abutting property is limited to emergency access only, the following condition of approval shall apply:

- Condition 1:** The applicant shall install a locked gate across the vehicular connection on the northern property line, from the parking lot of the subject property to the abutting property to the north, limiting the use to emergency vehicle access only.

As conditioned, Staff finds the purpose underlying the specific development standard proposed for adjustment is equally or better met by the proposed development.

- *Adjustment to Reduce the Minimum Percentage of Interior Parking Lot Landscaping for an Existing Off-Street Parking Area from Five to Two Percent*

The applicant has requested a Class 2 Adjustment to reduce the minimum percentage of interior parking lot landscaping for an existing off-street parking area to two percent, where SRC 806.035(d)(2) requires off-street parking areas between 5,000 and 50,000 square feet in size to include a minimum of five percent interior landscaping.

The existing off-street parking areas require a minimum of five percent of interior off-street parking lot landscaping. The applicant requests to provide no additional interior parking lot landscaping and, instead, retain the existing conditions on the subject property. The applicant states there are several existing landscaping islands within the parking area that provide green space and they are proposing to provide additional landscaping along Wolverine Street NE, including several additional trees, to mitigate the adjustment request as well as increase the number of plant units on the subject property. The applicant further argues there is existing mature landscaping throughout the subject property exceeding the required fifteen percent development site, while the intent and purpose of this standard is to add additional opportunities for green space throughout development sites. The applicant states this is equally or better met by the existing and proposed landscaping on the site.

The purpose of this standard is to provide trees and shade to break up large expanses of pavement. SRC 806.035(d)(2) requires interior landscaping of five percent of the parking lot, however, without the adjustment, the applicant would be required to reduce the number of parking spaces. The existing building divides the parking lot into two smaller areas separated by a driveway. Although no new interior landscaping would be provided under the applicant's proposal, the addition of new landscaping along Wolverine Street NE, including five shade trees, would increase the overall development site landscaping to 16,891 square feet, or 21 percent ( $16,891 / 81,022 = 0.208$ ) and provide shade near the street for an existing row of off-street parking spaces.

The following condition of approval shall apply:

**Condition 2:** A minimum of five shade trees shall be planted between the vehicle use area and the south property line.

As conditioned, Staff finds the proposal equally or better meets the intent of the code.

Criterion 2:

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 not located with a residential zone. This criterion does not apply to the proposed development.

**Criterion 3:**

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 adjustments have been requested. Pursuant to SRC chapter 521, the purpose of the CO zone is to implement the commercial designation of the Salem Area Comprehensive Plan and generally allows office and professional services, along with a mix of housing and limited retail and personal services. The requested adjustments allow for the partial redevelopment of an existing office development with physical restraints, including existing site improvements. Staff finds the proposed adjustments allow for a development which is consistent with the overall purpose of the zone.

The following condition of approval shall apply:

**Condition 3:** 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, unless adjusted through a future land use action.

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

## **ORDER**

Final approval of Class 3 Site Plan Review and Class 2 Adjustment case no. SPR-ADJ22-04 is hereby **APPROVED** subject to SRC Chapters 220 and 250, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as **Attachment B**, and the following conditions of approval:

**Condition 1:** The applicant shall install a locked gate across the vehicular connection on the northern property line, from the parking lot of the subject property to the abutting property to the north, limiting the use to emergency vehicle access only.

**Condition 2:** A minimum of five shade trees shall be planted between the vehicle use area and the south property line.

**Condition 3:** 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, unless adjusted through a future land use action.



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Brandon Pike, Planner I, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

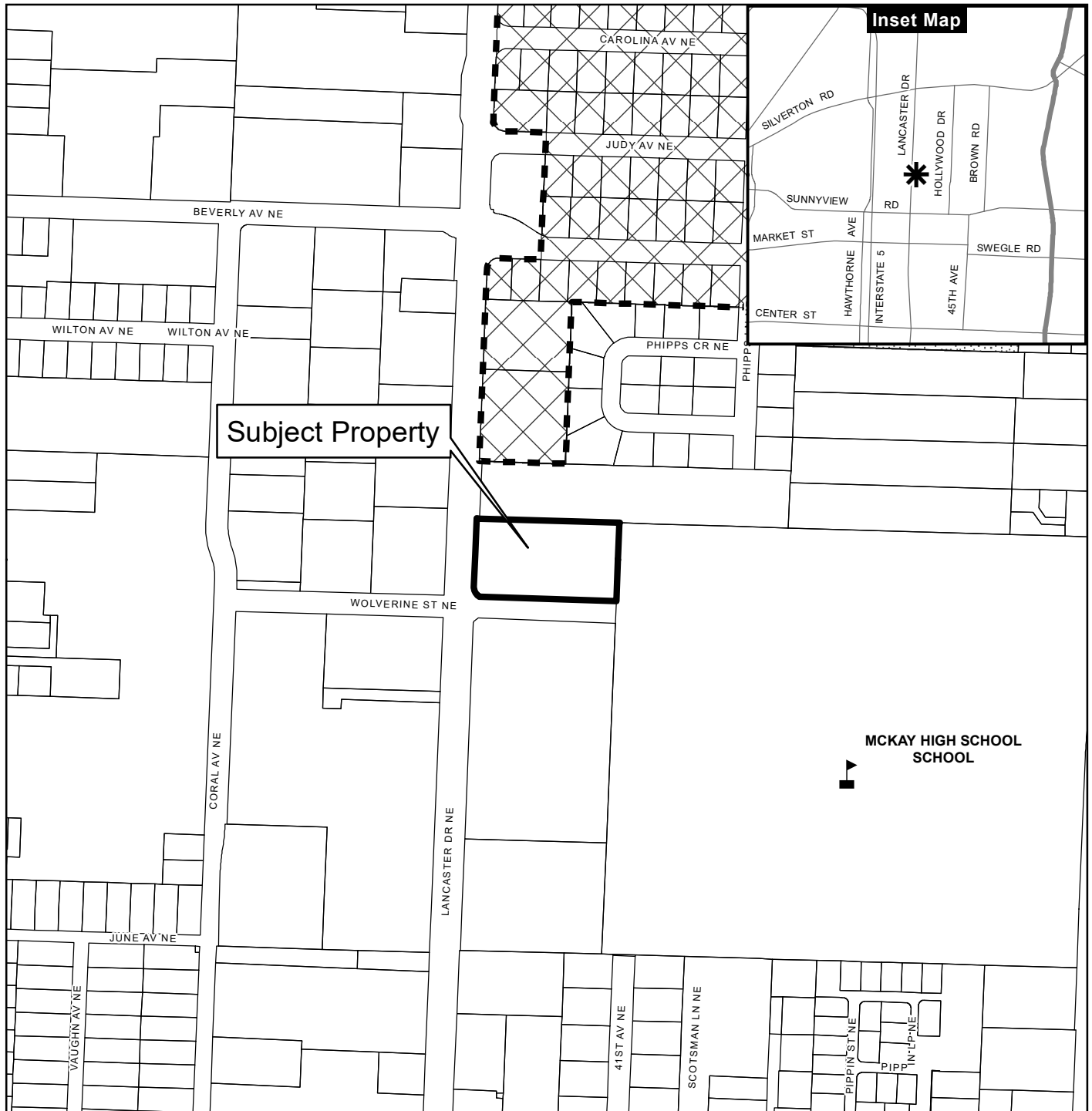
Prepared by Brandon Pike, Planner I

Attachments:

- A. Vicinity Map
- B. Proposed Site Plan
- C. Applicant's Written Statement
- D. Memo from the Public Works Department

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

# Vicinity Map 2450 Lancaster Drive NE



## Legend

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

Parks

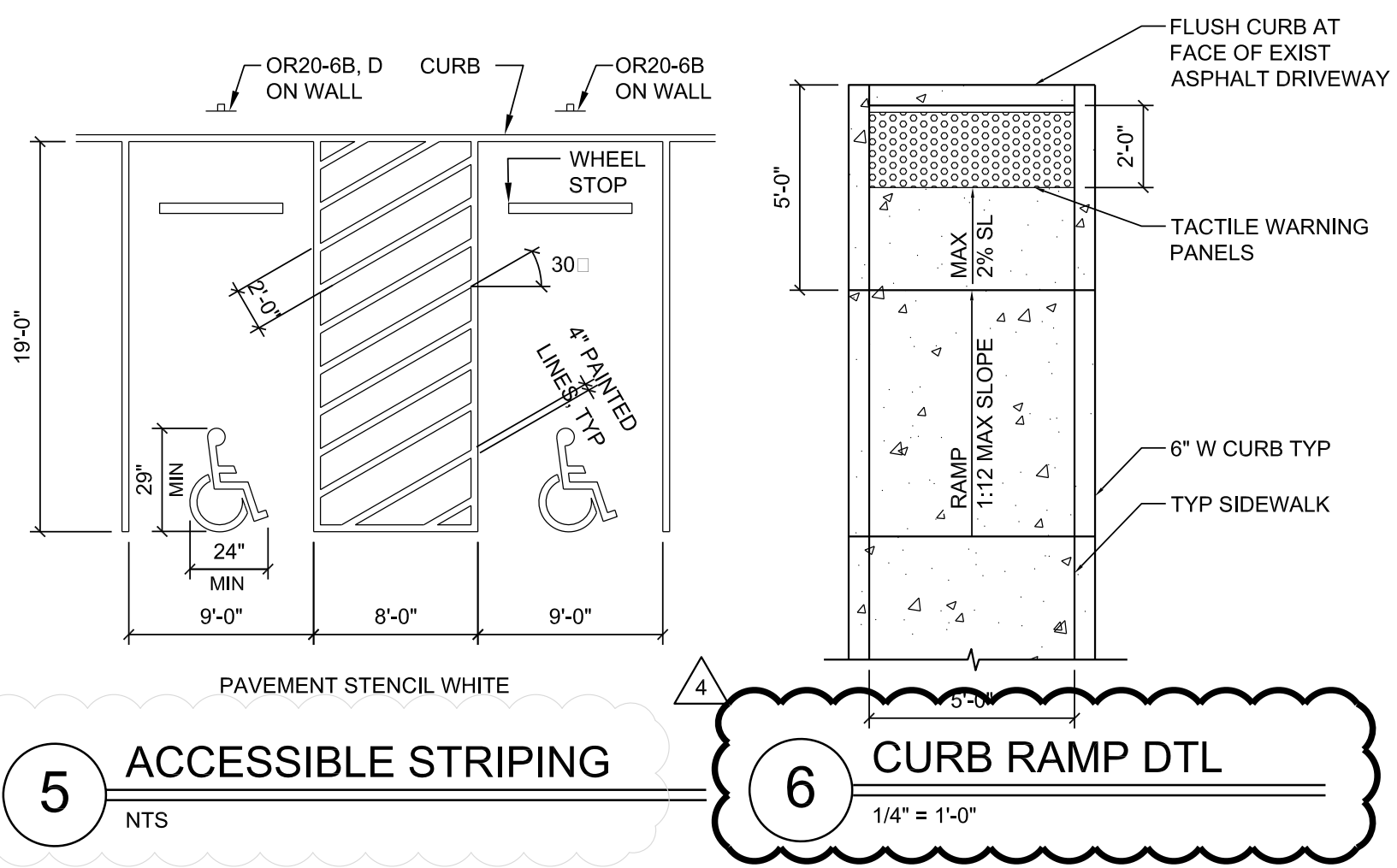
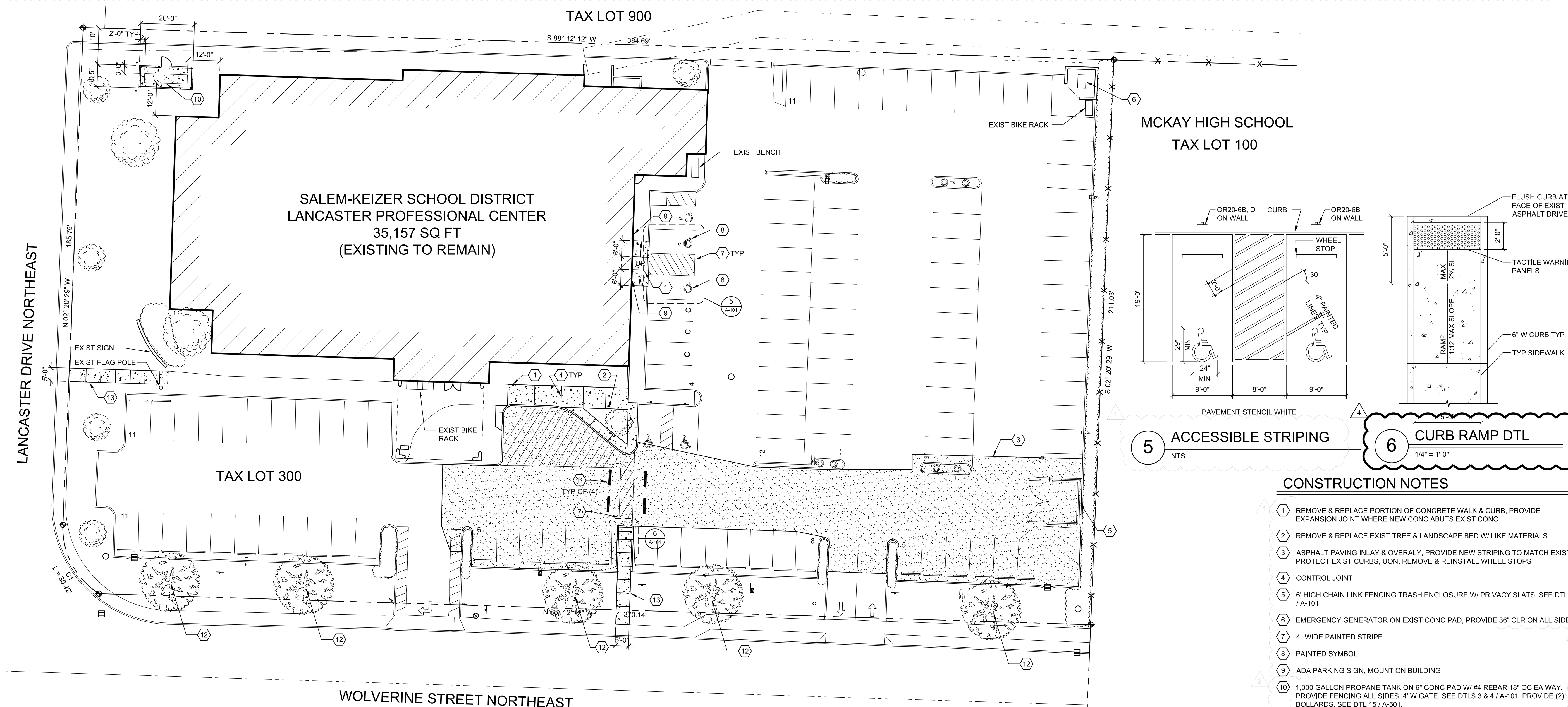
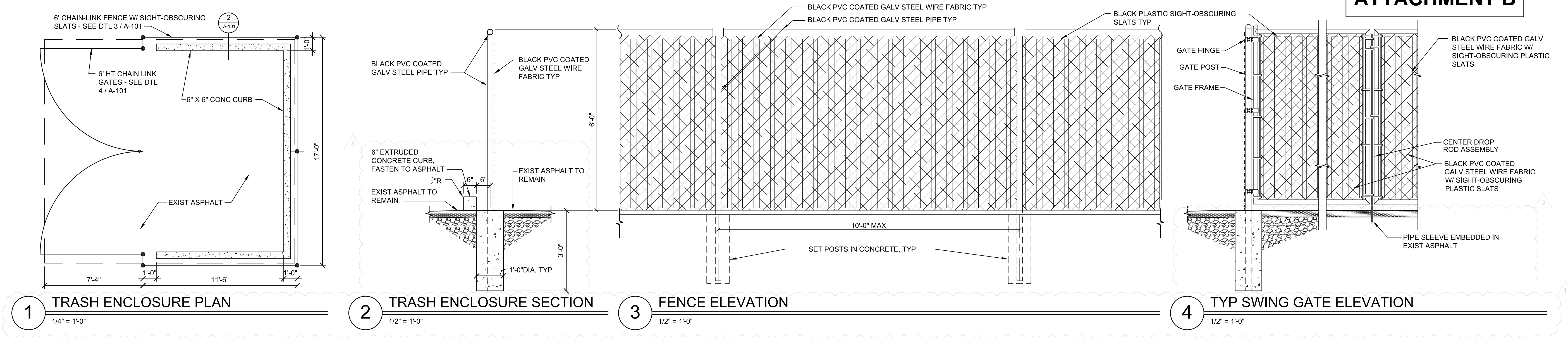
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0 100 200 400 Feet







CONSTRUCTION NOTES

- 1 REMOVE & REPLACE PORTION OF CONCRETE WALK & CURB, PROVIDE EXPANSION JOINT WHERE NEW CONC ABUTS EXIST CONC
- 2 REMOVE & REPLACE EXIST TREE & LANDSCAPE BED W/ LIKE MATERIALS
- 3 ASPHALT PAVING INLAY & OVERLAY, PROVIDE NEW STRIPING TO MATCH EXIST. PROTECT EXIST CURBS, UON. REMOVE & REINSTALL WHEEL STOPS
- 4 CONTROL JOINT
- 5 6' HIGH CHAIN LINK FENCING TRASH ENCLOSURE W/ PRIVACY SLATS, SEE DTL 1 / A-101
- 6 EMERGENCY GENERATOR ON EXIST CONC PAD, PROVIDE 36" CLR ON ALL SIDES
- 7 4" WIDE PAINTED STRIPE
- 8 PAINTED SYMBOL
- 9 ADA PARKING SIGN, MOUNT ON BUILDING
- 10 1,000 GALLON PROPANE TANK ON 6" CONC PAD W/ #4 REBAR 18" OC EA WAY. PROVIDE FENCING ALL SIDES, 4' W GATE, SEE DTLS 3 & 4 / A-101. PROVIDE (2) BOLLARDS, SEE DTL 15 / A-501.
- 11 NEW SPEED BUMP
- 12 NEW SHADE TREE
- 13 NEW 5' W SIDEWALK

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2018 BOND: CONSTRUCTION, RENOVATION, REPAIR  
2021 RENOVATION AND REPAIR PROJECTS  
2450 LANCASTER DRIVE NE, SALEM, OREGON 97305  
consultants:

revisions:  
1 04-22-2021  
2 06-10-2021  
3 06-18-2021  
4 09-17-21  
SPR REVISIONS

date: 04-01-2021  
project: 05420  
dwg file: A-101-X-05420  
drawn by: KG  
checked by: AMF  
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Carlson Veit Junge Architects PC

SITE PLAN - NEW WORK

sheet: A-101  
of:

## SECTION 250.005. – ADJUSTMENTS

### *(a) Applicability.*

#### *(1) Classes*

***(A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.***

***(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 in the UDC that increases or decreases the standard by more than 20 percent.***

**Proposed Finding:** Applicant is requesting five (5) adjustments to applicable development standards (1) an adjustment to the landscaping standards in SRC 521.010(d); (2) an adjustment to the pedestrian access standard in SRC 800.065(a)(3); (3) an adjustment to the interior landscaping standard in SRC 806.035(d); (4) an adjustment to the landscaping standard in SRC 806.065 and (5) an adjustment to 800.065(a)(5). Applicant is applying for relief from these standards to retain the existing conditions on the Subject Property, requiring Class 2 Adjustments to each standard.

### *(d) Criteria.*

***(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:***

***(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.***

**Proposed Finding:** Applicant is requesting five (5) Class 2 Adjustments. First, Applicant is requesting an adjustment to the setback landscaping standards to allow the Applicant to retain the existing landscaping within the setbacks along the northern property line. Applicant is not proposing any work in this area and the lack of irrigation as well fire and safety concerns due to the lack of space between the Existing Building and the property line make this standard clearly inapplicable to the proposed development. The adjustment to this standard will not impact the adjacent properties, which is the intent and purpose of the setback standards.

Second, Applicant is requesting an adjustment to the requirement to add pedestrian access through the existing parking area. The purpose of the pedestrian access requirement is to provide for the safe movement of people through vehicle use areas. The existing parking area is relatively small in size and there have been no safety incidents associated with pedestrian crossings. The traffic within the Subject Property is well controlled and the intent and purpose of this standard is equally met by the existing configuration.

Third, Applicant is requesting an adjustment to the requirement to add additional interior landscaping to the existing parking area. There are several existing landscaping islands within the existing parking area which provide green space within the existing parking area. Applicant is requesting an adjustment to

allow the Applicant to retain the existing conditions on the Subject Property. Applicant is providing additional landscaping along Wolverine Street NE and has mature landscaping throughout the Subject Property exceeding the requirement to landscape at least fifteen (15%) percent of the development site. The intent and purpose of this provision is to add additional opportunities for green space throughout the Subject Property, however, this is equally met by the existing and proposed landscaping on the Subject Property.

Fourth, Applicant is requesting an adjustment to the landscaping standards contained in SRC 806.065 allowing Applicant to retain existing non-conforming elements on the Subject Property. The purpose of the landscaping standard is to provide additional green space and screening for developed properties. The Subject Property is constrained by the Existing Building and associated improvements. Applicant is proposing the addition of several additional trees along Wolverine Street NE to increase the number of plant units on the Subject Property. The proposed adjustment retains existing greenspace and adds several additional planting units but does not meet the applicable planting unit requirement. As adjusted, the Subject Property equally meets the intent of the Code by providing green space and trees to the maximum extent feasible.

Finally, Applicant is requesting an adjustment to the standard in SRC 800.065(a)(5) which requires pedestrian connections to abutting properties when there is an existing vehicular connection. The intent of this provision of the code is to provide clear pathways for pedestrians through vehicle use areas, increasing pedestrian safety in these areas. The existing vehicular connection is a driveway from Lancaster drive along the northern property line which is only used for pedestrian access. Applicant is the owner of the adjacent property and, with the exception of the emergency access, that property is undeveloped. If Applicant were required to provide pedestrian access to this driveway it would encourage pedestrians to cross the existing driveway, impairing its use as an emergency access. This is expressly contrary to the intent and purpose of this section. Applicant is proposing as part of this application the addition of a locked gate (keys will be provided to emergency service providers) across the vehicular connection to the Subject Property, further limiting the use of this vehicle access and equally or better meeting the purpose and intent of this code provision.

***(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.***

**Proposed Finding:** The Subject Property is not located within a residential zone. This criterion is not applicable.

***(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.***

**Proposed Finding:** The Subject Property is already fully developed with the LPDC. The majority of the Proposed Development is interior renovations with the exception of some minimal regrading and re-stripping of the existing vehicle use area and the addition of a trash enclosure. Applicant's requested adjustments retain existing non-conforming conditions on the Subject Property allowing for the continuation of an existing use that is consistent with the overall purpose and intent of the zone. This criterion is satisfied.

**CONCLUSION:**

Based on the findings contained in this written statement, the Applicant has satisfactorily addressed the applicable criteria for granting this consolidated application for a Class 3 Site Plan Review and five (5) Class 2 Adjustments. Applicant respectfully requests that the Application be approved.



January 5, 2022

**VIA ELECTRONIC MAIL:** Bpike@cityofsalem.net  
*Uploaded to PAC Portal*

Brandon Pike, Planner 1  
City of Salem | Community Development Department  
555 Liberty Street SE, Room 305  
Salem, OR 97301

RE: Response to Planning Review Checklist  
SPR3-ADJ-SKSD-LPC (2450 Lancaster Dr NE)  
Our File No: 23583-30355

Dear Brandon:

This letter is in response to the Class 3 Site Plan Review/Class 2 Adjustment (the ***"Application"***) completeness review Sally Long conducted and provided Applicant with an email detailing on December 9, 2021 (the ***"Incomplete Letter"***). The Incomplete Letter requested that the Applicant address two (2) items in order to deem the Application as complete. Below is a summary of each item set out in bold and italics with Applicant's response in plain text below. Please consider this written response as a supplemental written statement, intended to be reviewed as part of Applicant's written statement, including the defined terms contained therein.

**1.      *Landscaping Adjustment to Northern Setback Line***

**Applicant's Response:** Applicant has reviewed what would be required to satisfy this requirement and believes it would be possible to add a shade tree within the northern setback, satisfying this standard. Applicant is prepared to comply with this standard and requests that the City refund the fees from this adjustment to the Applicant.

**2.      *Landscaping Adjustment to SRC 806.065***

**Applicant's Response:** Applicant previously requested an adjustment to the landscaping standard

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in SRC 806.035 (Applicant's written statement contained a typo referencing SRC 806.065), with a request for an adjustment to landscaping standard contained therein. However, Staff confirmed that the applicable standard is fifteen (15%) percent of the development site, as set forth in SRC 521.010(d) and verified that the Application meets the applicable standard. Therefore, Applicant is withdrawing its request for this adjustment and requests that the City issue a refund of the fees tied to this adjustment.

### **3. *Adjustment to Northern Setback Standard***

**Applicant's Response:** City Staff has identified that the Application does not meet this standard due to the encroachment of the proposed propane tank into the northern setback. The applicable standard is set forth in SRC 521.010(b), which requires a fifteen (15') foot setback from the property line. Applicant's propane tank will extend five (5) feet into the setback, requiring a reduction in excess of twenty (20%) percent. Applicant requests a Class 2 Adjustment to this standard because the Applicant cannot relocate the tank and still meet the applicable mechanical spacing standards. The applicable approval criteria for a Class 2 Adjustment is contained in SRC 250.005(d), the relevant provisions are copied below in bold and italics, followed by Applicant's proposed findings in plain text:

#### ***(d) Criteria.***

***(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:***

***(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.***

**Proposed Finding:** The setback standard contained in this chapter of the Code does not have an express purpose statement, but it can be inferred that the purpose of the setback standard is to ensure adequate space between the development on abutting properties. The property to the north of the Subject Property is owned by the Applicant and is undeveloped with the exception of an emergency access lane that runs the length of the LPDC on the Subject Property. The proposed addition of the propane tank in the northeastern corner of the Subject Property is a small percentage of the totality of the northern setback, measuring approximately one hundred (100 SQ. FT.) square feet in total. The Subject Property exceeds the applicable setback standards along the western, eastern, and southern portions of the Subject Property. The excess setbacks in these areas allow for adequate space between the LPDC and the surrounding properties, providing justification for approval of the adjustment under the "equally or better met" standard when considering the totality of the Subject Property. This criterion is satisfied.

***(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.***

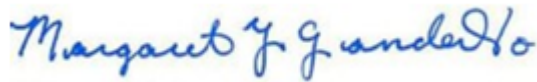
**Proposed Finding:** The Subject Property is not located within a residential zone. This criterion is not applicable.

***(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.***

**Proposed Finding:** The Subject Property is already fully developed with the LPDC. The majority of the Proposed Development is interior renovations except for some minimal re-grading and re-stripping of the existing vehicle use are and the addition of a trash enclosure. Applicant's requested adjustments retain existing non-conforming conditions and allow for additional strategic safety improvements on the Subject Property which allows for the continuation of an existing use that is consistent with the overall purpose and intent of the zone. This criterion is satisfied.

Since we have addressed the items identified in the Incomplete Letter, please deem the Application complete and commence your review.

Sincerely,



MARGARET Y. GANDER-VO  
margaret@sglaw.com  
Voice Message #374

MYG:hst



## MEMO

**TO:** Brandon Pike, Planner I  
Community Development Department

**FROM:** Glenn J. Davis, PE, CFM, Chief Development Engineer  
Public Works Department

**DATE:** February 10, 2022

**SUBJECT:** PUBLIC WORKS RECOMMENDATIONS  
SPR-ADJ22-04 (21-119096-RP)  
2450 LANCASTER DRIVE NE  
PARKING LOT IMPROVEMENTS

**PROPOSAL**

A consolidated application containing a Class 3 Site Plan Review for various site improvements, including new pedestrian paths and ADA parking spaces within an existing off-street parking area, relocation of a trash enclosure, and a new propane tank. The subject property is approximately 1.86 acres in size, zoned CO (Commercial Office), and located at 2450 Lancaster Drive NE (Marion County Assessor map and tax lot number: 072W18CD / 300).

**SUMMARY OF FINDINGS**

The proposed development meets applicable criteria related to Public Works infrastructure.

**FACTS****Streets****1. Lancaster Drive NE**

- a. Standard—This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 68-foot improvement within an 80-foot-wide right-of-way abutting the subject property.

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).



2. Wolverine Street NE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—This street has a variable 24-foot to 40-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

**Storm Drainage**

1. Existing Conditions

- a. An 18-inch storm main is located in Lancaster Drive NE.
- b. There are 8-inch and 10-inch storm mains located in Wolverine Street NE.

**Water**

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. An 8-inch water main is located in Lancaster Drive NE.

**Sanitary Sewer**

1. Existing Conditions

- a. An 8-inch sewer main is located in Lancaster Drive NE.

**CRITERIA AND FINDINGS**

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

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

**Finding**—The subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain; 802 – Public Improvements; 803 – Streets and Right-of-Way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; and 810 – Landslides.

Public Works staff 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.

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

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

**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—**The proposed development is subject to a special setback equal to 48 feet from centerline on the development side of Lancaster Drive NE.

The existing street system is adequate to serve the proposed development and the development is not proposing a building addition subject to SRC 803.040(a); therefore, no right-of-way dedication or street improvements are required.

**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 driveway access onto Wolverine Street NE provides for safe turning movements into and out of the property.

**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 Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The applicant does not show any new connections to public infrastructure.

Prepared by: Matt Olney, Program Manager  
cc: File