

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 información, por favor llame
503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 3 SITE PLAN REVIEW / CLASS 2 DRIVEWAY APPROACH PERMIT
CASE NO.: SPR-DAP22-48

APPLICATION NO.: 22-118060-PLN

NOTICE OF DECISION DATE: February 1, 2023

SUMMARY: Development of a new 850 square foot shop with associated site improvements.

REQUEST: A Class 3 Site Plan Review and Class 2 Driveway Approach Permit for development of a new 850 square foot shop with associated site improvements including a new driveway approach, parking area and landscaping, for property approximately 0.39 acres in size, zoned IG (General Industrial) and located at 2035 Wayside Terrace NE - 97301 (Marion County Assessor Map and Tax Lot: 073W12CA / 1200).

APPLICANT: Paul Lascola and Peter Strauhal

LOCATION: 2035 Wayside Terrace NE, Salem OR 97301

CRITERIA: Salem Revised Code (SRC) Chapters 220.005(f)(3) – Class 3 Site Plan Review; 804.025(d) – Class 2 Driveway Approach Permit

FINDINGS: The findings are in the attached Decision dated February 1, 2023.

DECISION: The **Planning Administrator APPROVED** Class 3 Site Plan Review / Class 2 Driveway Approach Permit Case No. SPR-DAP22-48 subject to the following conditions of approval:

- Condition 1:** At the time of building permit review, the applicant shall revise all plans to indicate a ten-foot setback for the vehicle use area and existing storage shed abutting the east property line, including Type C landscaping with a six-foot-high sight-obscuring fence.
- Condition 2:** At the time of building permit review, the applicant shall demonstrate that all required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b)(1) and 800.065(c).
- Condition 3:** At the time of building permit review, the applicant shall provide bumper guards or wheel barriers for each parking space to prevent parked vehicles from encroaching into the pedestrian walkway

- Condition 4:** At the time of building permit review, the applicant shall provide a full landscape plan demonstrating how the development site meets Type A landscaping, including all new and existing landscaped areas, by providing a minimum of one plant unit per 20 square feet, with 40 percent of the plant units being trees.
- Condition 5:** Prior to issuance of any grading permits, the applicant shall submit an existing conditions plan for all riparian trees and vegetation with 50 feet from the top of bank on either side of Claggett Creek, indicating removal of any riparian vegetation, if applicable, and preservation measures for all riparian trees.
- Condition 6:** Along Claggett Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 7:** Construct a minimum 22-foot paved driveway from the terminus of Wayside Terrace NE to the subject property.

The rights granted by the attached decision must be exercised, or an extension granted, by February 17, 2027, or this approval shall be null and void.

Application Deemed Complete:	<u>November 22, 2022</u>
Notice of Decision Mailing Date:	<u>February 1, 2023</u>
Decision Effective Date:	<u>February 17, 2023</u>
State Mandate Date:	<u>March 22, 2023</u>

Case Manager: Jamie Donaldson, jdonaldson@cityofsalem.net, 503-540-2328

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. Thursday, February 16, 2023. 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, 804. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF)	FINDINGS & ORDER
CLASS 3 SITE PLAN REVIEW, AND)	
CLASS 2 DRIVEWAY APPROACH PERMIT)	
CASE NO. SPR-DAP22-48)	
2035 WAYSIDE TERRACE NE - 97301)	FEBRUARY 1, 2023

In the matter of the applications for Class 3 Site Plan Review and Class 2 Driveway Approach Permit submitted by Peter Lyle Strauhal on behalf of the applicant and property owner, Chris Cuevas represented by Paul LaScola, 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: Development of a new 850 square foot shop with associated site improvements.

Request: A Class 3 Site Plan Review and Class 2 Driveway Approach Permit for development of a new 850 square foot shop with associated site improvements including a new driveway approach, parking area and landscaping, for property approximately 0.39 acres in size, zoned IG (General Industrial) and located at 2035 Wayside Terrace NE - 97301 (Marion County Assessor Map and Tax Lot: 073W12CA / 1200).

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 September 14, 2022, a consolidated application for Class 3 Site Plan Review and Class 2 Driveway Approach Permit was filed for the proposed development. After additional information was provided, the applications were deemed complete for processing on November 22, 2022. The 120-day state mandated decision deadline for this consolidated application is March 22, 2023.

The applicant's proposed site plan is included as **Attachment B** and the and the applicant's written statement addressing the approval criteria can be found in the record, accessible online as indicated below.

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 118060.

3. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Northgate 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. On May 21, 2022, the applicant's representative contacted the neighborhood association to provide details about the proposal in accordance with the requirements of the SRC.

Neighborhood Association Comment: Notice of the application was provided to the neighborhood association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments have been received from the neighborhood association.

Homeowners Association: The subject property is not located within a Homeowners Association.

Public Comment: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, two comments have been received from the surrounding property owners and tenants in support of the proposal.

4. City Department Comments

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

Building and Safety: Reviewed the proposal and indicated no site concerns.

Fire Department: Reviewed the proposal and indicated that Fire Department access for a dead-end road shall be provided with an approved turnaround. Fire Department access and water supply will be evaluated with the building addition at the time of building permit plan review. All portions of the building shall be within 400 feet of a fire hydrant, or 600 feet if the building has an approved fire sprinkler system.

5. Public Agency Comments

No Public or Private Agency comments were received.

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 subject property is currently zoned IG (General Industrial) as of August 25, 2022, with no changes with the implementation with the City's Our Salem project. The proposal includes construction of a new 850 square foot shop for automobile restoration. Associated improvements to the off-street parking area, pedestrian access, and landscaping are also proposed.

Use and Development Standards – IG (General Industrial) Zone:

SRC 554.005(a) – Uses:

Permitted uses in the IG Zone are listed in Table 554-1.

Finding: The proposal includes construction of a shop building addition for automobile restoration, which is classified as a *motor vehicle services* use and is an outright permitted use in the IG zone.

SRC 554.010(a) – Lot Standards:

There are no minimum lot area or dimension requirements in the IG zone. All uses, other than single family, are required to have a minimum of 16 feet of street frontage.

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

SRC 554.010(b) – Setbacks:

Setbacks within the IG zone shall be provided as set forth in Table 554-3 and Table 554-4.

Abutting Street/Alley

South: Adjacent to the south is right-of-way for Wayside Terrace NE. Buildings must be set back a minimum of five feet abutting a street. Vehicle use areas require a minimum 6-10-foot setback per Chapter 806 adjacent to a street.

Finding: The proposed shop building and new vehicle use area are both setback at least ten feet from the south and west property line. An existing storage building on site will remain and is located more than 30 feet away from the street.

Interior Property Lines

North: Adjacent to the north are properties zoned IG and IC (Industrial Commercial). In the IG zone, there is no minimum building setback abutting IG zoned properties, and there is a five-foot setback with Type A landscaping for vehicle use areas. For the portion of the subject property abutting the IC zone, there is a minimum ten-foot setback for buildings and vehicle use areas, with Type C landscaping.

Finding: A portion of Claggett Creek runs along the northern and western boundaries of the property. The proposed development comes no closer than 16 feet to the riparian corridor of Claggett Creek, well exceeding the minimum setback to the property line to the north.

East: Adjacent to the east is property zoned IC. In the IG zone, there is a minimum ten-foot setback for buildings, accessory structures, and vehicle use areas, with Type C landscaping.

Finding: There is an existing storage shed on site that does not appear to meet the ten-foot setback. In addition, the applicant submitted plans that indicated a ten-foot landscaped setback along the west property line for one sheet, but other plans still show a five-foot setback. As such, the following condition applies:

Condition 1: At the time of building permit review, the applicant shall revise all plans to indicate a ten-foot setback for the vehicle use area and existing storage shed abutting the east property line, including Type C landscaping with a six-foot-high sight-obscuring fence.

West: Adjacent to the north is property zoned IG. In the IG zone, there is no minimum building setback abutting IC zoned properties, and there is a five-foot vehicle use area setback.

Finding: A portion of Claggett Creek runs along the northern and western boundaries of the property. No development is proposed within the riparian corridor of Claggett Creek to the west; therefore, the proposal exceeds the minimum required setbacks to the west.

SRC 554.010(c) – Lot Coverage, Height:

There is no maximum lot coverage standard in the IG zone. The maximum height allowance is 70 feet.

Finding: The proposed development meets applicable lot coverage standards, as there is no maximum lot coverage standard in the IG zone. The proposal does not include the height of the existing or proposed buildings, but will likely be less than 70 feet for a project of this size. Further conformance with the maximum building height will be verified at the time of building permit review.

SRC 554.010(d) – Landscaping:

- (1) *Setbacks.* Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) *Vehicle Use Areas.* Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

Finding: The proposal includes a new vehicle use area to serve the proposed shop building; therefore, the off-street parking and vehicle use area development standards of SRC 806.035(a) are applicable. The site plan indicates the addition of new trees throughout the new vehicle use areas, exceeding the requirements for a vehicle use area of this size.

Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC Chapter 807 at the time of building permit application review.

General Development Standards SRC 800

SRC 800.055(a) – Applicability.

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

Finding: The applicant has indicated that the proposed trash enclosure will not contain receptacles greater than one cubic yard in size. The applicant has provided correspondence from Loren's Sanitary and Recycling indicating 90-gallon carts will be supplied for the waste disposal requirements of the owner; therefore, this section is not applicable.

SRC 800.065 – Pedestrian Access.

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

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

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

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

Finding: Direct pedestrian access is provided from the primary entrance of each proposed building to Wayside Terrace NE.

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

Finding: There is no transit route or planned transit stop abutting the development site; therefore, this standard is not applicable.

SRC 800.065(a)(2) – Pedestrian Connection Between Buildings on the same Development Site

Where there is more than one building on a development site, a pedestrian connection(s), shall be provided to connect the primary building entrances of all of the buildings.

Finding: The existing storage shed on site is used for storage or maintenance and is not primarily intended for human occupancy; therefore, the development is exempt from providing a connection to this building, pursuant to SRC 800.065(a)(2)(B)(iii).

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

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

Finding: The development site does not include any existing or proposed parking areas greater than 25,000 square feet; therefore, this standard is not applicable.

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

Finding: The development site does not include any existing or proposed parking structures or garages greater than 25,000 square feet; therefore, this standard is not applicable.

SRC 800.065(a)(4) – Pedestrian Connection to Existing or Planned Paths and Trails.

Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:

(A) Be constructed, and a public access easement or dedication provided; or

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

Finding: There is not a planned path or trail that passes through the development site; therefore, this standard is not applicable.

SRC 800.065(a)(5) – Pedestrian Connection to Abutting Properties

Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided.

Finding: The development site does not include any vehicular connections to an abutting property; therefore, this standard is not applicable.

SRC 800.065(b) – Design and materials

Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza.

(1) Walkways shall conform to the following:

(A) 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 pedestrian connection is at least five feet in width in all locations. The type of material proposed for the pedestrian connections is not listed in the application materials. At the time of building permit, the applicant shall demonstrate that all applicable standards of this section are met. To ensure that the proposed pedestrian walkway meets the design and material standards, the following condition applies:

Condition 2: At the time of building permit review, the applicant shall demonstrate that all required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b)(1) and 800.065(c).

SRC 800.065(c) – Lighting.

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

Finding: The application materials do not provide sufficient detail to determine compliance with this development standard. Per Condition 2 above, at the time of building permit review, the plans will be reviewed for conformance with applicable exterior lighting development standards.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005(a) – Off-Street Parking; When Required.

Off-street parking shall be provided and maintained as required under SRC Chapter 806 for each proposed new use or activity.

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

Required off-street parking shall be located on the same development site as the use or activity it serves.

Finding: The proposal includes development of a new off-street parking area located on the same development site as the proposed building.

SRC 806.015 – Amount of Off-Street Parking.

- (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.
- (b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- (c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- (d) *Maximum Off-Street Parking.* Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

Finding: The proposal includes construction of a new shop building approximately 850 square feet. The existing building of 144 square feet and the proposed building are classified as a *motor vehicle services* use and requires a minimum of one off-street parking spaces per 900 square feet of gross floor area. The gross floor area of the development is approximately 999 square feet, which would require one off-street parking space ($999 / 900 = 1.11$), with a maximum allowance of three spaces ($1 \times 2.5 = 2.5$). The proposed site plan shows two off-street parking spaces, which meets the minimum standard.

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

- (a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.
- (b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- (c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

Finding: The proposed modifications of the parking lot meet setbacks, except an interior property line crosses the existing parking and vehicle use area west of the area that will be modified, and there are no setbacks proposed on either side of the property line. The applicant has requested an adjustment to the setbacks abutting the interior property line. Findings for the adjustment are in Section 7 of this decision.

- (d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5.

Finding: The applicant's plans indicate a vehicle use area just over 1,000 square feet. No interior landscaping is required for off-street parking areas less than 50,000 square feet in size; therefore, this standard is not applicable.

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

Finding: The proposed off-street parking spaces comply with the minimum aisle width and dimensional requirements for standard vehicle parking spaces established in Table 806-6.

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

Finding: The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. The parking area striping, marking, signage, and lighting shall comply with SRC 806.035, and will be evaluated at the time of building permit review. Off-street parking and vehicle use areas shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas or pedestrian walkways. To ensure compliance, the following condition applies:

Condition 3: At the time of building permit review, the applicant shall provide bumper guards or wheel barriers for each parking space to prevent parked vehicles from encroaching into the pedestrian walkway.

Bicycle Parking

SRC 806.045 – General Applicability.

Bicycle parking shall be provided and maintained for each proposed new use or activity.

SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served.

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

SRC 806.055 – Amount of Bicycle Parking.

Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-9.

Finding: The development is classified as a *motor vehicle services* use which requires a minimum of one bicycle parking space per 9,000 square feet of gross floor area. The gross floor area of the development site is 999 square feet, which does not require any bicycle parking for the site ($999 / 9,000 = .11$). This standard is met.

Off-Street Loading Areas

SRC 806.065 – General Applicability.

Off-street loading areas shall be provided and maintained for each proposed new use or activity.

SRC 806.070 – Proximity of Off-Street Loading Areas to use or Activity Served.

Off-street loading shall be located on the same development site as the use or activity it serves.

SRC 806.075 – Amount of Off-Street Loading.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-11.

Finding: There is no loading space required for *motor and vehicle services* uses under 5,000 square feet of gross floor area. This standard is met.

Landscaping

SRC 807 – Landscape and Screening: All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

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

Finding: The applicant did not submit a total square footage of landscape to be provided on site. However, the majority of the site will preserve existing landscape along Claggett Creek, or remain undeveloped. The applicant's plans indicate landscape in all required setbacks and appears to meet the minimum requirements for landscaping. To ensure that the required number of plant units will be provided at the time of building permit review, the following condition applies:

Condition 4: At the time of building permit review, the applicant shall provide a full landscape plan demonstrating how the development site meets Type A or Type C landscaping where applicable, including all new and existing landscaped areas, by providing a minimum of one plant unit per 20 square feet, with 40 percent of the plant units being trees.

Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

Natural Resources

SRC 601 – Floodplain: Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

Finding: The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a floodway. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. The new structure is not being constructed in the floodplain area.

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 20 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: A portion of Claggett Creek runs along the northern and western boundaries of the property. Several riparian trees are located along the creek within the riparian corridor. No

trees are proposed for removal within the riparian corridor and shall be preserved according to SRC Chapter 808 during construction. Additionally, as conditioned below, the applicant shall dedicate an Open Channel Drainage Easement along the creek to allow access and maintenance for the area. However, the applicant's existing conditions plan only indicated the existing trees along the creek and not the riparian vegetation. To ensure that no riparian vegetation is removed, or the appropriate actions are taken to remove any riparian vegetation, the following condition applies:

Condition 5: Prior to issuance of any grading permits, the applicant shall submit an existing conditions plan for all riparian trees and vegetation with 50 feet from the top of bank on either side of Claggett Creek, indicating removal of any riparian vegetation, if applicable, and preservation measures for all riparian trees.

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: The Salem-Keizer Local Wetland Inventory (LWI) shows that Claggett Creek is mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

A portion of Claggett Creek runs along the northern and western property boundaries. Pursuant to PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest.

Condition 6: Along Claggett Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

SRC 810 – Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

Finding: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The proposed activity of a commercial building adds 3 activity points to the proposal, which results in a total of 6 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A geological assessment prepared by Redmond Geotechnical Services and dated June 10, 2022, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by implementing recommendations in the assessment.

SRC 802 – Public Improvements, SRC 803 – Streets and Right-of-Way Improvements, SRC 804 – Driveway Approaches, and SRC 805 – Vision Clearance: With completion of the conditions of approval, the subject property meets all applicable standards of the following chapters of the UDC.

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: Wayside Terrace NE was reconstructed by the City in 2019 with a 30-foot-wide improvement within a 50-foot-wide right-of-way. The improvement terminates approximately 15 feet southeast of the subject property. The proposed development generates less than 20 new average daily vehicle trips; therefore, no right-of-way dedication or street improvements are required (SRC 803.040(d)).

As a condition of using an unimproved right-of-way for primary access, staff recommends the applicant construct a minimum 22-foot paved surface to accommodate safe and efficient two-way vehicular access. The pavement shall be constructed with a hard surface material meeting the PWDS and extend from the existing terminus of Wayside Terrace NE to the property line of the proposed development pursuant to SRC 806.040(e).

Condition 7: Construct a minimum 22-foot paved driveway from the terminus of Wayside Terrace NE to the subject property.

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

Finding: With recommended conditions listed above, the driveway access onto Wayside Terrace NE provides for safe turning movements into and out of the property.

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 subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

The Public Works Department has reviewed the applicant's preliminary plan for this site. The applicant's proposed utility plan does not accurately depict the location of existing public utilities. At the time of a development, an updated utility plan is required. Public water and sewer are located within Wayside Terrace NE, approximately 100 feet southeast of the subject property. No public storm mains are available to serve the development.

Wayside Terrace NE was resurfaced in 2019 and is subject to the City's 5-year no-cut policy. This policy, outlined in PWDS Section 1.16(d), states that any open cut of streets that have been resurfaced or reconstructed during the past five years are prohibited, unless approved via the Design Exception process. Exception approval will require more rigorous street and trench repair measures to ensure integrity of newly-paved streets. Installation of utilities to serve the site may require a Design Exception from the City Engineer.

Due to topographic constraints, gravity-fed sewer is not available to serve the subject property. The applicant is advised to consult with a plumbing contractor to discuss options for a pumped sewer system. As a condition of sewer service, a grinder pump and private force main in the right-of-way are required.

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.

SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The proposed driveway meets the standards for SRC Chapter 804 and PWDS.

SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.

Finding: There are no site conditions prohibiting the location of the proposed driveway.

SRC 804.025(d)(3): The number of driveway approaches onto an arterial are minimized.

Finding: The proposed driveway is not accessing onto an arterial street.

SRC 804.025(d)(4): The proposed driveway approach, where possible:

(A) Is shared with an adjacent property; or

(B) Takes access from the lowest classification of street abutting the property

Finding: The proposed driveway is currently located with access to the lowest classification of street abutting the subject property.

SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.

Finding: The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveway indicates that it will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts to the vicinity.

Finding: Staff analysis of the proposed driveway and the evidence that has been submitted indicates that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets.

SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

Finding: The proposed driveway approach is located on a local street and does not create a significant impact to adjacent streets and intersections.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding: The proposed driveway approach is not located in the vicinity of a residentially zoned area. The driveway will not have an effect on the functionality of the adjacent streets.

7. Conclusion

Based upon review of SRC Chapters 220 and 804, 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.

IT IS HEREBY ORDERED

Final approval of Class 3 Site Plan Review and Class 2 Driveway Approach Permit Case No. SPR-DAP22-48 is hereby **APPROVED** subject to SRC Chapters 220 and 804, 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:** At the time of building permit review, the applicant shall revise all plans to indicate a ten-foot setback for the vehicle use area and existing storage shed abutting the east property line, including Type C landscaping with a six-foot-high sight-obscuring fence.
- Condition 2:** At the time of building permit review, the applicant shall demonstrate that all required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b)(1) and 800.065(c).
- Condition 3:** At the time of building permit review, the applicant shall provide bumper guards or wheel barriers for each parking space to prevent parked vehicles from encroaching into the pedestrian walkway
- Condition 4:** At the time of building permit review, the applicant shall provide a full landscape plan demonstrating how the development site meets Type A landscaping, including all new and existing landscaped areas, by providing a minimum of one plant unit per 20 square feet, with 40 percent of the plant units being trees.

- Condition 5:** Prior to issuance of any grading permits, the applicant shall submit an existing conditions plan for all riparian trees and vegetation with 50 feet from the top of bank on either side of Claggett Creek, indicating removal of any riparian vegetation, if applicable, and preservation measures for all riparian trees.
- Condition 6:** Along Claggett Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 7:** Construct a minimum 22-foot paved driveway from the terminus of Wayside Terrace NE to the subject property.



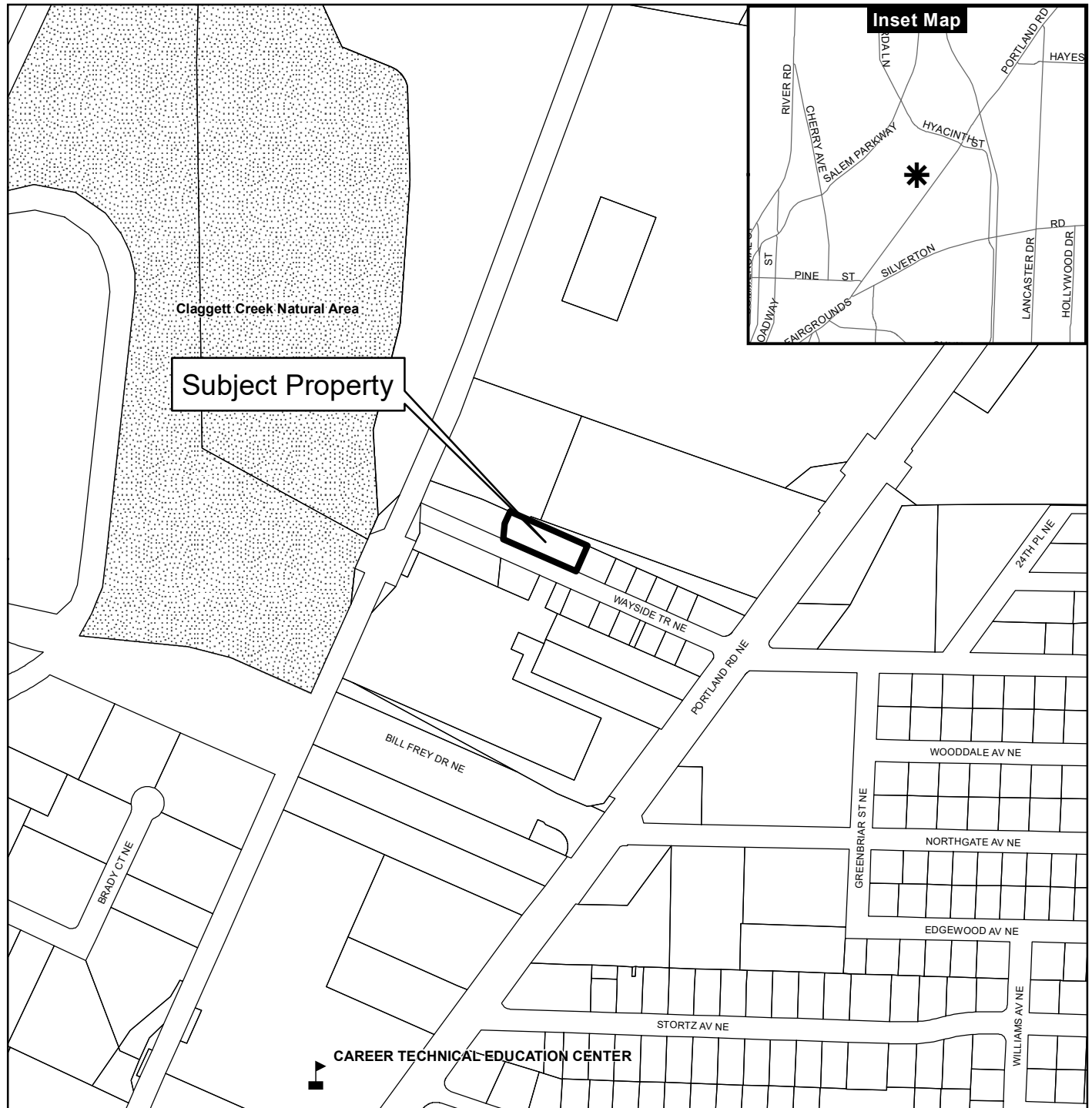
Jamie Donaldson, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
B. Proposed Development Plans
C. Public Works Memo

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

Vicinity Map

2035 Wayside Terrace NE



Legend

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

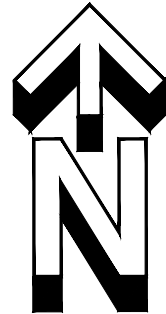
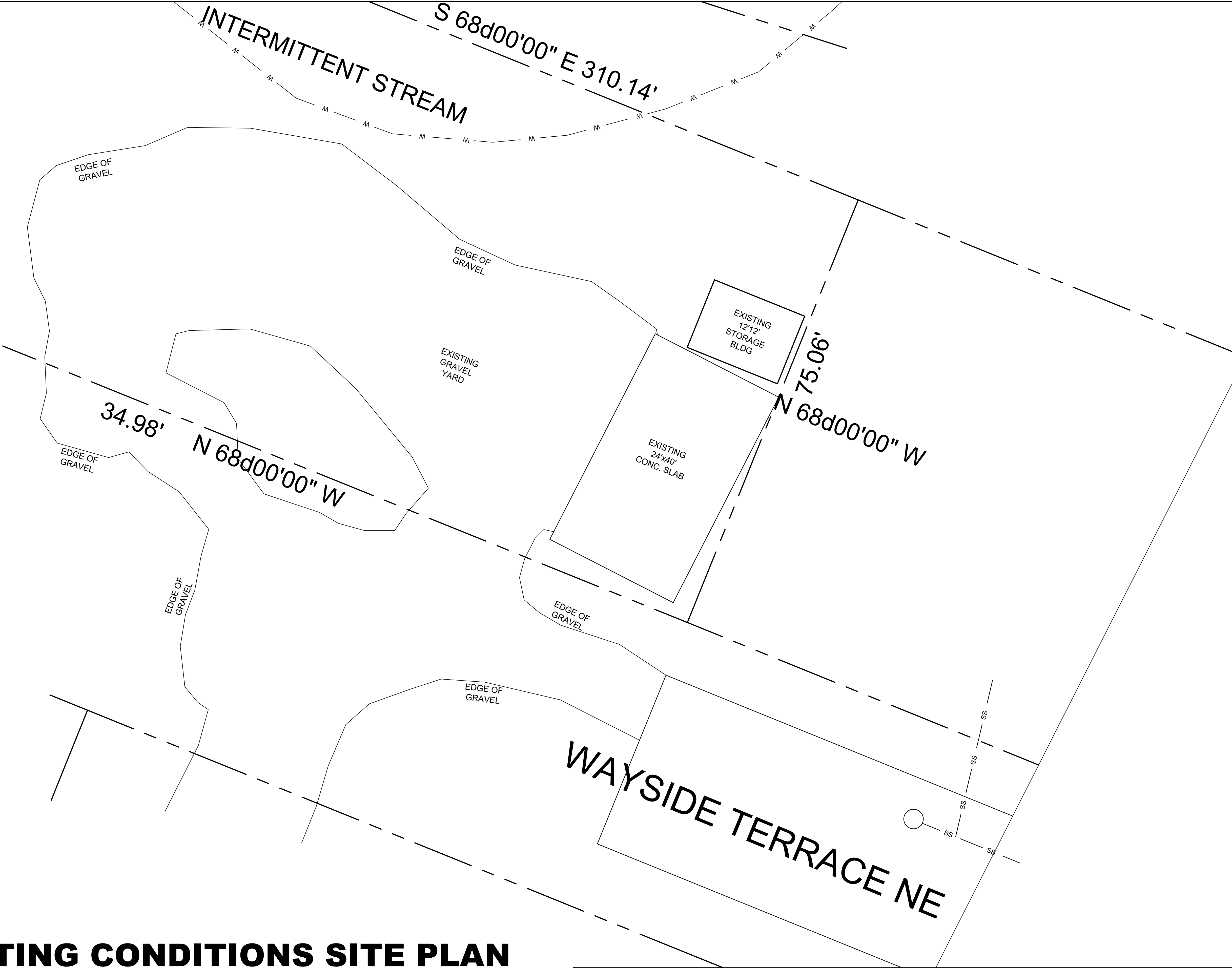
Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

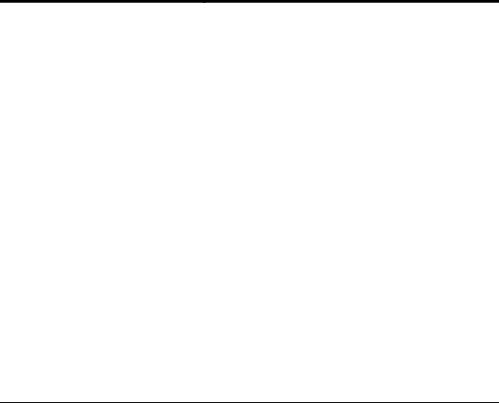
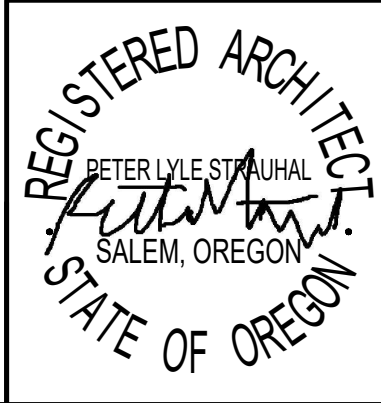
0 100 200 400 Feet





EXISTING CONDITIONS SITE PLAN

SCALE: 1/8" = 1'-0"

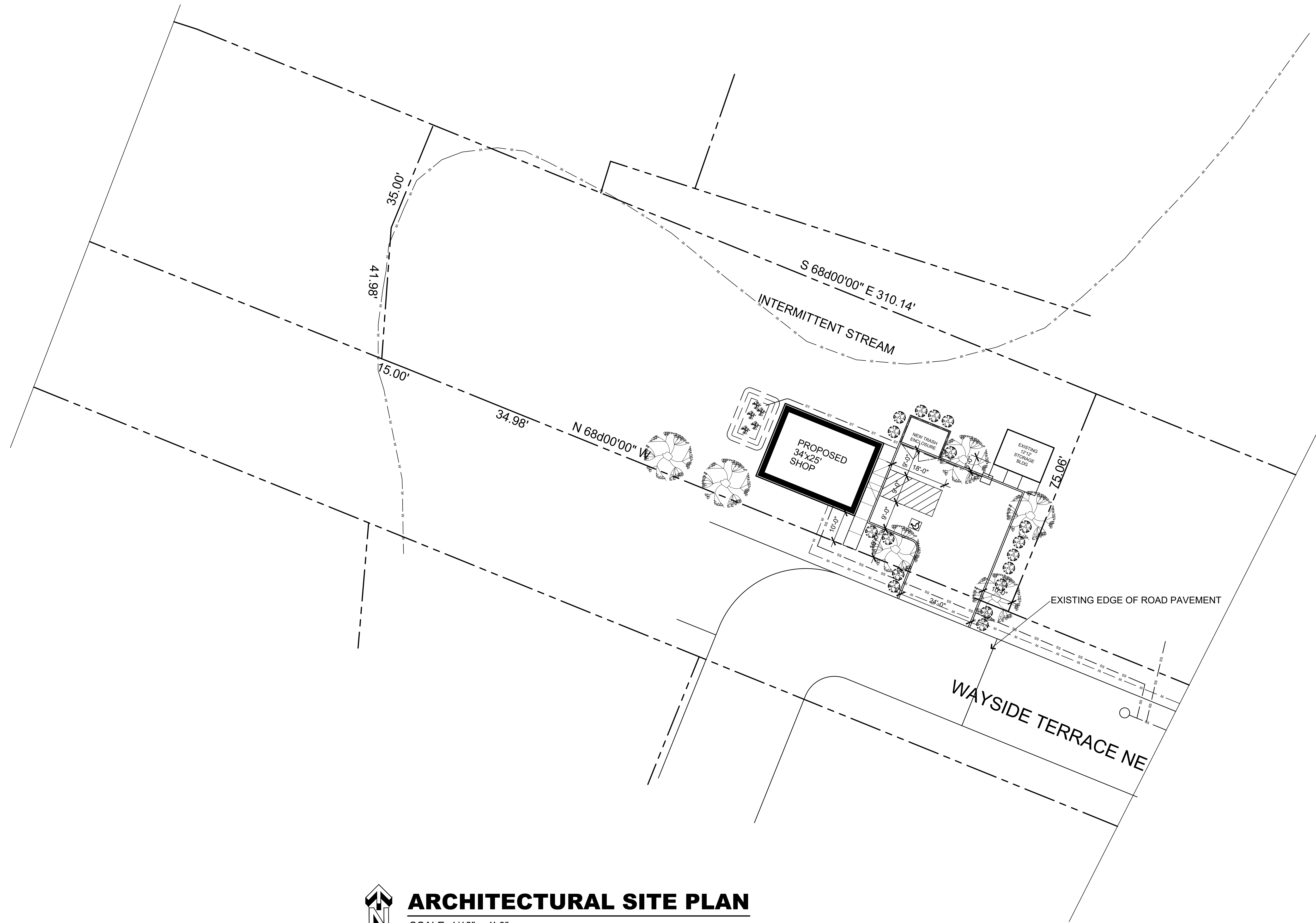


**A NEW SHOP BLDG
FOR CHRIS CUEVAS**

PROJECT ADDRESS:
LOT 16400, TIERRA DEL MAR
CLOVERDALE, OR 97112

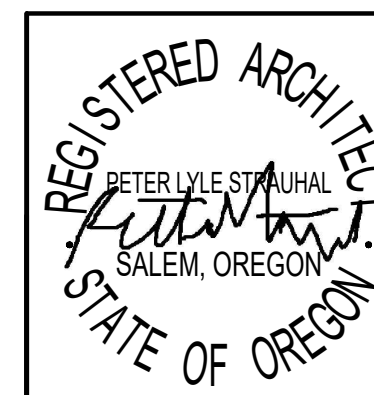
Peter Lyle Strauhel, AIA, LEED AP
P.O. Box 3164 Salem OR 97302
ph: 971.239.1519, fax: 503.371.1640

A1.0
EXISTING SITE
PROJ.#: 21087
DATE: 09-13-22



ARCHITECTURAL SITE PLAN

SCALE: 1/16" = 1'-0"



A NEW SHOP BLDG FOR CHRIS CUEVAS

PROJECT ADDRESS:
LOT 16400, TIERRA DEL MAR
CLOVERDALE, OR 97112

Peter Lyle Strauhal, AIA, LEED AP
2440 Laurel Ave NE, Salem, OR 97301
ph: 503.507.7007, fax: 503.371.1640

A1.1

SITE PLAN
PROJ.#: 21087
DATE: 10-22-21

(d)Submittal requirement- for Class 1 site plan review. In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 1 site plan review shall include a completed application form that shall contain the following information:

(1)The names and addresses of the applicant(s),
APPLICANT: THE RIGHT HOME SOLUTION, INC
PROJECT CONTACT: PAUL LASCOLA
425 EWALD AVE SE,
SALEM, OR 97302
PH: 805-298-5457
EMAIL: therighthomesolution@gmail.com

ARCHITECT: PETER LYLE STRAUHAL, AIA, LEED AP
PROJECT CONTACT: PETER STRAUHAL
PO BOX 7868
SALEM, OR 97303
PH: 971-239-1519
EMAIL: pstrauhal@gmail.com

OWNER: CHRIS CUEVAS
MAILING ADDRESS: 1930 HAMPDEN LN SE, #25
EM, OR 97305
PH: 503-385-347
EMAIL: chriscuevas777@gmail.com

PROJECT ADDRESS:
2035 WAYSIDE TERRACE RD NE
SALEM, OR 97301

TAX MAP & LOT #: 073W12CA01200

LOT SIZE: 16,901 S.F.
LOT ZONE: IG (INDUSTRIAL GENERAL)
LOT COMP. MAP: IND (INDUSTRIAL)
TYPE OF APPLICATION:TYPE 3 SITE PLAN REVIEW

DESCRIPTION OF PROJECT:

The property owner is an automobile restoration hobbyist. He acquired this property to construct a storage and workshop area to the requirements of this hobby. The work conducted here would be similar to a teenage garage project to restore a classic automobile.

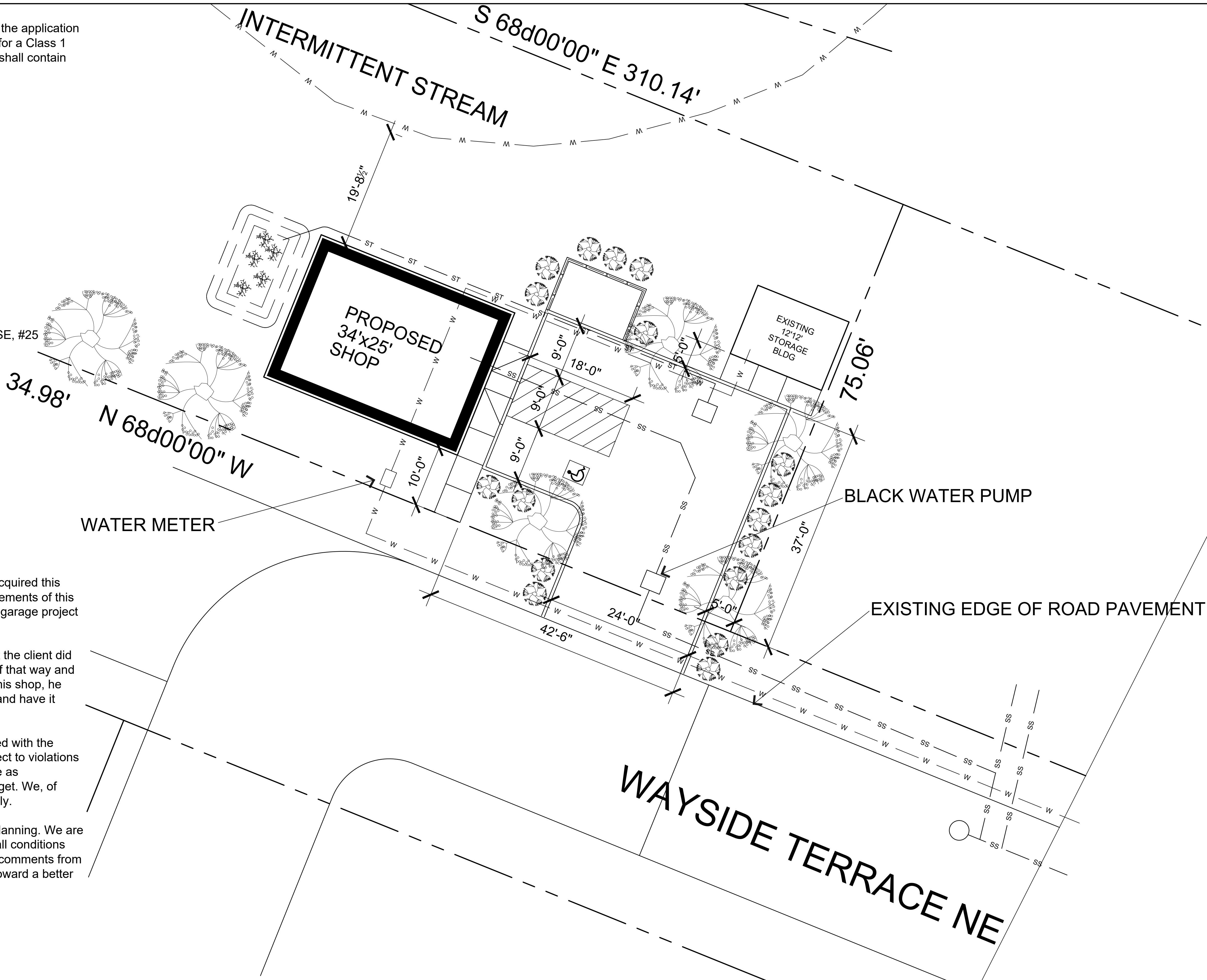
The property is located within an industrial area, something that the client did not realize when he purchased the property. It was simply out of that way and suited to his requirements. When applying for a permit to build his shop, he became aware of the requirements necessary to do it properly and have it permitted officially.

Here is where our firm came into the process. First, we consulted with the client who wants to have a resalable property and one not subject to violations of any sort. Even though it is industrial, the client wanted it to be as aesthetically pleasing as possible within the confines of his budget. We, of course, as an architect and designer, support his position entirely.

We have reviewed the code sections and the comments from planning. We are preparing the drawings and documentation necessary to meet all conditions and exceed minimum requirements to the extent possible. Any comments from planning are welcome, whether as to specific requirements or toward a better aesthetic.

Thank you for your support,

Peter and Paul



ENLARGED ARCHITECTURAL SITE PLAN

SCALE: 1/8" = 1'-0"



A NEW SHOP BLDG FOR CHRIS CUEVAS

A1.4

PROJECT ADDRESS:
LOT 16400, TIERRA DEL MAR
CLOVERDALE, OR 97112

Peter Lyle Strauhal, AIA, Leed AP
2440 Laurel Ave NE, Salem, OR 97301
ph: 503.507.7007, fax: 503.371.1640

SITE PLAN
PROJ.#: 21087
DATE: 10-22-21



MEMO

TO: Jamie Donaldson, Planner II
Community Development Department

FROM: Laurel Christian, Development Services Planner II
Public Works Department

DATE: January 5, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
SPR-DAP22-48 (22-118060)
2035 WAYSIDE TERRACE NE
SHOP AND SITE IMPROVEMENTS**

PROPOSAL

A Class 3 Site Plan Review and Class 2 Driveway Approach Permit for development of a new 850-square-foot shop with associated site improvements including a new driveway approach, parking area and landscaping, for property approximately 0.39 acres in size, zoned IG (General Industrial) and located at 2035 Wayside Terrace NE - 97301 (Marion County Assessor Map and Tax Lot: 073W12CA / 1200).

RECOMMENDED CONDITIONS OF APPROVAL

1. Along Claggett Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
2. Construct a minimum 22-foot paved driveway from the terminus of Wayside Terrace NE to the subject property.

FACTS

Streets

1. Wayside Terrace NE
 - a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 50-foot-wide right-of-way.

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).

- b. Existing Conditions—This street has an approximate 30-foot-wide improvement that terminates approximately 15 feet southeast of the subject property. The right-of-way abutting the property is 50 feet in width.

Storm Drainage

1. Existing Conditions

- a. There are no storm mains to serve the property.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 6-inch water main is located in Wayside Terrace NE approximately 105 feet southeast of the subject property. Mains of this size generally convey flows of 300 to 600 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in Wayside Terrace NE approximately 93 feet southeast of the subject property.

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 *Unified Development Code (UDC)*

Finding—With completion of the conditions above, the subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain Overlay Zone, 802 – Public Improvements, 803 – Streets and Right-of-Way Improvements, 804 – Driveway Approaches, 805 – Vision Clearance, 809 – Wetlands, and 810 – Landslide Hazards.

The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a floodway. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601,

including elevation of new structures to a minimum of one foot above the base flood elevation. The new structure is not being constructed in the floodplain area.

The Salem-Keizer Local Wetland Inventory (LWI) shows that Claggett Creek is mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

A portion of Claggett Creek runs along the northern and western property boundaries. Pursuant to PWDS 1.8(d), the application is subject to open channel drainage easements to be dedicated along the creek, allowing for access and maintenance. The easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greatest.

Condition: Along Claggett Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 3-point landslide hazard areas on the subject property. The proposed activity of a commercial building adds 3 activity points to the proposal, which results in a total of 6 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment. A geological assessment prepared by Redmond Geotechnical Services and dated June 10, 2022, was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties by implementing recommendations in the assessment.

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—Wayside Terrace NE was reconstructed by the City in 2019 with a 30-foot-wide improvement within a 50-foot-wide right-of-way. The improvement terminates approximately 15 feet southeast of the subject property. The proposed development generates less than 20 new average daily vehicle trips; therefore, no right-of-way dedication or street improvements are required (SRC 803.040(d)).

As a condition of using an unimproved right-of-way for primary access, staff recommends the applicant construct a minimum 22-foot paved surface to accommodate

safe and efficient two-way vehicular access. The pavement shall be constructed with a hard surface material meeting the PWDS and extend from the existing terminus of Wayside Terrace NE to the property line of the proposed development pursuant to SRC 806.040(e).

Condition: Construct a minimum 22-foot paved driveway from the terminus of Wayside Terrace NE to the subject property.

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—With recommended conditions listed above, the driveway access onto Wayside Terrace NE provides for safe turning movements into and out of the property.

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

Finding—The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required.

The Public Works Department has reviewed the applicant's preliminary plan for this site. The applicant's proposed utility plan does not accurately depict the location of existing public utilities. At the time of a development, an updated utility plan is required. Public water and sewer are located within Wayside Terrace NE, approximately 100 feet southeast of the subject property. No public storm mains are available to serve the development.

Wayside Terrace NE was resurfaced in 2019 and is subject to the City's 5-year no-cut policy. This policy, outlined in PWDS Section 1.16(d), states that any open cut of streets that have been resurfaced or reconstructed during the past five years are prohibited, unless approved via the Design Exception process. Exception approval will require more rigorous street and trench repair measures to ensure integrity of newly-paved streets. Installation of utilities to serve the site may require a Design Exception from the City Engineer.

Due to topographic constraints, gravity-fed sewer is not available to serve the subject property. The applicant is advised to consult with a plumbing contractor to discuss options for a pumped sewer system. As a condition of sewer service, a grinder pump and private force main in the right-of-way are required.

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.

Criteria—A Class 2 Driveway Approach Permit shall be granted if:

- (1) The proposed driveway approach meets the standards of this Chapter and the PWDS;**

Finding—The proposed driveway meets the standards for SRC Chapter 804 and PWDS.

- (2) No site conditions prevent placing the driveway approach in the required location;**

Finding—There are no site conditions prohibiting the location of the proposed driveway.

- (3) The number of driveway approaches onto an arterial are minimized;**

Finding—The proposed driveway is not accessing onto an arterial street.

- (4) The proposed driveway approach, where possible:**

- i. Is shared with an adjacent property; or**
- ii. Takes access from the lowest classification of street abutting the property;**

Finding—The proposed driveway is currently located with access to the lowest classification of street abutting the subject property.

- (5) Proposed driveway approach meets vision clearance standards;**

Finding—The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

- (6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;**

Finding—No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveway indicates that it will not create a traffic

hazard and will provide for safe turning movements for access to the subject property.

(7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;

Finding—Staff analysis of the proposed driveway and the evidence that has been submitted indicates that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets.

(8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and

Finding—The proposed driveway approach is located on a local street and does not create a significant impact to adjacent streets and intersections.

(9) The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

Finding—The proposed driveway approach is not located in the vicinity of a residentially zoned area. The driveway will not have an effect on the functionality of the adjacent streets.

Prepared by: Laurel Christian, Development Services Planner II
cc: File