



B A R G H A U S E N

Narrative

Proposal Description and Zoning Analysis

New Fred Meyer Fuel Facility

2980 River Road North, Salem, Oregon 97303

Loc. No. 225

Prepared by

Barghausen Consulting Engineers, Inc.

18215 - 72nd Avenue South

Kent, WA 98032

Our Job No. 14855

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BARGHAUSEN CONSULTING ENGINEERS, INC.

18215 72ND AVENUE SOUTH KENT, WA 98032 P) 425.251.6222 F) 425.251.8782

BRANCH OFFICES: CHEHALIS, WA KLAMATH FALLS, OR LONG BEACH, CA RICHLAND, WA ROSEVILLE, CA
barghausen.com

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1.0 PROJECT DESCRIPTION

The project site is Lot 2 of the Fred Meyer North Subdivision (Plat No. 98-4S). The subject parcel is zoned CR-Retail Commercial and fueling stations are an allowed use. The site is currently fully paved and striped with parking stalls and directional markings. The project will redevelop the existing 38,701-square-foot parcel with a new Fred Meyer Fuel Facility including the construction of a 5,418-square-foot overhead fuel canopy and installation of seven (7) multi-product dispensers (MPDs) (14 fueling positions), a 179-square-foot cashier's kiosk, two (2) 20,000-gallon underground storage tanks (USTs), propane tank exchange merchandiser, and site improvements including landscape and parking.

2.0 PURPOSE OF REQUEST

The applicant is requesting approval of a Class 3 Site Plan Review Application including adjustments to one (1) development standard: Sec. 522.010.(d)(3) Development Site. The applicant requests that the City of Salem process this request as a consolidated application under Sec. 300.120.

The Site Plan Review application has been submitted for the development of a single parcel (Lot 2) within the Fred Meyer Subdivision. Per UDC Chapter 111, "development site" is defined either as an individual lot or as multiple contiguous lots accommodating a single development. Per the deeds included with the application, the parcel is under separate ownership from the other lots in the subdivision and comprises approximately 38,701 square feet of the 616,042 square feet of the overall subdivision equaling 6.28 percent. Although Lot 2 is part of the Fred Meyer North Subdivision, the proposed redevelopment should be evaluated on the improvements provided within the boundaries of Lot 2 to meet the standards of the UDC and the CR-Commercial Retail zone.

The Site Plan and Adjustment Reviews will demonstrate that the proposed redevelopment of Lot 2 meets the requirements and standards of the Uniform Development Code and that the purpose underlying the specific development standards proposed for adjustment are equally or better met by the proposed development.

3.0 CHAPTER 220.005(f)(3) – CLASS 3 SITE PLAN REVIEW APPROVAL CRITERIA

Pursuant to Section 220.005(f)(3) of the City of Salem Revised Code (SRC), the New Fred Meyer Fuel Facility conforms to the following list of standards and approval criteria:

1. *The application meets all the applicable standards of Title X – Unified Development Code (UDC).*

Response: Per the Pre-Application Report for PRE-AP21-65/21-109116-PA dated June 14, 2021, the applicable standards of the UDC are: SRC 800 General Development Standards; SRC 802 Public Improvements; SRC 803 Streets and Right-of-Way Improvements; SRC 804 Driveway Approaches; SRC 805 Vision Clearance; SRC 806 Off-Street Parking, Loading and Driveways; SRC 807 Landscaping and Screening; SRC 808 Preservation of Trees and Vegetation; SRC 809 Wetlands; and SRC 810 Landslide Hazards.

The proposed development of Lot 2 of the Fred Meyer North Subdivision meets the applicable standards as shown in the Site Data on the Site Plan and in the table below:

Standard	Requirement	Response
Chapter 800 – General Development Standards		
Sec. 800.015 – Lot Standards	Every building or structure shall be entirely located on a lot.	The overhead fuel canopy, the cashier's kiosk, and propane merchandiser are located entirely within the lot. The application complies with Sec. 800.015.
Sec. 800.035 – Setbacks	Required setbacks shall be unobstructed.	The overhead fuel canopy, cashier's kiosk, and propane merchandiser are not located within the required setbacks. The application complies with Sec. 800.035.
Sec. 800.040 – Special Setbacks	No structures or paving, other than those identified under subsection (d) of this section, shall be placed within a special setback.	Not applicable. There are no special setbacks identified for this lot.
Sec. 800.050 – Fences, walls, hedges, gates and retaining walls	Fences and walls along lot lines abutting a street shall not exceed eight feet in height.	No walls are proposed over eight (8) feet in height. The application complies with Sec. 800.050.
Sec. 800.055 – Solid waste service areas.		Not applicable. No solid waste area is provided. The fuel facility solid waste will be collected and disposed of with the solid waste of the Fred Meyer store.
Sec. 800.060 – Exterior Lighting	Exterior lighting shall not shine or reflect onto adjacent properties or cast glare onto the public right of way. Exterior light fixtures shall be located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot shall be either: Completely shielded from direct view; or no greater than five-foot candles in illumination	The subject site is an interior parcel of a fully developed retail center. The exterior lighting is designed to integrate with the exterior lighting of the entire retail center. Lighting will not shine onto adjacent properties not part of the retail center and will not cast glare onto the adjacent right-of-way. Exterior light levels will not exceed five (5) foot-candles when viewed at five (5) feet above the ground at a distance of five (5) feet from outside the right-of-way boundary.
Sec. 800.065.(a) – Pedestrian Connections Required		
(1)(A)	A pedestrian connection shall be provided between the primary building entrance of each	Please refer to the site plan; a pedestrian connection is provided on the subject parcel

	building on the development site and each adjacent street.	from the cashier's kiosk to Liberty Street N.E. Per Sec. 800.065.(d)(1), because the subject parcel is under separate ownership from the other contiguous lots that comprise the Fred Meyer North Subdivision, this requirement only applies to Lot 2. A pedestrian connection is provided in the southeast corner of Lot 2 to satisfy the requirements of 800.065.(d)(2). The project meets this requirement.
(1)(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.	Liberty Street N.E. and River Road N.E. are adjacent and contiguous to the subject parcel; they are not classified as transit streets; there is no existing or planned public transportation on these streets. Broadway Street N. E. is classified as a transit street; however, it is more than 640 feet from the east parcel line of the subject parcel (Lot 2), which does not meet the definition of adjacent in Sec.111.001. Per Sec. 800.065.(d)(1), because the subject parcel is under separate ownership from the other contiguous lots that comprise the Fred Meyer North Subdivision, this requirement only applies to Lot 2. A pedestrian connection is provided in the southeast corner of Lot 2 to satisfy the requirements of 800.065.(d)(2). The project meets this requirement.
(2)	Connection between buildings on the same development site	Per Sec. 800.065.(d)(1), because the subject parcel is under separate ownership from the other contiguous lots that comprise the Fred Meyer North Subdivision, this requirement only applies to Lot 2 and is not applicable since there is only one building proposed on Lot 2. A pedestrian connection is provided in the southeast corner of Lot 2 to satisfy the

		requirements of 800.065.(d)(2). The project meets this requirement.
(3)(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.	<p>The development of the subject parcel (Lot 2) provides a net surface parking area of approximately 2,553 square feet comprising the 10 parking stalls (90 feet x 17 feet) provided and the 24-foot-wide two-way drive aisle (24 feet x 100 feet) to support them; therefore, the development is under the 25,000-square-foot threshold and a connection to the 10 parking stalls is not required.</p> <p>Per Sec. 800.065.(d)(1), because the subject parcel is under separate ownership from the other contiguous lots that comprise the Fred Meyer North Subdivision, this requirement only applies to Lot 2. A pedestrian connection is provided in the southeast corner of Lot 2 to satisfy the requirements of 800.065.(d)(2). The project meets this requirement.</p>
(3)(A)(i)(aa)	Provided in a minimum amount of either one connection for every four drive aisles or one connection for every 250 feet (See Figure 800-13); provided, however, in no case shall less than one pedestrian connection be provided.	Not required. The parking area for Lot 2 is less than 25,000 square feet.
(3)(A)(i)(bb)	Spaced a minimum of two drive aisles apart	Not required. The parking area is less than 25,000 square feet.
(3)(A)(i)(cc)	Connected to a pedestrian connection, or pedestrian connections, that lead to the primary building entrance.	Not required. The parking area is less than 25,000 square feet.
(3)(A)(ii)	Where the off-street surface parking area is adjacent to a street that is a transit route and there is an existing or planned transit stop along the 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.	Not applicable. The 10 parking stalls provided are more than 644 feet away from Broadway Street N.E.
(3)(A)(iii)	A pedestrian connection	The provided pedestrian

	provided between a primary building entrance and a street may be counted as a required connection through an off-street surface parking area.	connection complies.
(3)(A)(iv)	Regardless of the size of the off-street parking area, pedestrian connections are not required through off-street surface parking areas that have a depth, in all locations, of not more than 124 feet.	Not applicable. The parking area is 41 feet wide at its widest and 100 feet long at its longest point.
(3)(A)(v)(aa)	An off-street surface parking area that is separated from other off-street surface parking areas on the development site by either a driveway, which begins at the street and extends into the site, or other physical separation	The subject parcel surface parking area is separated from surface parking areas to the north and south by driveways starting at Liberty Street N.E. and River Road N.E. extending into the site and a north/south drive aisle along the east straddling the east lot line.
(3)(A)(v)(bb)	An off-street surface parking area located in a separate location on the development site from other off-street surface parking areas.	The subject parcel surface parking area is separated from surrounding surface parking areas per the response above.
(4)	Connection to existing or planned paths and trails	Not applicable. There are no existing or planned paths or trails.
(5)	Connection to abutting properties	A pedestrian connection point is provided at the southeast corner of the subject parcel (Lot 2) with future connections by others connecting the Fred Meyer Store, Jack in the Box, and Broadway Street N.E.
Sec. 800.065.(b) – Design and Materials		
(1)	<p>Walkways shall conform to the following:</p> <p>(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.</p> <p>(B) Where a walkway crosses driveways,</p>	<p>The provided pedestrian paths, crosswalks, and sidewalks are a minimum of five- (5) feet wide.</p> <p>Change in material and striping are used to visually differentiate the pedestrian path.</p> <p>Bollards are used to separate the walkway from the auto travel lane adjacent to the cashier's kiosk.</p>

	<p>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.</p> <p>(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.</p>	
(2)	<p>Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent encroachment of vehicles onto pedestrian connections.</p>	<p>Extended curbs are provided where head-in parking is adjacent to pedestrian connection.</p>
Sec. 800.065.(c) – Lighting	<p>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.</p>	<p>The combination of canopy lighting and site lighting will illuminate the pedestrian path for use at night by employees and customers.</p>

Chapter 802 – Public Improvements		
Sec. 802.001 - .040		No public improvements are anticipated. The fuel facility will connect to existing on-site utilities for storm, sanitary, and water.
Chapter 803 – Streets and Right-of-Way Improvements		
Sec. 803.001 - .070		No right-of way improvements are anticipated. The existing right-of-way is fully improved. Traffic associated with the fuel facility will predominantly be Fred Meyer customers including a fuel purchase with their store shopping trip. Additional traffic will be pass-by traffic purchasing gas as part of a trip passing the fuel facility. There will be a small number (less than 1,000) of new trips generated by customers specifically driving to the fuel facility for fuel purchase only.
Chapter 804 – Driveway Approaches		
Sec. 804.001 - .060		Not applicable. A Driveway approach permit is not required. The driveway approaches to the north and south of the fuel parcel are not proposed to be modified.
Chapter 805 – Vision Clearance		
Sec. 805.001 – 015		Existing vision clearance areas on the south edge of the northern driveway and the north edge of the southern driveway will remain unobstructed and continue to comply with City Code.
Chapter 806 – Off-Street Parking, Loading and Driveways		
Sec. 806.015 – Amount of off-street parking	Motor vehicle services: 6,900 square feet at a ratio of 1 parking space per 900 square feet requires 8 parking stalls minimum. A maximum of 2.5 times the	The project provides 10 parking stalls, which exceeds the minimum parking requirement and remains under the maximum parking allowed. The project complies with the City's

	minimum number of spaces required is allowed. A maximum of 20 parking spaces is allowed per Code.	parking standards.
Sec. 806.055 – Amount of Bicycle Parking	Motor vehicle services: 6900 square feet at a ratio of 1 bicycle parking space per 9,000 square feet requires 1 bicycle parking space minimum.	The project will provide one (1) bicycle parking space. The project will comply with the City's minimum bicycle parking requirements.
Sec.066.065 – Off-street Loading Areas, when required	Each proposed new use.	Fuel Truck delivery is provided at the fuel tank field; no other loading is required for this use.
Chapter 807 – Landscaping and Screening		
	Sec. 522.010.(d)(3) – a minimum of 15 percent of the development site shall be landscaped. The fuel facility parcel is approximately 38,701 square feet; approximately 5,805 square feet of landscape is required.	The project provides 6,299 square feet of landscape, for a total of 16.3 percent. The project exceeds this requirement.
Sec. 807.015 – Landscaping and Screening	Type A: Minimum 1 Planting Unit (PU) per 20 square feet of landscaped area = 290 Pus. Screening: Not required	427 Planting units are provided plus 1,000 square feet of groundcover (20 PUs). The project exceeds this requirement.
Chapter 808 – Preservation of Trees and Vegetation		
Sec. 808.001 – Purpose	The purpose of this chapter is to provide for the protection of heritage trees, significant trees, and trees and native vegetation in riparian corridors, as natural resources for the City...	Only Sec. 808.050 is applicable. There are no existing heritage trees, significant trees, trees, or native vegetation on the subject parcel.
Sec.808.050 – Tree Planting Requirements	Parcels greater than 9,000 square feet require a minimum of six (6) trees.	Eight (8) street trees within the right-of-way and 12 trees on site are provided. The project exceeds the City's tree planting standards.
Chapter 809 – Wetlands		
Sec. 809.001 – Purpose	The purpose of this chapter is to identify those wetlands located within the City which are significant and non-significant, and to establish the foundation for a wetlands protection program that will provide for the long-term protection of wetlands within the City.	Not applicable. The subject parcel is a fully developed parking lot. There are no existing wetlands on site.

Chapter 810 – Landslide Hazards		
Sec. 810-005 – Applicability	This chapter applies to all areas of land designated as Moderate Landslide Hazard Risk or High Landslide Hazard Risk pursuant to this chapter.	Not applicable. The site is not in a Moderate or High Landslide Hazard Risk.

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.*

Response: The fuel facility parcel is Lot 2 of the Fred Meyer North Subdivision, Plat No. 98-4S, which covers the creation of six (6) parcels that make up the fully developed Fred Meyer Retail Center. On-site and off-site improvements were required and provided to allow the development of the newly created parcels. The new fuel facility will utilize the shared accesses onto River Road and Broadway Street. The majority of the traffic will be Fred Meyer customers, who will include a fuel purchase with their Fred Meyer shopping trip, followed by pass-by traffic, customers pulling into the site mid-trip to purchase fuel, and a minimal number of new trip customers driving specifically to the Fred Meyer Fuel Facility to make a fuel purchase and return home. The existing site is currently developed as a parking lot; drive aisles have direct access to the main drive aisles. This condition can cause vehicles to stack down the parking drive aisles, while they wait for openings to enter the main drive aisles. The project will provide landscape strips along the north and south perimeters of the site, which eliminate direct access onto main drive aisles, which will provide increased stacking at the north and south driveway and improve access by providing safe, orderly, and efficient circulation.

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

Response: The fuel facility improvements along the south side of the north driveway and the north side of the south driveway will provide additional stacking, eliminating cross traffic at the north and south driveways. Additionally, a pedestrian connection to Liberty Street N.E., pedestrian walkways around the cashier's kiosk, and pedestrian connection at the southeast corner of the parcel for future pedestrian connection by others will provide safe pedestrian circulation. The overall improvements will facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

4. *The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.*

Response: The project is part of a fully developed retail center. City water and sewer exist on site. The development will connect to the existing utilities on site.

4.0 CHAPTER 250.005(d)(2) – CLASS 2 ADJUSTMENT APPROVAL CRITERIA

Pursuant to Section 250.005(d)(2) of the SRC, the New Fred Meyer Fuel Facility conforms to the following list of standards and approval criteria:

- 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.*

Response: The applicant is seeking one (1) Class 2 adjustment which is addressed herein:

Adjustment 1): Applicant is requesting an adjustment to the development standard codified in Sec.522.010.(d)(3) which requires that applicant landscape a minimum 15 percent of the development site. The purpose and intent of this Code provision is not explicitly stated, but it is likely that it correlates to the purpose and intent of the Sec. 807.001 which states that landscaping and screening requirements within the UDC are designed to "improve the appearance and visual character of the community, promote compatibility between land uses, encourage the retention and utilization of existing vegetation, and preserve and enhance the livability of the City."

Applicant's proposal includes the addition of 6,299 square feet, with a total of 447 plant units exceeding the required landscaping percentage by one and three tenths (1.3%) and the required plant units for Lot 2 by approximately forty-seven (47%) percent. Applicant's proposed landscaping will improve the aesthetic appearance along the subject property's perimeter which will provide for additional tree canopy and provide visual buffering of the proposed development. There is currently no vegetation on the property, so all of the plant units added as part of the proposed development will be additional plant units, further adding to the visual character of the community and thereby enhancing the livability of the City. Lot 2 is located within the larger Fred Meyer subdivision, which is developed with compatible land uses but applicant's additional landscaping will help enhance the surrounding area, helping meet the intent of the provision as it relates to the proposed development which is currently deficient as to this standard.

The City has determined that this standard applies not only to Lot 2, a parcel which is approximately 38,701 square feet in size, but to the entire Fred Meyer subdivision. As stated above, Lot 2 is owned independently of the balance of the contiguous property and applicant is not able to require the adjacent property owners to add landscaping to the balance of the "development site." However, when this standard is applied to only the area subject to the proposed development, the applicant exceeds the minimum landscape standards, equally or better meeting the intent of the Code as it relates to the proposed development for the subject parcel (Lot 2).

The Site Plan Review application is solely for the redevelopment of Lot 2 of the Fred Meyer Subdivision, which per the deeds, is under separate ownership from the remaining lots comprising the subdivision. Although Section.111.001 defines a development site as either a single lot or contiguous lots that comprise a development complex, it is more applicable to treat the redevelopment application as a single lot. There are five (5) lots in addition to Lot 2 that comprise the Fred Meyer North Subdivision, with a net area of 577,341 square feet. Based on the 15 percent minimum, 86,601 square feet of landscape is required, which is more than double the area of Lot 2. Additionally, this would require improvements on adjacent parcels under separate ownership not included in the common area; the landscape improvements include, but are not limited to, short-term impacts associated with construction and long-term impacts associated with the loss of parking, grading, stormwater, etc.

The redevelopment of Lot 2 will provide 6,299 square feet of landscaping, which is 16.3 percent of the Lot 2 site area. The proposed development will equally or better meet the intent of the standard.

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

Response: Not applicable. The site is zoned CR – Retail Commercial, which is a commercial zone.

- 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.*

Response: Not applicable, the applicant is requesting only one adjustment. As previously discussed in the above response, the project will meet the Code requirements within its parcel, which is consistent with the overall purpose of the CR – Retail Commercial Zone where the proposed fuel facility is an outright permitted use.

5.0 CONCLUSION

As outlined above, the proposed development of the new fuel facility meets the Class III Site Plan Review criteria set forth in Chapter 220.005(f)(3) of the City of Salem Revised Code as adjusted via applicants requested adjustments. The proposal shall be developed within the existing Lot 2 parcel, which will create minimal impact to the surrounding natural environment. As demonstrated above, the development will meet the intent of the Uniform Development Code giving regard to the natural environment and the elements of conserving and enhancing the appearance of the retail center and surrounding vicinity. Applicant respectfully requests approval of this consolidated application.