

**CLASS 2 SITE PLAN REVIEW “HARBOR FREIGHT”
1010 HAWTHORNE AVENUE SE, SALEM, OREGON
ACCOUNT ID: 528020
ASSESSOR TAX LOT NUMBER: 073W360000803
SALEM REVISED CODE FINDINGS OF FACT**

PROJECT PROPOSAL

Costco Building, located at 1010 Hawthorne SE was vacated leaving a 143,260 square foot building vacant. The applicant is proposing to convert a portion of the existing building into a new “Harbor Freight” store (17,526 SF) with the remainder of the building reserved for three or four retail sales businesses. “At Home” a home goods and furniture store submitted and was approved for a Class 2 review to upgrade +/-86,421 square feet, now the applicant is submitting for a portion of the building to be used as Harbor Freight with the remainder square footage not committed to any business but will remain within the Retail Commercial zoning criteria. The building footprint will remain the same.

A Pre-Application meeting was held on October 14, 2021 for “At Home” (PRE-AP21-113/21-118113-PA) and the Findings of Fact for “At Home” addressed all standards that the proposed project would trigger for that application. The proposed project for this submittal is for the interior and parking area for Harbor Freight which include interior tenant improvements for 17,526 square feet of the existing 143,260 square foot retail sales building (Costco), including interior remodeling. Exterior changes include new branding of the store front, painting exterior walls, and an alteration to the existing parking and vehicle use area, on 13.43-acre property zoned CR (Retail Commercial). Alterations to the existing parking will include removal of 6 parking spaces to accommodate truck loading and unloading with additional landscaping proposed.

The southwest corner of the project site on the west side of the interior access street was the former location of the Costco Gas Station. This section of the 13.43-acre property is set aside for future development. This area is excluded from the proposed developmental changes and improvements in this application.

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SALEM REVISED CODE

CHAPTER 220. – SITE PLAN REVIEW

Sec. 220.001. - Purpose.

The purpose of this chapter is to provide a unified, consistent, and efficient means to conduct site plan review for development activity that requires a building permit, to ensure that such development meets all applicable standards of the UDC, including, but not limited to, standards related to access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, landscaping, and transportation and utility infrastructure.

The proposed project

Sec. 220.005. - Site plan review.

a) Applicability.

(1) Except as provided in subsection (a)(2) of this section, site plan review approval is required:

(A) Prior to issuance of [a] building permit, for any development that requires a building permit; and:

Findings of Fact: The proposed project will require permits from the City of Salem. The building will have no change of use but will have a change of occupancy from the former *Costco* to *Harbor Freight* (17,526 sf) with proposed interior tenant improvements. Proposed improvements include remodel of interior area, restrooms, upgrades to the fire sprinkler system, and new LED lighting. Exterior changes include new branding of the Harbor Freight primary entrance, painting exterior walls, and reconfiguration to the parking and vehicle use area which includes the removal of 6 parking spaces for delivery truck accessibility. Class 2 Site Plan Approval is being addressed through this application.

(B) Prior to commencement of work, for any of the following when a building permit is not otherwise required:

(i) Development of a new off-street parking and vehicle use areas;

Findings of Fact: No new development of off-street parking and vehicle use is proposed. The current parking lot will consist of a minor reconfiguration, and portions restriped. There will be the removal of 6 parking spaces to accommodate delivery trucks, parking standards will still be met after this reduction of spaces.

(ii) Expansion of existing off-street parking and vehicle use areas, when additional paved surface is added;

Findings of Fact: No expansion of existing off-street parking, pavement, or vehicle use areas are proposed.

(iii) Alteration of existing off-street parking and vehicle use areas, when the existing paved surface is replaced with a new paved surface

Findings of Fact: New asphalt will be required for area of the 6 parking spaces proposed for removal. The landscape islands will be reconfigured in the parking aisle east of Harbor Freight as shown on the site map. The parking space removed from the south end of the parking lot will result in a reconfigured landscape island. The result of these adjustments will be an increase in landscaping on the project site of approximately +/-100 square feet.

All trees to be retained except where the new travel lane is proposed through the landscape planter. There will be one Japanese Lime and one Western Red Cedar moved to the new landscape areas or replaced with like kind if unable to move, both trees are under 30 dbh.

(iv) Paving of an unpaved area; and

Finding of Fact: No new paving is proposed for any areas that are currently unpaved.

(v) Restriping off-street parking and vehicular use areas when the layout will be reconfigured:

Findings of Fact: Off-street parking and vehicular use areas will be reconfigured to accommodate the removal of 6 parking spaces. Restriping of off-street parking and vehicular use will be at the location of the parking space removal areas.

(2) Exemptions.

(A) The following development that requires a building permit is exempt from site plan review:

(i) The construction of a single family or duplex dwelling on an individual lot, including the construction of accessory structures and paving associated with such dwellings.

Finding of Fact: Not applicable to the proposed project which is retail operations.

(ii) Sign installation.

Findings of Fact: New sign installation is proposed for this project and will comply with all applicable portions of Chapter 900.-Sign Code. Sign permits will be submitted separately.

(iii) Ordinary maintenance or repair of existing buildings, structures, utilities, landscaping, and impervious surfaces, and the installation or replacement of operational equipment or fixtures.

Findings of Fact: The proposed project is conducting ordinary maintenance and repair of the existing building, structure, utilities and operational equipment and fixtures. The project will also update the paint, and general appearance to compliment the *Harbor Freight* design criteria.

(iv) The alteration to the facade of a building except in the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones.

Findings of Fact: The project location is not in either a Mixed-Use-I (MU-I) or a Mixed Use-II (MU-II) zoned area. Updating of the façade is proposed but does not fall into either of the above identified zoned areas.

(v) Interior construction or tenant improvements that involve no change of use.

Findings of Fact: There is no proposed change of use from Retail Commercial. *Harbor Freight* is a retail store and falls under Chapter 522.-CR-RETAIL COMMERCIAL and is a permitted use in Table 522-1. USES *Retail Sales and Service-Retail*.

(b) Classes. The three classes of site plan review are:

(1) Class 1 site plan review. Class 1 site plan review is site plan review for any development that requires a building permit, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves a change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required.

(2) Class 2 site plan review. Class 2 site plan review is required for any development that requires a building permit, other than development subject to Class 1 site plan review, and that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

(3) Class 3 site plan review. Class 3 site plan review is required 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. As used in this subsection, land use decisions and limited land use decisions include, but are not limited to, any development application that:

(A) Requires a Transportation Impact Analysis pursuant to SRC chapter 803;

(B) Requires a geotechnical report or geologic assessment under SRC chapter 810, except where a geotechnical report or geologic assessment has already been approved for the property subject to the development application;

(C) Requires deviation from clear and objective development standards of the UDC relating to streets, driveways or vision clearance areas;

(D) Proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;

(E) Requires deviation from the clear and objective standards of the UDC and where the Review Authority is granted the authority to use limited discretion in deviating from the standard; or

(F) Requires a variance, adjustment, or conditional use permit

Findings of Fact: A Class 2 Site Plan Review is being submitted which is required for any development that requires a building permit, other than development subject to Class 1 Site Plan Review, and that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015. The proposed upgrade to the existing building remodel of interior, upgrades to the fire sprinkler system and new LED lighting. Exterior changes include new branding of the primary entrance, painting exterior walls, and alteration to the existing parking and vehicle use area consisting of restriping, removal of 6 parking spaces and reconfiguration of landscape islands. No changes are proposed to the existing building footprint. No new pavement is proposed to be added outside of the area where the parking stalls are removed, and additional vegetation will be placed in the landscape islands. The project is not proposing any alterations requiring a deviation from standards.

(c) Procedure type.

(2) Class 2 site plan review is processed as a Type I procedure under SRC chapter 300

Findings of Fact: This procedure type is acknowledged.

(e) Submittal requirements for Class 2 and Class 3 site plan review.

(1) Class 2 site plan review. In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for Class 2 site plan review shall include the following:

Findings of Fact: It is acknowledged that a Class 2 site plan review will include the submittal requirements for a Type 1 application under SRC chapter 300 to include all the application submittal requirements under Sec. 300.210 Application submittal.

(A) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(i) The total site area, dimensions, and orientation relative to north;

(ii) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveways, indicating distance from the structures and improvements to all property lines and adjacent on-site structures;

(iii) Loading areas, if included in the proposed development;

- (iv) The size and location of solid waste and recyclables storage and collection areas, and amount of overhead clearance above such enclosures, if included in the proposed development;
 - (v) An indication of future phases of development on the site, if applicable;
 - (vi) All proposed landscape areas on the site, with an indication of square footage and their percentage of the total site area;
 - (vii) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
 - (viii) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808;
 - (ix) The location of all street trees, if applicable, or proposed location of street trees required to be planted at time of development pursuant to SRC chapter 86; and
 - (x) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.
- (B) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
- (i) The total site area, dimensions, and orientation relative to north;
 - (ii) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines; and
 - (iii) The location of the 100-year floodplain, if applicable.
- (C) A grading plan depicting proposed site conditions following completion of the proposed development, when grading of the subject property will be necessary to accommodate the proposed development.
- (D) A completed trip generation estimate for the proposed development, on forms provided by the City.
- (E) For development in the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones, architectural drawings, renderings, or sketches showing all elevations of the existing buildings and the proposed buildings as they will appear on completion

Findings of Fact: Site plan includes all items identified above that are applicable to the proposed project under a Class 2 Site Plan Review. (Site Plan included with application.)

Summary Table 1 below includes zoning designation; total site area; gross floor area by use (Retail Commercial); number of parking spaces and handicapped parking spaces and existing landscape (sf). This information is shown on the Site Map along with the two new pedestrian paths. The below information is shown on the site plan but was put in the Table for reference.

TABLE 1 RETAIL COMMERCIAL							
Taxlot	Total Acres	Total Acres of Project Area Excluding Gas Station	Building SF	Existing Parking Stalls in Project Area	Proposed Parking Stalls	ADA Stalls	Existing Landscape SF
073W360000803	13.65	515,693 sf	143,260	585	579	15	10.5%

TABLE 2	
Required Commercial Retail Parking – 1 for each 250 sf (building 143,260 sf)	574
Off-Street Parking Provided In this Application	579
ADA Parking – 2% of total	15

(f) Criteria

(2) Class 2 site plan review. An application for a Class 2 site plan review shall be granted if:

(A) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.

Findings of Fact: The proposed project meets applicable standards of the UDC. No additional pavement will be added to the site, the building footprint will remain the same and all existing landscaping onsite will be preserved with the three reconfigured parking landscape islands. The landscape island at the south drive aisle where the client is proposing to remove one parking space for delivery truck maneuverability will be reconfigured. The proposed drive aisle east of the building where 5 parking spaces will be removed and will be cut through to allow vehicular movement between existing parking lots will require movement of two trees. They will be moved and monitored for growth success. If required, the trees will be replaced with like kind trees if necessary. Neither tree is over 30 dbh and one is Japanese Lime and one is Western Red Cedar.

The landscape island on the

Two trees will require to be moved and every effort will be put forth to preserve them. The two trees will be monitored and replaced with like kind trees if the movement is not successful.

(B) The application meets all the applicable standards of the UDC.

Findings of Fact: A Pre-Application meeting was held October 14, 2021 for “At Home” located within the old Costco building, and it was determined that no expansion to the existing off-street parking area is proposed; therefore, setbacks and landscape standards of SRC 806.035 are not applicable to the proposed development. Harbor Freight will also comply and fall under these determinations. Discussions with the City of Salem Planning Department also determined that the landscaping standards under Chapter 807.- Landscaping and Screening would not apply to this project if all existing vegetation was preserved or increased, no new pavement is proposed to be added to the site, and no change to the existing footprint of the building. All criteria will be met with this project.

Per discussions with the City of Salem Planning Department it was determined that a second Pre-App would not be necessary for this application and the improvements being proposed.

CHAPTER 522. - CR—RETAIL COMMERCIAL

Sec. 522.001. - Purpose.

The purpose of the Commercial Retail (CR) Zone is to implement the commercial designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The CR zone generally allows a wide array of retail sales and office uses.

Findings of Fact: The proposed use of the 143,260 square foot “old” Costco includes 86,421 square feet to be occupied by a new Commercial Retail sales tenant “At Home”

which is a chain of home décor stores based in Plano, Texas. The new tenant “Harbor Freight” will utilize +/-17,526 SF within the same building and is Retail Commercial within the Salem Municipal Code. Under Chapter 522.-CR-Retail Commercial this is a permitted use in Table 522-1. Retail Sales and Service “Retail sales”. The proposed use remains the same under Commercial Retail, only the tenant of the building is changing. The remainder of the building will keep with the requirements of the zoning and only allow permitted uses to utilize that area. At this time no commitments have been made but numerous options for businesses are being evaluated. This use is permitted under this zoning.

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the CR zone are set forth in Table 522-1

TABLE 522-1. USES		
Use	Status	Limitations & Qualifications
Retail Sales	P	All other retail sales

Sec. 522.010.-Development standards.

Finding of Fact: The development standards within the Retail Commercial (CR) zone comply with Table 522-2. LOT STANDARDS. The building footprint will not be altered and meets all the applicable standards as set forth in the table as defined in this section. Requirement for Lot Area for All Uses – None; Lot Width All Uses – None; Lot Depth All Uses – None; Street Frontage – N/A; All Other Uses – Minimum 16 ft. Criteria Met.

TABLE 522-2 LOT STANDARDS		
Requirement	Standard	Limitations & Qualifications
Lot Area		
All Uses	None	
Lot Width		
All Uses	None	
Lot Depth		
All Uses	None	
Street Frontage		
All Uses	Min. 16 ft.	

Table 522-3. Setbacks

- (b) *Setbacks. Setbacks within the CR zone shall be provided as set forth in Tables 522-3 and 522-4*

Findings of Fact: The existing building meets all criteria in Table 522-3.

TABLE 522-3 SETBACKS		
Requirement	Standard	Limitations & Qualifications

Abutting Street		
Buildings		
All Uses	Min. 5 ft.	
Vehicle Use Areas		
All Uses	Per SRC chapter 806	
Interior Front		
Buildings		
All other uses	Zone-to-zone setback (Table 522-4)	
Accessory Structures		
Accessory to all other uses	Zone-to-zone setback (Table 522-4)	
Vehicle Use Area		
All other uses	Zone-to-zone setback (Table 522-4)	
Interior Side		
Buildings		
All other uses	Zone-to-zone setback (Table 522-4)	
Vehicle Use Areas		
All other uses	Zone-to-zone setback (Table 522-4)	
Interior Rear		
Buildings		
All other uses	Zone-to-zone setback (Table 522-4)	

Table 522-4. Zone-To-Zone Setbacks. Zoning to the north is Industrial Commercial, east is Public Amusement with Hawthorne Avenue SE to the west and Highway 22 (North Santiam Highway) to the south. Setbacks of minimum 5' are met.

Findings of Fact: The existing building meets all criteria in Table 522-4.

TABLE 522-4. ZONE-TO-ZONE SETBACKS			
Abutting Zone	Type of Improvement	Setback	Landscaping and Screening
Commercial Zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft	Type A
Limitations and qualifications: (1) Zone-to-Zone setbacks are not required abutting an alley.			

Table 522-5. Lot Coverage: Height. Lot Coverage – No Max; Rear Yard Coverage – N/A; Height – All Uses No Max.

Finding of Fact: Existing building meets all criteria in Table 522-5.

TABLE 522-5. LOT COVERAGE; HEIGHT		
Requirement	Standard	Limitations and Qualifications
Lot Coverage		
Buildings and Accessory Structures		
All uses	No Max.	
Rear Yard Coverage		
Buildings		
All uses	N/A	

(d) *Landscaping.*

(1) *Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.*

Findings of Fact: Landscaping onsite will be preserved. Large trees screen the area along the street frontage, many which have grown to maturity are throughout the parking lot. The standards set forth in SRC chapter 807 do not apply to this project, there will be no new pavement, and vegetation onsite will be preserved. The reconfiguration of the parking aisles with the removal of the 6 parking spaces will result in no vegetation removal with the exception of the movement of two trees. Additionally, no change of use is proposed for this project. The existing building currently is retail sales and will continue under that use.

(2) *Vehicle use areas. Vehicle use areas shall be landscaped as provided under SRC chapters 806 and 807.*

Finding of Fact: There will be no expansion to the existing off-street parking area, therefore, setback and landscape standards 806 and 807 are not applicable to the proposed project.

(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.*

Findings of Fact: The proposed project does not trigger the criteria for additional landscaping. There will be no added pavement, no removal of existing vegetation, except minor alterations at the south and east parking aisles for truck maneuverability and building footprint will remain the same. Additionally, there is no change of use proposed for this project.

Sec. 522.020.-Design review.

In addition to the standards set forth in this chapter, development within the CR zone must comply with all other applicable development standards of the UDC, including, but not limited to, the following chapters:

(a) *Trees and Shrubs: SRC chapter 86.*

Findings of Fact: No trees located on city property will be planted, maintained, or removed by this proposal. Two trees will require movement for the reconfiguration of the drive aisles, but every effort will be put forth to preserve the trees. They will be monitored and if the movement is unsuccessful they will be replanted with like kind species.

(b) *Wireless Communications Facilities: SRC chapter 703.*

Finding of Fact: Applicant acknowledges this chapter which provides a means whereby wireless communications facilities are located, designed, installed, maintained, and removed in a manner that provides for effective provision of wireless communications within the City.

(c) *General Development Standards: SRC chapter 800.*

Findings of Fact: The applicant addresses Chapter 800. General Development Standards in this application.

(d) *Public Improvements: SRC chapter 802.*

(e) *Streets and Right-of-Way Improvements: SRC chapter 803.*

(f) *Driveway Approaches: SRC chapter 804.*

(g) *Vision Clearance: SRC chapter 805.*

(h) *Off-Street Parking, Loading and Driveways: SRC chapter 806.*

(i) *Landscaping and Screening: SRC chapter 807.*

(j) *Preservation of Trees and Vegetation: SRC chapter 808.*

(k) *Wetlands: SRC chapter 809.*

(l) *Landslide Hazards: SRC chapter 810.*

(m) *Sign Code: SRC chapter 900.*

Findings of Fact: The applicant acknowledges Chapter 900.-Sign Code and will comply with all rules of construction when placing any signs on or within the project site.

CHAPTER 800. - GENERAL DEVELOPMENT STANDARDS

Sec. 800.001. - Purpose.

The purpose of this chapter is to establish certain standards that apply generally to development throughout the City, regardless of zone.

(Prior Code, § 800.001; Ord. No. 31-13)

Sec. 800.005. - Applicability.

The standards set forth in this chapter apply to all development in every zone unless otherwise exempted by the UDC. In the event of a conflict between the standards set forth in this chapter and any other provision of the UDC, the more restrictive provision shall apply.

(Prior Code, § 800.005; Ord. No. 31-13)

Sec. 800.015. - Lot standards, generally.

(a) *Buildings to be on a lot. Every building or structure shall be entirely located on a lot. Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC. Buildings that are attached at a common property line, but which otherwise meet all requirements of SRC chapter 56 as separate buildings shall be considered as separate buildings for purposes of this subsection.*

(b) *Side lot lines. As far as is practicable, side lot lines shall run at right angles to the street upon which the lot faces, except that on curved streets they shall be radial to the curve.*

Findings of Fact: The existing building is located entirely on a legal lot of record.

Sec. 800.055. - Solid waste service areas.

Solid waste service areas shall provide for the safe and convenient collection of solid waste and recyclable and compostable materials by the local solid waste collection franchisee.

(a) *Applicability. Solid waste service area design standards shall apply to:*

(2) Any change to an existing solid waste service area for receptacles of one cubic yard or larger that requires a building permit.

Findings of Fact: No changes are proposed by this project for relocation of solid waste service areas from the current location. Solid waste is currently handled at the rear of the building near the loading dock.

Sec. 800.060. - Exterior lighting.

(a) Exterior lighting shall not shine or reflect onto adjacent properties, or cast glare onto the public right-of-way.

(b) 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:

(1) Completely shielded from direct view; or

(2) No greater than five foot-candles in illumination.

Findings of Fact: The applicant acknowledges these requirements, existing and/or proposed lighting will meet this criterion.

Sec. 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.

(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) 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).

Finding of Fact: This proposal does not trigger the development of pedestrian access as it was addressed within the Class 2 application for "At Home". Three new pedestrian pathways were proposed for that project meeting all the criteria above.

(3) Connection through off-street parking areas.

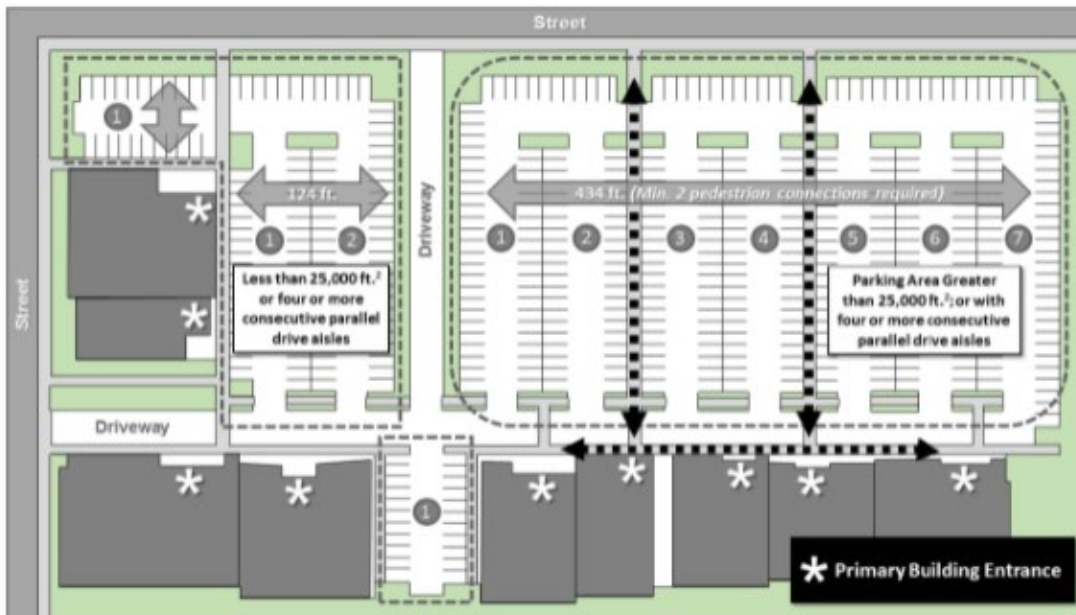
(A) Surface parking areas. Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance or where there is no building, through the parking area as provided in this subsection.

(i) The pedestrian connections shall be:

(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. Where the pedestrian connection requirements of this

subsection result in a fractional number, any fractional number greater than 0.5 shall be round up to require an additional pedestrian connection;

FIGURE 800-13. PEDESTRIAN CONNECTIONS THROUGH OFF-STREET PARKING AREAS



(v) For purposes of this subsection, off-street surface parking area means:

(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; or

(bb) An off-street surface parking area located in a separate location on the development site from other off-street surface parking areas.

Findings of Fact: Two new pedestrian crossings were proposed and approved in the “At Home” Class 2 Application. Both crossings meet the requirements of every 250’, and both new pedestrian crossings connect to North Santiam Highway SE (Mission Street SE). The “At Home” project is currently under construction and estimated to be completed Spring-Summer 2023. All pedestrian crossings will connect to the primary building entrance providing safe access to and from the building to Hawthorne Avenue SE and North Santiam Highway SE (Mission Street SE - Highway 22). The project location does not include the Costco Gas Station area and was not evaluated in this application. Future development of that site may be proposed once the gas station is demolished, tanks removed, and a no further action letter is received for the site. For purposes of this application only the area west and northwest of the gas station is included in all calculations. A third pedestrian pathway is approved for the property abutting to the north and is currently proposed for construction.

(b) Design and materials. Required pedestrian connections shall be in the form of a walkway or may be in the form of a plaza.

(1) Walkways shall conform to the following:

(A) 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.

Findings of Fact: The two new approved pedestrian paths for the “At Home” application will comply with the design standards above. (See site plan)

(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.

Findings of Fact: Existing parking lot lighting will provide lighting to a level where the system can be used at night by employees, customers, and residents. (See site plan)

CHAPTER 806. - OFF-STREET PARKING, LOADING AND DRIVEWAYS

Sec. 806.001. - Purpose.

The purpose of this chapter is to establish standards for off-street parking and vehicle use areas, bicycle parking, loading areas, and driveways.

(Prior Code, § 806.001; Ord. No. 31-13)

Sec. 806.005. - Off-street parking; when required.

Amended by Ordinance No. 13-21

(a) General applicability. Off-street parking shall be provided and maintained as required under this chapter for:

(1) Each proposed new use or activity.

Finding of Fact: The proposed use for the existing building is Retail Commercial, no change in use is being requested.

(2) 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.

Findings of Fact: The proposed use for the project remains Retail Commercial, Retail Sales. The parking ratio will remain the same requiring 1 parking space for every 250 sf.

(3) Any intensification, expansion, or enlargement of a use or activity.

Findings of Fact: No intensification, expansion, or enlargement of use or activity is proposed. The conversion of the former Costco building to other retail uses will provide a reduction in the intensity of the use.

(b) Applicability to Downtown Parking District. Within the Downtown Parking District, off-street parking shall only be required and maintained for uses or activities falling under household living.

Findings of Fact: The project site is not located within the Downtown Parking District.
N/A

(c) *Applicability to nonconforming off-street parking areas.*

(1) *When off-street parking is required to be added to an existing off-street parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.*

(2) *Notwithstanding subsection (1) of this section, when a property is changed in use to any of the following uses or activities, or any of the following uses or activities are added to a property, any existing deficiency in the number of off-street parking spaces shall not be required to be remedied and only those additional spaces required for the change of use or addition of the new use shall be required:*

(A) *Accessory dwelling unit.*

Findings of Fact: The proposed project does not have any nonconforming off-street parking areas. Does not require any addition of off-street parking to the existing off-street parking and does not have nonconforming number of spaces. No change of use is proposed. N/A

Sec. 806.010. - Proximity of off-street parking to use or activity served.

Amended by Ordinance No. 13-21

Required off-street parking shall be located on the same development site as the use or activity it serves or in the following locations:

Findings of Fact: All required off-street parking will be located on the same site where the use or activity it serves.

Sec. 806.015. - Amount off-street parking.

Amended by Ordinance No. 13-21

(a) *Minimum required off-street parking. Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1.*

TABLE 806-1. MINIMUM OFF-STREET PARKING		
Use	Minimum Number of Spaces Required ⁽¹⁾	Limitations & Qualifications
Retail Sales and Service		
Retail sales	1 per 250 sq. ft.	Applicable to all other retail sales located within all zones except the MU-I zone or MU-II zone.

Findings of Fact: The off-street parking calculated by the square footage of the existing building requires 574 parking stalls. After reconfiguration of the off-street parking and inclusion of two pedestrian paths the off-street parking stalls will be 579 which complies with the requirements of Table 806-1.

(d) *Maximum off-street parking.*

(1) *Maximum off-street parking is based upon the minimum number of required off-street parking spaces. 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.*

TABLE 806-2A. MAXIMUM OFF-STREET PARKING	
Minimum Number of Off-Street Parking Spaces Required (From Table 806-1)	Maximum Number of Off-Street Parking Spaces Allowed
20 spaces or less	2.5 times minimum number of spaces required.
More than 20 spaces	1.75 times minimum number of spaces required.

Findings of Fact: The maximum off-street parking is based on the number of required off-street parking spaces. Off-street parking will not exceed the amounts set forth in Table 806-2A.

The existing and proposed off-street parking is summarized in the Table below. The existing parking was based on a prior code which required 1 space for each 250 sf.

TABLE 3	
Existing parking	585
Required Commercial Retail Parking – 1 for each 250 sf (building 143,260 sf)	574
Proposed Parking Provided in This Application	579
ADA Parking – 2% of total (12 required with 15 provided)	15
Total Off-Street Parking Proposed	579

Sec. 806.020. - Method of providing off-street parking.

(a) *General. Off-street parking shall be provided through one or more of the following methods:*

(1) *Ownership. Ownership in fee by the owner of the property served by the parking;*

(2) *Easement. A permanent and irrevocable easement appurtenant to the property served by the parking;*

(3) *Lease Agreement. A lease agreement with a minimum term of five years; such agreement may be utilized for:*

(A) *Uses or activities other than single family and two family in all zones other than the Central Business (CB) Zone; and*

(B) *All uses in the Central Business (CB) Zone;*

Findings of Fact: The off-street parking is Ownership in fee by the owner of the property served by the parking.

Sec. 806.035. - Off-street parking and vehicle use area development standards for uses or activities other than single family, two family, three family, and four family.

Amended by Ordinance No. 13-21

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than single family, two family, three family, and four family shall be developed and maintained as provided in this section.

(a) *General applicability. The off-street parking and vehicle use area development standards set forth in this section shall apply to:*

(1) *The development of new off-street parking and vehicle use areas;*

(2) *The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added;*

- (3) *The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and*
- (4) *The paving of an unpaved area.*

Finding of Fact: The proposed off-street parking changes include new striping and the reduction of 6 parking spaces. No new development of off-street parking and no additional paved surface is proposed by this project. With no expansion to the existing off-street parking, setback and landscape standards of SRC 806.035 are not applicable to the proposed project.

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

Amended by Ordinance No. 13-21

Unless otherwise provided under the UDC, driveways for uses or activities other than single family, two family, three family, or four family shall be developed and maintained as provided in this section.

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

Findings of Fact: Access to off-street parking is taken off Hawthorne Avenue SE. No changes are proposed for the driveway accesses or the interior access street. N/A

- (d) Dimensions. Driveways shall conform to the minimum width set forth in Table 806-7.*

TABLE 806-7. MINIMUM DRIVEWAY WIDTH		
Type of Driveway	Width	Inside Radius of Curves & Corners
One-way driveway	12 ft.	25 ft., measured at curb or pavement edge
Two-way driveway	22 ft.	25 ft., measured at curb or pavement edge

Findings of Fact: The existing driveways off Hawthorne Avenue SE meet the criteria above. Both the main entrance driveway and the shared driveway on the north side of the subject property exceed the minimum requirements.

Sec. 806.045. - Bicycle parking; when required.

Amended by Ordinance No. 13-21

(a) General applicability. Bicycle parking shall be provided as required under this chapter for:

- (1) Each proposed new use or activity.*
- (2) 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.*
- (3) Any intensification, expansion, or enlargement of a use or activity.*

Findings of Fact: No change of use or activity is proposed by this project. The property will remain Retail Commercial – Retail Sales and Service. No additional bicycle parking is required for this proposed development.

Sec. 806.050. - Proximity of bicycle parking to use or activity served.

Amended by Ordinance No. 13-21

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

Findings of Fact: Bicycle parking located on the same project site as the use it serves.

Sec. 806.060. - Bicycle parking development standards.

Amended by Ordinance No. 13-21

Unless otherwise provided under the UDC, bicycle parking shall be provided in racks or lockers developed and maintained as set forth in this section. The standards set forth in this section shall not apply to City approved bike share stations which utilize bike docking stations.

(a) Location. Except as otherwise provided in this section, bicycle parking shall be located outside a building.

(1) Bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.

(2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance.

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

(c) Dimensions. Except as provided in subsection (f) of this section, bicycle parking areas shall meet the following dimension requirements:

(1) Bicycle parking spaces. Bicycle parking spaces shall be a minimum of six feet in length and two feet in width with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side.

(2) Access aisles. Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

(d) Surfacing. Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.

(e) Bicycle racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards.

(1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.

(2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;

(3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and

(4) Racks shall be securely anchored.

(5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

(f) Bicycle lockers. Where bicycle parking is provided in lockers, the lockers shall meet the following standards:

(1) Lockers, except for pie-shaped lockers, shall be a minimum of six feet in length, two feet in width, and four feet in height;

(2) Pie-shaped lockers shall be a minimum of six feet in length, 30 inches in width at the widest end, and four feet in height;

(3) Lockers shall be served by a minimum four-foot-wide access aisle in front of each locker opening. Access aisles may be located within the public right-of-way; and

(4) Lockers shall be securely anchored.

Findings of Fact: The existing bicycle parking spaces are located in the front of the existing building and meet the applicable criteria of this section. However, no change of

use is proposed within the existing building that has a current retail sales use. Therefore, no additional bike parking is required for this proposed development.

Sec. 806.065. - Off-street loading areas; when required.

(a) General applicability. Off-street loading shall be provided and maintained as required under this chapter for:

(1) Each proposed new use or activity.

(2) 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.

(3) Any intensification, expansion, or enlargement of a use or activity.

(b) Applicability to nonconforming off-street loading area. When off-street loading is required to be added to an existing off-street loading area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

Findings of Fact: The project is not proposing a change of use from Retail Commercial-Retail Sales. No increase of off-street loading spaces, no intensification, expansion, or enlargement is proposed by this project. Criteria met.

CHAPTER 807. - LANDSCAPING AND SCREENING

Sec. 807.001. - Purpose.

The purpose of this chapter is to establish standards for required landscaping and screening under the UDC 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.

Findings of Fact: The proposed project does not trigger the Landscaping and Screening requirements. The applicant is proposing no change of use of tenant space within the building that has a current retail sales use. No existing landscaping or screening will be removed by this project and no new pavement will be placed within the project site. Additionally, the building footprint will remain the same.

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, and to increase tree canopy over time by requiring tree preservation and planting of trees in all areas of the City.

Sec. 808.025. - Trees on lots or parcels 20,000 square feet or greater.

Amended by Ordinance No. 13-21

No person shall, prior to site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045. Nothing in this section shall be construed to require the retention of trees, other than heritage trees, significant trees, and trees and vegetation in riparian corridors, beyond the date of site plan review or building permit approval, if the proposed development is other than single family residential or two family residential.

Findings of Fact: The project site is greater than 20,000 square feet, no trees or vegetation is proposed to be removed other than the reconfiguration of the drive aisles as noted on the site plan. Two trees are proposed to be moved with every effort to preserve them. They will be monitored and replaced with like kind species if required.

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.

Facts and Findings: The project site is fully built out with a 143,260 square foot building, paved off-street parking, and interior roads over the entire lot. This Chapter is not applicable to the proposed project.

CHAPTER 900. - SIGN CODE

Sec. 900.001. - Purpose.

The purpose of this chapter is to protect the health, safety, property, and welfare of the public; to improve the neat, clean, orderly, and attractive appearance of the community; to improve the effectiveness of signs in identifying and advertising businesses; to provide for safe construction, location, erection, and maintenance of signs; to prevent proliferation of sign clutter; to minimize adverse visual safety factors to travelers on public highways; to minimize adverse impacts on adjacent properties; and to achieve these purposes consistent with state and federal constitutional limits on the regulation of speech.

Sec. 900.010. - General rule.

(a) No person shall construct, erect, enlarge, alter, or relocate any sign, or install electrical parts, wiring, or illumination in or upon a sign, until all required permits have been obtained, including, but not limited to, sign permits, building permits, electrical permits, and any other permit required under federal, state, or local law.

(b) Except as provided in SRC 900.030, no person shall erect, construct, enlarge, alter, repair, move, improve, convert, equip, use, or maintain any sign, or cause or permit the same to be done, in violation of any provision of this chapter or a permit issued hereunder.

(c) Nothing in this chapter is intended, nor shall be construed, to permit the erection, construction, enlargement, alteration, or maintenance of any sign at any place or in any manner unlawful under any other federal, state, or local law. When any part of this chapter conflicts with another provision of federal, state, or local law, the provision that establishes the stricter standard shall control.

(Prior Code, § 900.010; Ord. No. 4-12)

Findings of Fact: The applicant will comply with the requirements of this section and permits will be acquired before they construct, erect, enlarge, alter, or relocate any sign, or install electrical parts, wiring, or illumination in or upon a sign, until all required permits have been obtained, including, but not limited to, sign permits, building permits, electrical permits, and any other permit required under federal, state, or local law. Sign permits shall be permitted separately.

ADDITIONAL INFORMATION

Archeological Review

On Monday 3-14-2022 an email was sent to KFitzgerald@cityofsalem.net

As of this time there has been no response to the archeological inquiry for the proposed project. All construction will be limited to areas that were already disturbed by the Costco development. Therefore, it is our understanding that an Archeological Review will not be required.

Applicable Neighborhood Association

On Monday 9-27-2022 an email was sent to the SESNA with an email sent back with no comments other than Harbor Freight would be a logical tenant for the site.

Cherriots

On 11-29-22 Cherriots was sent an email and they had no comments.