

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



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-ADJ22-23

APPLICATION NO.: 22-106238-RP / 22-106239-ZO

NOTICE OF DECISION DATE: May 16, 2022

SUMMARY: A request to redesign the required pedestrian pathway for an existing building.

REQUEST: A consolidated Class 3 Site Plan Review and Class 2 Adjustment application to redesign the required pedestrian pathway to an adjacent street including an adjustment to allow an increase to the distance from a transit stop to approximately 165 feet from the required 20 feet. The subject property is zoned CR (Commercial Retail) and addressed 3514 Commercial St SE (Marion County Assessor Map and Tax Lot 083W03DB / 7300).

APPLICANT: Kevin Godwin on behalf of JJS Holdings LLC (Jeremy Pratt)

LOCATION: 3514 Commercial St SE, Salem OR 97302

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

FINDINGS: The findings are in the attached Decision dated May 16, 2022.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review and Class 2 Adjustment Case No. SPR-ADJ22-23 subject to the following conditions of approval:

- Condition 1:** Any tree removed from the required setback shall be replanted at a ratio of two new trees for each one tree removed.
- Condition 2:** The adjusted development setbacks, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to the applicable development standards, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by June 1, 2026, or this approval shall be null and void.

Application Deemed Complete:	<u>April 13, 2022</u>
Notice of Decision Mailing Date:	<u>May 16, 2022</u>
Decision Effective Date:	<u>June 1, 2022</u>
State Mandate Date:	<u>August 11, 2022</u>

Case Manager: Olivia Dias, Current Planning Manager, ODias@cityofsalem.net, 503-540-2343

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Tuesday, May 31, 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 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, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

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503-588-6173*

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. 22-23)	
3514 COMMERCIAL ST SE)	MAY 16, 2022

In the matter of the application for a Class 3 Site Plan Review and Class 2 Adjustment, submitted by Kevin Godwin on behalf of JJS Holdings LLC (Jeremy Pratt), 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: A request to redesign the required pedestrian pathway for an existing building.

Request: A consolidated Class 3 Site Plan Review and Class 2 Adjustment application to redesign the required pedestrian pathway to an adjacent street including an adjustment to allow an increase to the distance from a transit stop to approximately 165 feet from the required 20 feet. The subject property is zoned CR (Commercial Retail) and addressed 3514 Commercial St SE (Marion County Assessor Map and Tax Lot 083W03DB / 7300).

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

PROCEDURAL FINDINGS

1. Background

On March 24, 2022, Class 3 Site Plan Review and Class 2 Adjustment applications were accepted for the proposed development. After additional information was provided, the applications were deemed complete for processing and notice of filing was sent on April 13, 2022. The applicant had received Class 2 Site Plan Review approval for the development in January of 2022 but upon construction in the field, found that the slope of the proposed pedestrian connection at the north end of the property was too steep and alternative was suggested, including the adjustment to all a pedestrian connection farther than twenty feet from the existing bus stop. The applicant's site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria is included in the record.

SUBSTANTIVE FINDINGS

2. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 22 106238.

3. Neighborhood Association, Citizen, and Homeowners Association Information:

The subject property is located within the boundaries of the Morningside Neighborhood Association and is adjacent to the Faye Wright Neighborhood Association.

Applicant Neighborhood Association Contact. SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. The applicant provided notice to both neighborhood associations on March 8, 2022.

Neighborhood Association Comment: Notice of the application was provided to the Morningside and Faye Wright Associations pursuant to SRC 300.620(b)(2)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. The neighborhood association provided no comments prior to the deadline.

Public Comment

Notice was also provided on April 13, 2022, pursuant to SRC 300.620(b)(2)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. Two comments were received indicating no concern with the application.

Homeowners Association

The subject property is not located within a Homeowners Association.

4. City Department Comments

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

The Building and Safety Division reviewed the proposal and indicated that the applicant will be required to show how the new access pathway meets ADA requirements.

The Fire Department has reviewed the proposal and commented that they have no apparent concerns.

5. Public Agency Comments

Notice of the proposal was provided to public agencies and to public and private service providers. Cherriots bus service provided a comment that indicated concern with the ADA accessibility of the proposed stairway. This comment is included as **Attachment D**.

Staff Response: The changes to the pedestrian connections are the reason for the adjustment request and are addressed in the findings below.

DECISION CRITERIA FINDINGS

6. Analysis of Class 3 Site Plan Review Approval Criteria

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

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

Finding: The proposed development includes redesign the required pedestrian pathway to an adjacent street including an adjustment to allow an increase to the distance from a transit stop to approximately 165 feet from the required 20 feet. Analysis of the Class 2 Adjustment requests and findings demonstrating conformance with the Class 2 Adjustment approval criteria are included in Section 4 of this report.

CR (Commercial Retail) Zone (SRC Chapter 522)

a. Lot Standards (SRC 522.010(a)):

There are no minimum lot sizes and a minimum of sixteen feet of street frontage in the CR Zone.

Finding: The existing lot complies with the minimum lot standards of the CR zone and no change to the lot size or dimensions is proposed.

b. Setbacks (SRC 522.010(b)):

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

Abutting Street

North and West: The subject property abuts Commercial St SE on the west and Madrona Ave SE on the north. There is a minimum five-foot setback for structures. The setbacks for vehicle use areas are per Chapter 806.

Finding: No changes are proposed to the building, which is already set back more than five feet from the property line which abuts the street on both the north and west sides. This standard is met. Vehicle use area setbacks are addressed in the section addressing SRC 806 below.

Interior Front, Side and Rear

East and South: The subject property is adjacent to a CR zone to the east and south. Interior lot lines are subject to the zone-to-zone setbacks found in Table 522-4. Structures adjacent to interior lot lines which abut a commercial zone have no minimum setback. Vehicle use areas have a minimum of five-foot setback with Type A landscaping.

Finding: There are no changes to the building or vehicle use areas adjacent to interior lot lines, this standard is not applicable.

- c. Lot Coverage, Height (SRC 522.010(c)):
In the CR zone there is no maximum lot coverage. The maximum height for all uses is 50 feet.

Finding: There are no changes proposed to the existing building, which meets the coverage and height standards of the zone.

- d. Landscaping (SRC 522.010(d)):
- 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 applicant has provided a tentative landscaping plan which meets the minimum landscaping standards of the zone. Full compliance with this standard will be reviewed at building permit.

General Development Standards SRC 800

Sec. 800.065. Pedestrian access

Except where pedestrian access standards are provided elsewhere under the UDC, and unless otherwise provided in this section, all developments, other than development of single family, two family, three family, four family, and multiple family uses, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section. For purposes of this section development means the construction of, or addition to, a building or accessory structure or the construction of, or alteration or addition to, an off-street parking or vehicle use area. Development does not include

construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area.

(a) Pedestrian connections required. The on-site pedestrian circulation system shall provide pedestrian connectivity throughout the development site as follows:

(1) Connection between building entrances and streets.

(A) Except as otherwise provided in this subsection, a pedestrian connection shall be provided between the primary building 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 (see Figure 800-11).

(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 (see Figure 800-12).

(C) A pedestrian connection is not required between the primary building entrance of a building and each adjacent street if:

(i) The development site is a corner lot and the building has a primary building entrance that is located within 20 feet of, and has a pedestrian connection to, the property line abutting one of the adjacent streets; or

(ii) The building is a service, storage, maintenance, or similar type building not primarily intended for human occupancy.

Finding: Pedestrian access is proposed from both Commercial St SE and Madrona Ave SE to the existing building's primary entrance. The applicant has applied for an adjustment to allow more than the required twenty feet between a bus stop and the pedestrian connection due to the slope of the site. Findings addressing this change are included below.

(2) Connection between buildings on the same development site.

(A) Except as otherwise provided in this subsection, where there is more than one building on a development site, a pedestrian connection, or pedestrian connections, shall be provided to connect the primary building entrances of all of the buildings.

Finding: There is only one building on the development site, this standard does not apply.

(3) 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

or where there is no building, through the parking area as provided in this subsection.

Finding: The development site contains an off-street parking area less than 25,000 square feet in size and do not include four or more consecutive parallel drive aisles. This standard does not apply to the proposed development.

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

(5) 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.

Finding: There are no existing or proposed vehicular connections between the subject property and abutting properties. Therefore, this standard is not applicable

(b) Design and materials. Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza. Where a path or trail identified in the Salem Transportation System Plan (TSP) or Salem Comprehensive Parks System Master Plan is required, the path or trail shall conform to the applicable standards of the TSP or Salem Comprehensive Parks System Master Plan in-lieu of the standards in this subsection.

(1) Walkways shall conform to the following:

(A) Material and width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and shall be a minimum of five feet in width.

(B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.

(C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is

separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.

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

Finding: The proposed site plan shows pedestrian walkways required under this chapter which meet the materials, width, and other standards of this section. The applicant has proposed a different paving material to differentiate the walkways through vehicle use areas and are a minimum of five feet in width.

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

Finding: The applicant has an existing lighting system that is lighted to a level where it can be used at night, this standard is met.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005 - Off-Street Parking; When Required.

Off-street parking shall be provided and maintained as required under this chapter 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: No new use or activity, change of use or activity, or intensification, expansion, or enlargement of the existing use or activity is proposed, as no new building are proposed. As no additional changes are proposed, the standards of this section do not apply.

Bicycle Parking

SRC 806.045 - General Applicability.

Bicycle parking shall be provided and maintained for any 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 of activity; or any intensification, expansion, or enlargement of a use or activity.

Finding: No new use or activity, change of use or activity, or intensification, expansion, or enlargement of the existing use or activity is proposed. As no additional changes are proposed to the existing bicycle parking area, the standards of this section do not apply.

Off-Street Loading Areas

SRC 806.065 - General Applicability.

Off-street loading areas shall be provided and maintained for any 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 of activity; or any intensification, expansion, or enlargement of a use or activity.

Finding: No new use or activity, change of use or activity, or intensification, expansion, or enlargement of the existing use or activity is proposed. As no additional changes are proposed, the standards of this section do not apply.

Natural Resources

Landscaping SRC 807

(d) *Tree replanting requirements.* In addition to the landscaping required under this chapter, when existing trees, as defined under SRC [chapter 808](#), are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection. The provisions of this subsection do not apply to lots used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.

(1) *Removal of trees within required setbacks.* When an existing tree or trees, as defined under SRC [chapter 808](#), within a required setback are proposed for removal, two new trees shall be planted for each tree removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper.

(2) *Removal of trees from development site.* When more than 75 percent of the existing trees, as defined under SRC [chapter 808](#), on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.

Finding: Inspection of the property revealed that one tree located within the required setback along Commercial St SE was removed during previously approved construction. In order to ensure compliance with this section, the following condition shall apply:

Condition 1: Any tree removed from the required setback shall be replanted at a ratio of two new trees for each one tree removed.

As conditioned, this standard is met.

SRC 601 - Floodplain Overlay Zone: Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps.

Finding: 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 protected riparian trees or significant trees have been identified on the site plan 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 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

Other Sections

The Public Works Department finds that the proposed development 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.

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: Commercial Street SE meets the right-of-way width and pavement width standards pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

The existing condition of Madrona Avenue SE does not meet current right-of-way width standards for its classification of street per the Salem Transportation System Plan. The existing street system is adequate to serve the proposed development and the development is not proposing a building addition; therefore, no right-of-way dedication is required (SRC 803.040).

The proposed development is subject to a special setback equal to 36-feet from centerline on the development side of Madrona Street SE.

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 Commercial Street SE and Madrona Avenue SE provides for safe turning movements into and out of the property. The applicant meets the standard of the pedestrian connectivity section except where they have requested an adjustment for slope issues relevant to that specific site. The applicant has also applied for an adjustment to provide a less steep pedestrian path through the site to make walking through the site safer and more pleasant. With the adjustment and conditions of approval, this standard 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 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.

The applicant shall be required to design and construct a storm drainage system at the time of development. The application shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 71.075.

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.

7. Analysis of Class 2 Adjustment Approval Criteria

The applicant is requesting an adjustment to allow an increase to the distance from a transit stop to approximately 165 feet from the required 20 feet. SRC Chapter 250.005(d)(2) provides that an application for a Class 2 Adjustment shall be granted if all of the following criteria are met:

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.**

Adjustment to allow an increase to the distance from a transit stop to approximately 165 feet from the required 20 feet

Applicant's Statement: As currently approved, pedestrians would be required to walk down a newly constructed steep sidewalk ramp (+/- 10%) from the backside of public sidewalk Transit Stop. This is also challenging due to the proposed sidewalk needs to meet up flush with existing public sidewalk street elevation that continues to climb heading east Madrona Ave SE.

Pedestrians would then walk across a severely sloped driveway with average slopes of 8.5%-13% from the furthest point of the property and proceed to walk behind the building and maneuver around a 6-foot-high building compressor screen wall with

limited visibility to onsite vehicle traffic. This path lacks the safe traveling environment for pedestrians to building front door thus putting the location undesirable thus the request for an adjustment to the code.

The adjustment request re-locates this pedestrian connection to the northwest corner of the site along the public sidewalk (See exhibit A) allows for any new concrete sidewalks to constructed with slopes 5% or less, which is more desirable and comfortable for patrons to walk on. This new pedestrian route will provide a much safer environment for pedestrians to travel across a less-severe driveway and provide greater visibility of the surrounding vehicle traffic. This also provides a direct connection to the sidewalk at the front door of the business. A second pedestrian connection has also been provided to the business front door from Commercial Street SE.

Finding: The applicant is requesting a Class 2 Adjustment to allow an increase to the distance from a transit stop to approximately 165 feet from the required 20 feet. The reason for the standard to require a pedestrian connection within 20 feet of a bus stop is to allow people utilizing the transit system an efficient and convent route to adjacent properties.

This site is unique because of the slope leading from the west side of the site to east side is steep at 8.5-13%. The applicant is proposing to add a different pedestrian route that would have a much lower 5% grade or less, though would include a set of stairs.

The site is still accessible via a pedestrian route along Commercial Street that is flat and has no stairs. With both pedestrian accessways through the site, pedestrians can choose which route is most convenient.

Any future development, beyond what is shown in the proposed plans, shall conform to the pedestrian access requirements of SRC Chapter 800, unless adjusted through a future land use action.

Condition 2: The adjusted setbacks, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to the applicable development standards, unless adjusted through a future land use action.

As conditioned, the proposal equally meets the intent of the code.

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 not located within a residential zone; therefore, this criterion is not applicable.

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

Finding: The applicant has request one adjustment, this standard does not apply.

8. Conclusion

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

ORDER

Final approval of Class 3 Site Plan Review and Class 2 Adjustment Case No. SPR-ADJ22-23 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:** Any tree removed from the required setback shall be replanted at a ratio of two new trees for each one tree removed.
- Condition 2:** The adjusted development setbacks, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to the applicable development standards, unless adjusted through a future land use action.

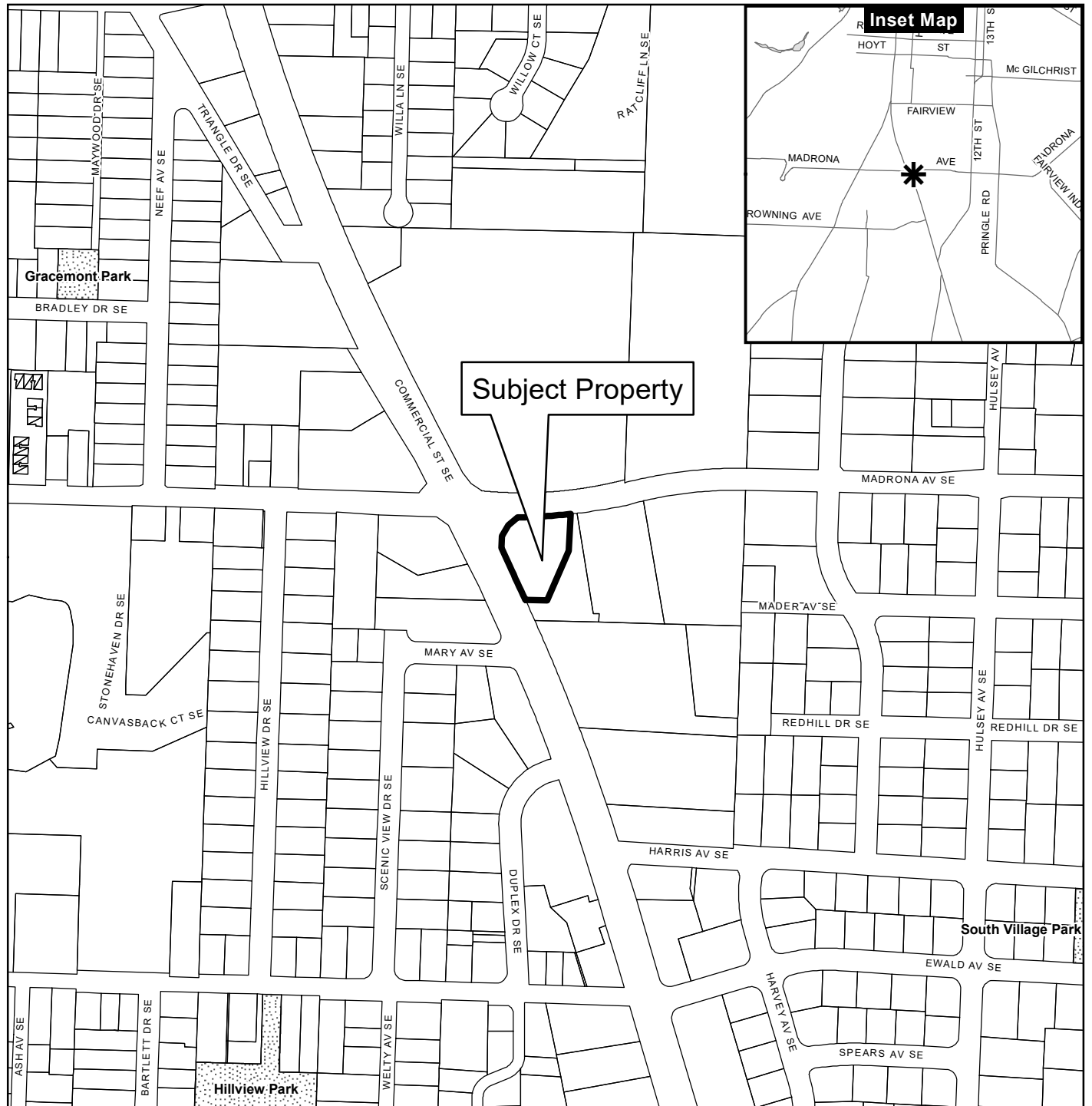


Olivia Dias, Current Planning Manager,
on behalf of, Lisa Anderson-Ogilvie,
AICP, Planning Administrator

Attachments: A. Vicinity Map
B. Proposed Site Plan
C. Public Works Memo
D. Cherriots Comment

Vicinity Map

3514 Commercial St SE



Legend

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

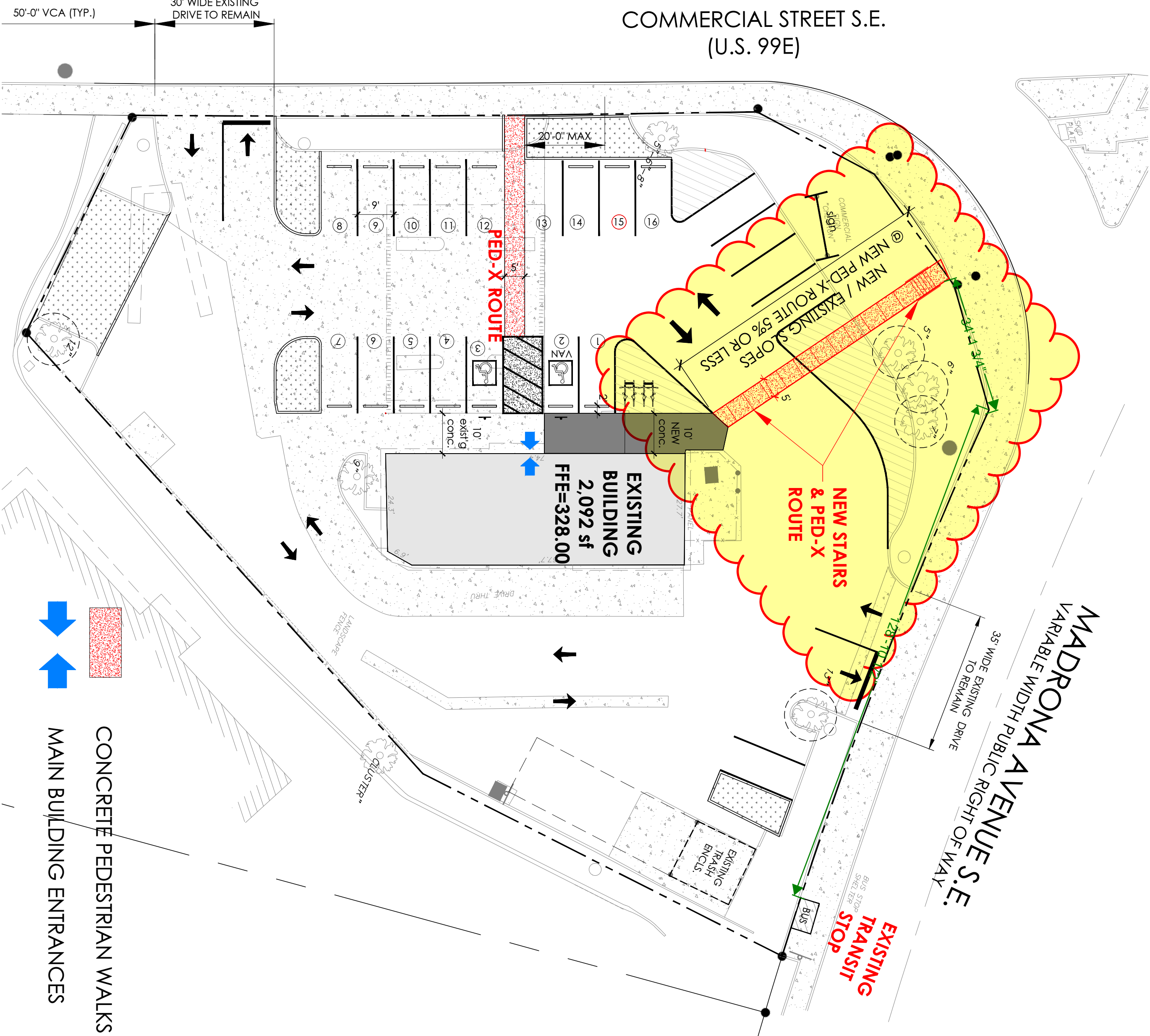
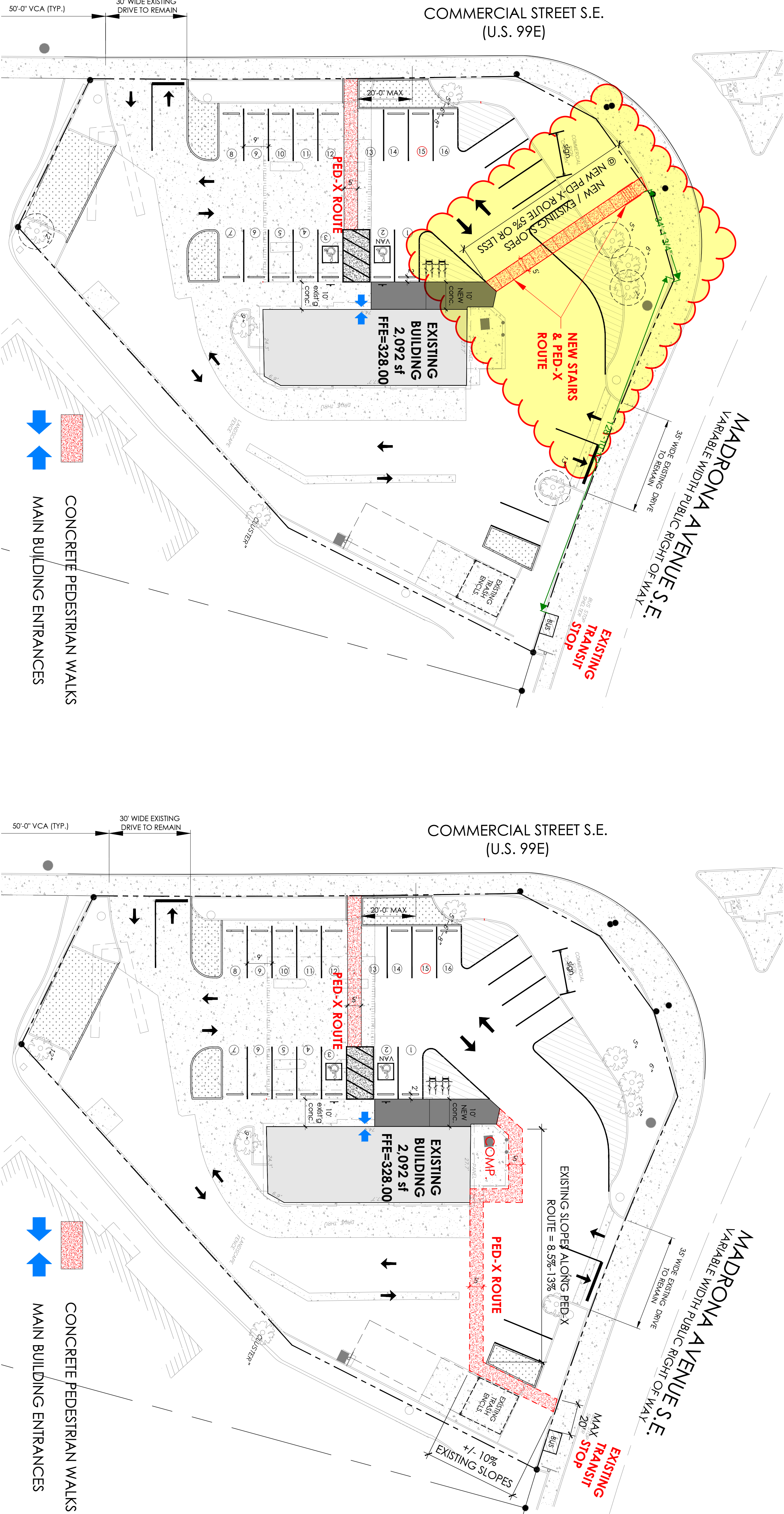
Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet





ADJUSTMENT REQUEST



APPROVED SITE PLAN



1 SITE PLAN

20' 10' 0 20'

NORTH

A1.5



MEMO

TO: Kirsten Straus, Planner I
Community Development Department

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

DATE: April 26, 2022

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SPR-ADJ22-23 (22-106238; 22-106239)
3514 COMMERCIAL STREET SE
PEDESTRIAN MODIFICATIONS

PROPOSAL

A consolidated Class 3 Site Plan Review and Class 2 Adjustment application to redesign the required pedestrian pathway to an adjacent street including an adjustment to allow an increase to the distance from a transit stop to approximately 165 feet from the required 20 feet. The subject property is zoned CR (Commercial Retail) and addressed 3514 Commercial St SE (Marion County Assessor Map and Tax Lot 083W03DB / 7300).

SUMMARY OF FINDINGS

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

FACTS

Streets

1. Commercial Street SE
 - 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 80-foot improvement within a 100-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. Madrona Avenue SE

- a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 50-foot improvement within a 68-foot-wide right-of-way abutting the subject property
- c. The lot is subject to a special setback equal to 36 feet from the centerline of Madrona Avenue SE.

Storm Drainage

1. Existing Conditions

- a. An 18-inch storm main is located in Commercial Street SE.

Water

1. Existing Conditions

- a. The subject property is located in the S-2 water service level.
- b. A 12-inch water main is located in Commercial Street SE. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.
- c. A 6-inch water main is located in Madrona Street SE. Mains of this size generally convey flows of 500 to 1,200 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in Commercial Street SE.

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—Commercial Street SE meets the right-of-way width and pavement width standards pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

The existing condition of Madrona Avenue SE does not meet current right-of-way width standards for its classification of street per the Salem TSP. The existing street system is adequate to serve the proposed development and the development is not proposing a building addition; therefore, no right-of-way dedication is required (SRC 803.040).

The proposed development is subject to a special setback equal to 36 feet from centerline on the development side of Madrona Street SE.

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 Commercial Street SE and Madrona Avenue SE 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.

The applicant shall be required to design and construct a storm drainage system at the time of development. The application shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 71.075.

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.

Prepared by: Laurel Christian, Program Coordinator
cc: File



RESPONSE TO REQUEST FOR COMMENTS

DATE: Tuesday, April 26, 2022

CASE/APP NUMBER: SPR-ADJ22-23

PROPERTY LOCATION: 3514 Commercial St SE

CASE MANAGER: Kirsten Straus

Email: kstraus@cityofsalem.net

COMMENTS FROM: Jolynn Franke, Transit Planner I, Cherriots

Email: planning@cherriots.org

COMMENTS: Cherriots would support the redesign of the pedestrian pathway to an adjacent street submitted in this application if it did not include stairs. The stairs shown in the redesigned pedestrian pathway drawings would not be ADA accessible for individuals using mobility devices. Cherriots requests that the redesign include an ADA accessible ramp or other alternative instead of stairs. If the pathway cannot be redesigned to include a ramp or other alternative, Cherriots requests that the adjustment to allow an increase in the distance from the transit stop on Madrona Ave SE to the pedestrian pathway from 20 feet to 165 feet be denied and the original pedestrian pathway design be built.