

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 HEARINGS OFFICER

CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW CASE NO.: CU-SPR23-02

APPLICATION NO.: 23-102368-PLN

NOTICE OF DECISION DATE: April 26, 2023

SUMMARY: New oil-change facility and residential units in the CR (Retail Commercial) zone.

REQUEST: A Conditional Use Permit to add a drive-through oil change facility to the existing development at 3997 Carson Drive SE (Marion County Assessor Map and Tax Lot 082W06AB / 10100); in conjunction with a Class 3 Site Plan Review to construct three residential units above a retail building on the abutting property at 4005 Hagers Grove Road SE (Marion County Assessor Map and Tax Lot 082W06AB / 10000). The subject properties are approximately 1.5 acres in size and zoned CR (Retail Commercial).

APPLICANT: Leonard Lodder on behalf of AVI LLC (Inderjit Dhaliwal, Talwinder Dhaliwal)

LOCATION: 3997 Carson Dr SE and 4005 Hagers Grove Rd SE, Salem OR 97317

CRITERIA: Salem Revised Code (SRC) Chapters 240.005(d) – Conditional Use; 220.005(f)(3) – Class 3 Site Plan Review

FINDINGS: The findings are in the attached Decision dated April 24, 2023.

DECISION: The **Hearings Officer APPROVED** Conditional Use / Class 3 Site Plan Review Case No. CU-SPR23-02 subject to the following conditions of approval:

CONDITIONAL USE:

- Condition 1:** No outdoor storage of vehicles or vehicle parts is permitted on site. No parking spaces may be used for the storage of vehicles. Any outdoor storage will require site plan review to obtain approval for a sight-obscuring enclosure to be screened from all adjacent properties.
- Condition 2:** At the time of building permit review, the applicant must provide either six large shrubs or six ornamental trees (equivalent of 12 plant units) within the landscape strip along the 44-foot-long length of the oil-change facility abutting Lancaster Drive SE.
- Condition 3:** Normal hours of operation when the business is open to the public may only be between the hours of 8 A.M. and 8 P.M.

SITE PLAN REVIEW:

- Condition 4:** At the time of building permit review, the applicant must demonstrate that all required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b) and 800.065(c).
- Condition 5:** Construct the following streetscape improvements:
- a. Along Carson Drive SE and Hagers Grove Road SE, provide curblane sidewalks, curb ramps at street intersections, and street trees, including existing areas where street trees are inadequate.
 - b. Along Lancaster Drive SE, provide curb ramps at street intersections and street trees.
- Condition 6:** Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Lancaster Drive SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 7:** All or a portion of the slope easement on the subject property that conflicts with the proposed building must be quitclaimed to the property owner, or the easement must otherwise be altered or removed so that the proposed structure is not in a City easement, prior to building permit issuance.
- Condition 8:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

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

Conditional Use:	<u>May 12, 2025</u>
Class 3 Site Plan Review:	<u>May 12, 2027</u>

Application Deemed Complete:	<u>February 28, 2023</u>
Public Hearing Date:	<u>March 22, 2023</u>
Notice of Decision Mailing Date:	<u>April 26, 2023</u>
Decision Effective Date:	<u>May 12, 2023</u>
State Mandate Date:	<u>June 28, 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, May 11, 2023. Any person who presented evidence or testimony at the hearing may appeal the decision. 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) 240, 220. 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 Planning Commission will review the appeal at a public

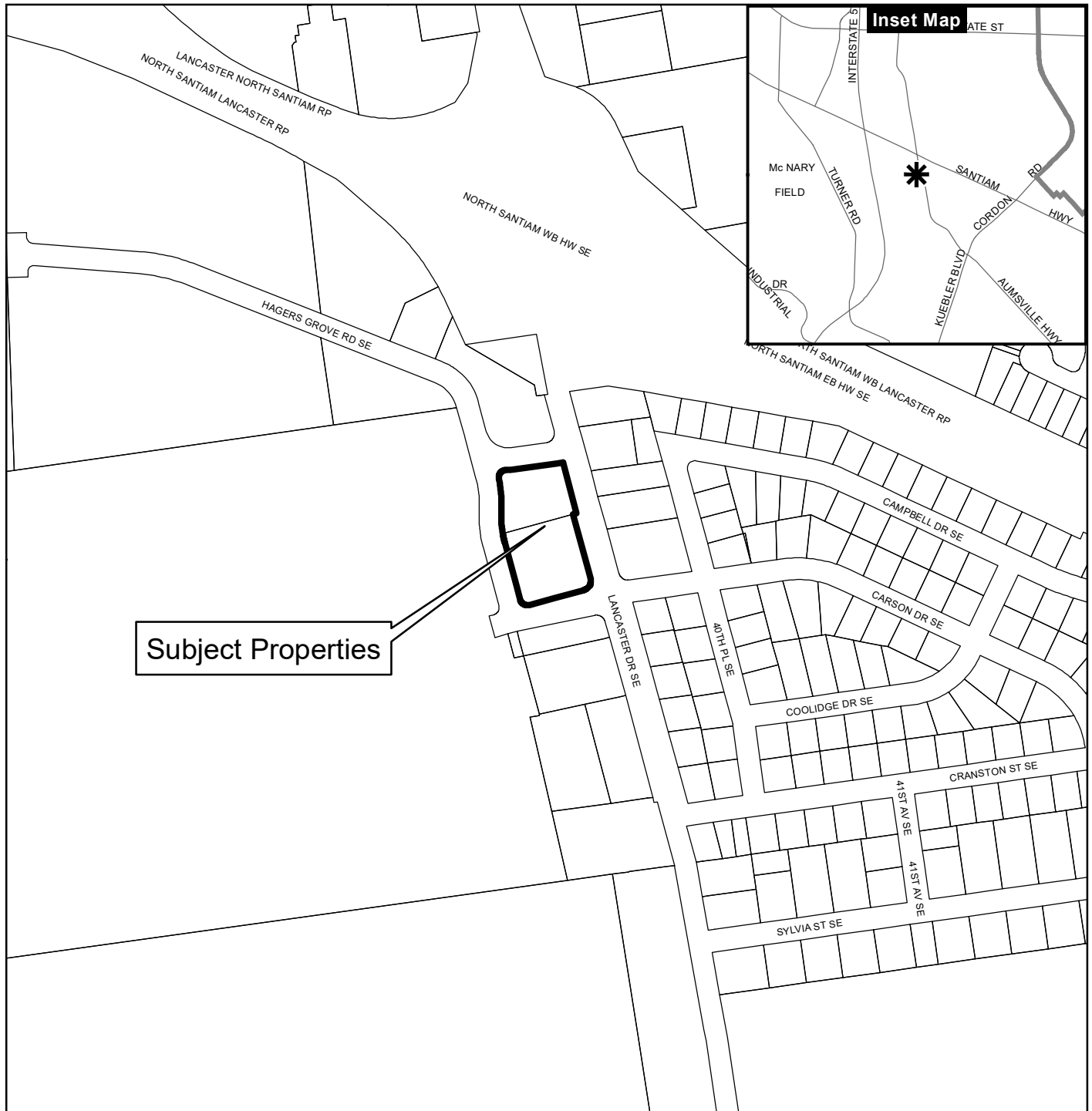
hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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>

Vicinity Map

3997 Carson Dr SE & 4005 Hagers Grove Rd SE



Legend

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

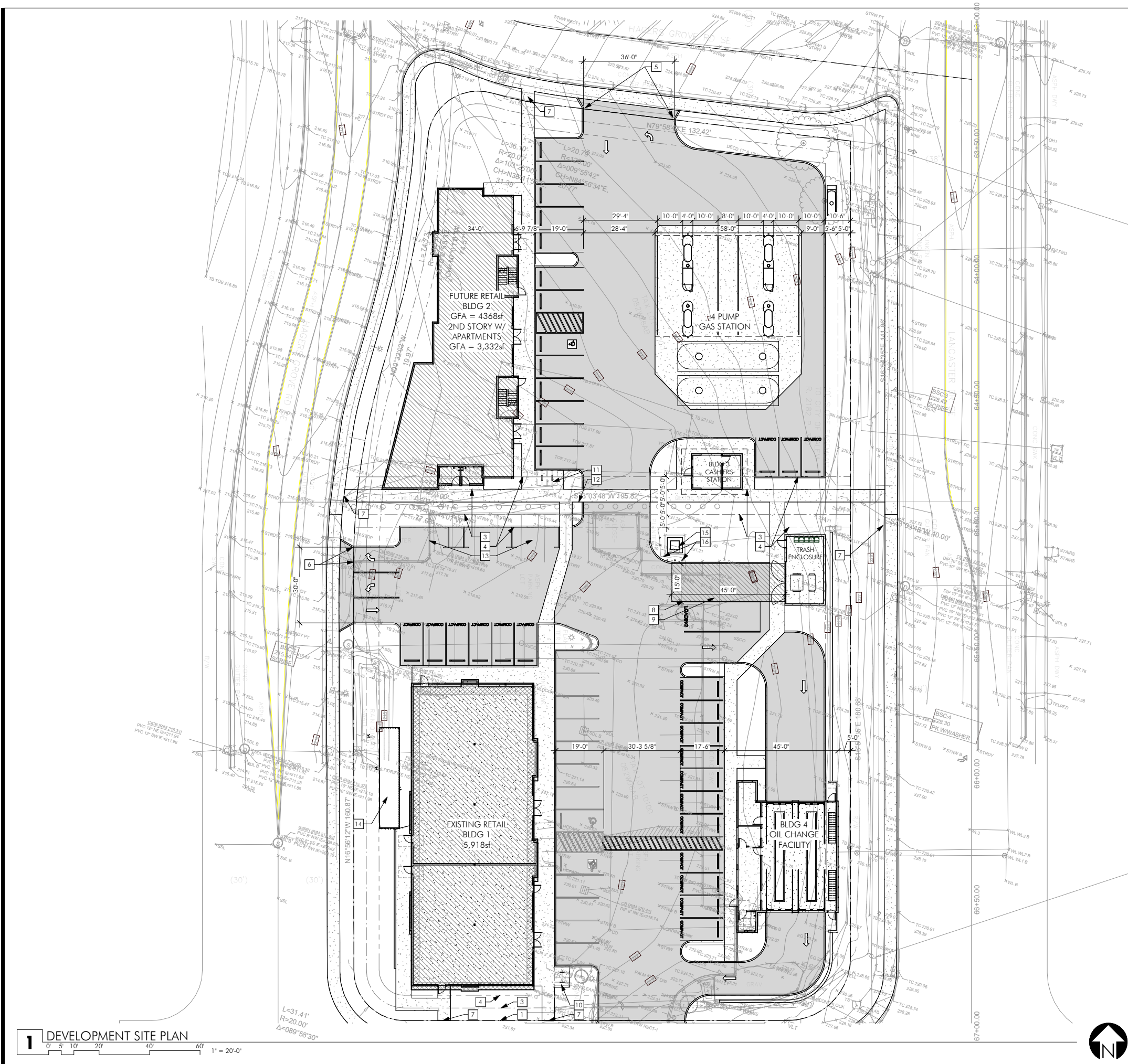
- Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet





1 DEVELOPMENT SITE PLAN
0' 5' 10' 20' 40' 60' 1" = 20'-0"

SITE PLAN GENERAL NOTES:

- THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVES. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND AGREES TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
- REFER TO CIVIL DRAWINGS FOR GRADING. SITE IS REQUIRED TO MEET THE LAWS OF FHA AND ADA. ACCESSIBLE ROUTES SHALL NOT EXCEED 5% (1 IN 20) OR CROSS SLOPES SHALL NOT EXCEED 2% (1 IN 50). ALL AT GRADE SIDEWALKS ARE ACCESSIBLE ROUTES.
- JOINTS IN CONCRETE WALKS NOTED AS E.J. ARE TO BE CONSTRUCTED AS EXPANSION JOINTS. ALL OTHER JOINTS SHOWN, TO BE TOOLED CONTROL JOINTS, SEE CIVIL.
- PROVIDE CONSTRUCTION FENCING AS REQUIRED TO SECURE SITE AND BUILDING DURING CONSTRUCTION.
- SEE LANDSCAPE DRAWINGS FOR LANDSCAPE AND IRRIGATION ELEMENTS.
- EXTREME CARE SHOULD BE TAKEN TO PRESERVE EXISTING ROOTS OF TREES TO REMAIN.
- SEE ELECTRICAL DRAWINGS FOR SITE LIGHTING.

SITE DEVELOPMENT CODE REVIEW:

- SITE AREA: 67,798.91 sf = 1.5564ac
- ZONING: CR Commercial Retail
- COMPREHENSIVE PLAN: COM
- BUILDING AREAS:
- BLDG 1 RETAIL: 5,918 sf
 - BLDG 2 RETAIL: 4,390 sf
 - BLDG 3 FUEL CASHIER: 252 sf
 - BLDG 4 OIL CHANGE: 1,888 sf
 - TRASH ENCLOSURE: 448 sf
- PARKING:
- COMMERCIAL USES: 1/250sf REQ'D
 - MOTOR VEHICLE SERVICES: 1/900sf REQ'D
 - BLDG 1 RETAIL: @ 5,918sf/250sf = 23.672spaces
 - Star Container: @ 320sf/250sf = 1.28spaces
 - BLDG 2 RETAIL: @ 4,390sf/250sf = 17.56spaces
 - BLDG 3 CASHIER: @ 252sf/900sf = 0.280spaces
 - BLDG 4 OIL: @ 1,888sf/900sf = 2.098spaces
 - FUEL CANOPIES: @ 2,820sf/900sf = 3.133spaces
- Total Parking Req'd = 48 spaces.
- Total Parking Provided: 20 spaces are Compact, and indicated as such. 28 spaces are Full Size.
- BIKE PARKING:
- 1 SPACES PER 3,500 sf, or MINIMUM 4 SPACES
 - THEREFORE PROVIDE 4 BIKE PARKING SPACES.
- LOADING SPACES:
- FOR BUILDINGS BETWEEN 5,000 sf TO 60,000 sf PROVIDE 1 SPACE:
 - LOADING SPACE SIZE: 12'-0" x 40'-0" WITH ACCESS TO STREET OR ALLEY.
 - LOADING SPACE IS COINCIDENT WITH AREA SET ASIDE FOR SOLID WASTE VEHICULAR ACCESS AND MANAGED TO ENSURE TWICE WEEKLY WASTE REMOVAL ACCESS.
- MAXIMUM BUILDING HEIGHT:
- PER S.R.C. TABLE 522.5, MAX BUILDING HT IS 50ft.
 - NO STRUCTURE ON THE SITE EXCEEDS 50ft IN HEIGHT.
 - EXISTING RETAIL BUILDING REACHES 28ft. NEW STRUCTURES ARE NOT YET FULLY DETERMINED BUT WILL BE LESS THAN 28ft IN HEIGHT.

SITE AREA CALCULATIONS			
DESCRIPTION	AREA sf	PERCENT	REMARKS
BUILDINGS	12,690.00	18.72%	
LANDSCAPING	14,889.00	21.96%	
ASPHALT PAVING	28,907.72	42.64%	
ACCESSORY STRUCTURES	448.00	0.66%	TRASH ENCLOSURE
CONCRETE SIDEWALKS	6,446.01	9.51%	
CONCRETE CURBS	713.38	1.05%	
CONCRETE RE-FUELING PAD	4,024.80	5.94%	
MISCELLANEOUS	-320.00	-0.47%	Landscape under Raised Storage Container
8	67,798.91	100.00%	

CANOPY AREA CALCULATIONS			
COVER DESCRIPTION	COVER AREA sf	PERCENT	COVER REMARKS
RE-FUELING CANOPY	2,820.00	91.21%	
BUILDING OVERHANGS	271.88	8.79%	
2	3,091.88	100.00%	

SITE PLAN NOTES:

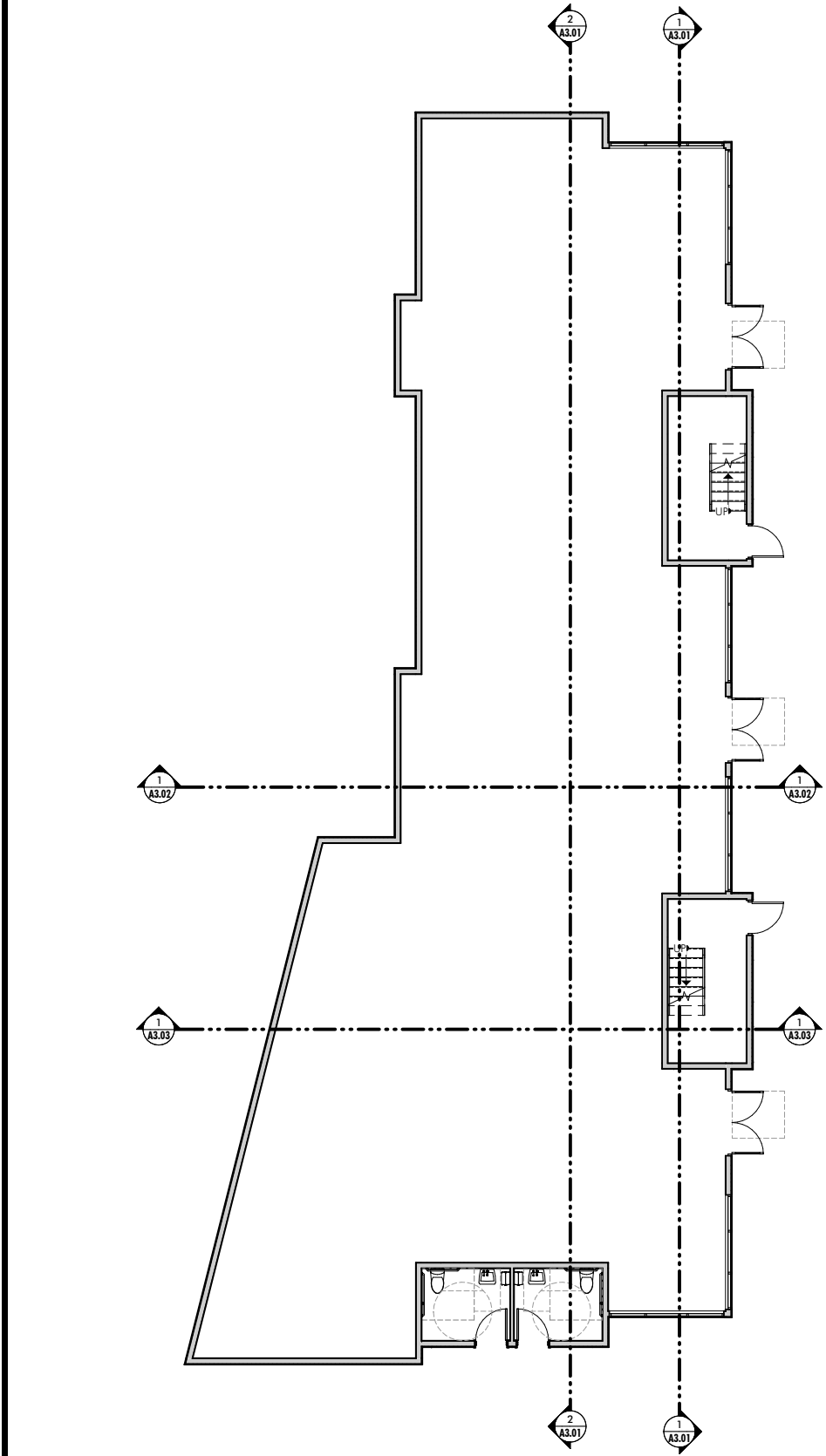
- PROPERTY LINE
- RIGHT OF WAY DEDICATION
- BUILDINGS SETBACK LINE
- VEHICLE USE AREA SETBACK LINE
- NEW DRIVEWAY PERMIT, LEFT OUT, LEFT IN, ONLY.
- DRIVEWAY PERMIT, WIDEN DRIVEWAY TO 36'-0" WIDTH TO PROVIDE LEFT AND RIGHT OUT LANES.
- PEDESTRIAN CONNECTION POINT TO NEW OR EXISTING CITY SIDEWALK.
- 45' x 15'W x 14'H SOLID WASTE VEHICLE OPERATION AREA.
- 30' x 12'W x 14'H LOADING SPACE SHOULD BE COINCIDENT WITH SOLID WASTE VEHICLE OPERATION AREA, BUT CITY PLANNERS CANT SEEM TO SEE HOW THAT IS PERMITTED BY THE DEVELOPMENT CODE.
- 4 EXISTING BICYCLE PARKING SPACES.
- 4 NEW BICYCLE PARKING SPACES.
- EXISTING PROPERTY LINE BETWEEN TAX LOT 10,000 AND TAX LOT 10,100 TO REMAIN
- PARALLEL PARKING SPACES NECESSITATED BY CITY OF SALEM ADDITIONAL SETBACK FOR VEHICLE USE AREAS.
- STORAGE SHIPPING CONTAINER FOR EXISTING C-STORE, MOUNTED ON STEEL FRAME ABOVE EXISTING LANDSCAPING AT WEST RAISED ACCESS WALK. AREA UNDER WILL HAVE 5 TO 7 FEET CLEAR HT.
- EXISTING TRANSFORMER LOCATION
- INSTALL BOLLARDS, PER DETAIL, TO PROTECT TRANSFORMER.

PRELIMINARY,
NOT FOR
CONSTRUCTION

IN THE EVENT CONFLICTS ARE DISCOVERED BETWEEN THE ORIGINAL SIGNED AND SEALED DOCUMENTS PREPARED BY THE ARCHITECTS AND/OR THEIR CONSULTANTS, AND ANY COPY OF THE DOCUMENTS TRANSMITTED BY MAIL, FAX, ELECTRONICALLY OR OTHERWISE, THE ORIGINAL SIGNED AND SEALED DOCUMENTS SHALL GOVERN.

PROJECT # 2020-109
DATE: 01/19/2023
REVISIONS

Stop-N-Save Gas
New Gas Station
3997 Carson Dr SE Salem OR 97317



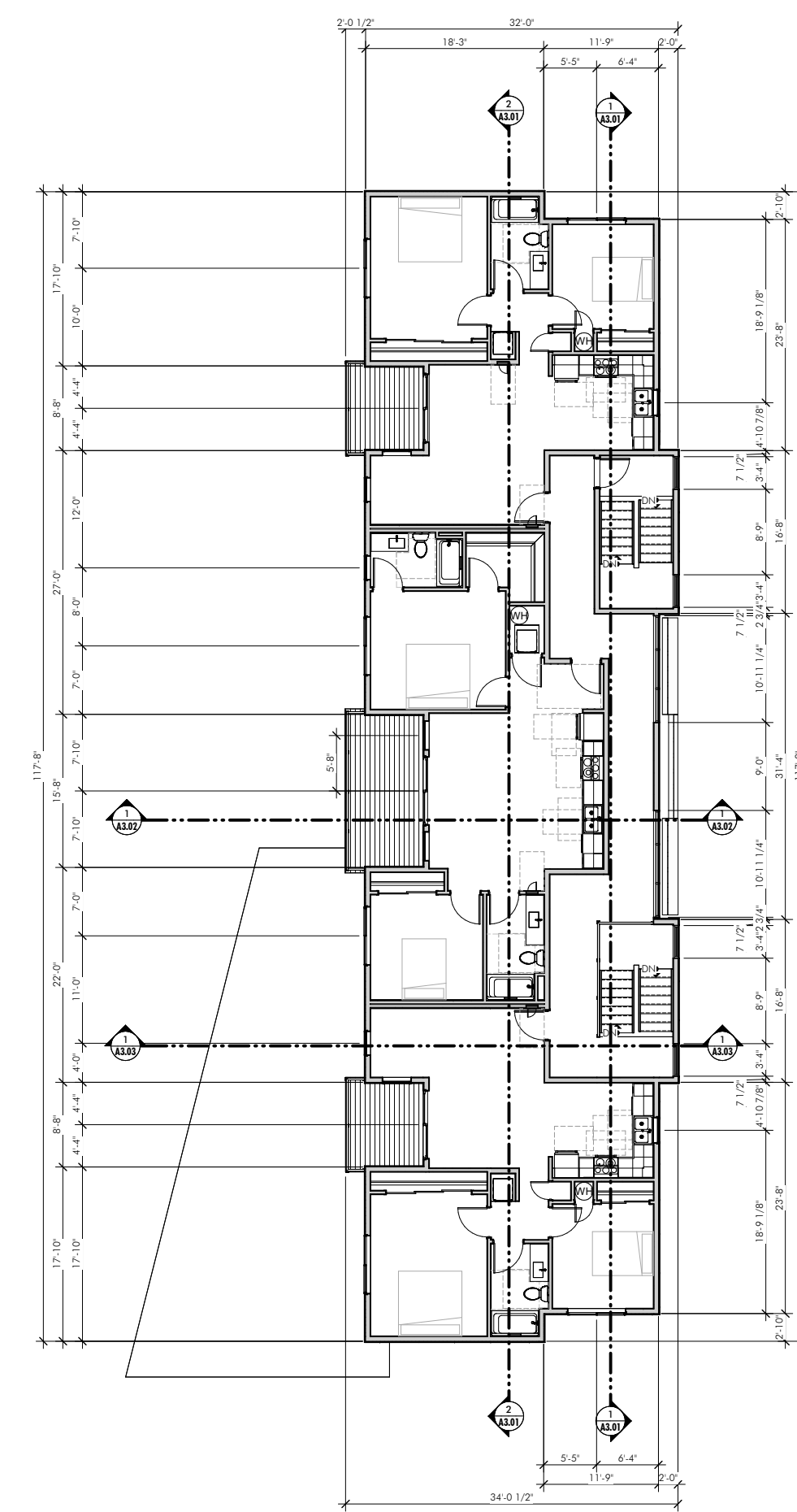
1 LEVEL 01 - GROUND FLOOR PLAN

0' 2' 4' 8' 16' 24' 1/8" = 1'-0"



2 LEVEL 02 - SECOND FLOOR PLAN

0' 2' 4' 8' 16' 24' 1/8" = 1'-0"



GENERAL PLAN NOTES:

- GENERAL NOTES APPLY TO ALL DRAWINGS.
- DRAWINGS ARE DIAGRAMMATIC ONLY AND SHOULD NOT BE SCALED. NOTIFY ARCHITECT OF ANY DISCREPANCIES IMMEDIATELY UPON DISCOVERY. OBTAIN CLARIFICATION OF DIMENSIONS OR DISCREPANCIES PRIOR TO PROCEEDING WITH AREA OF REQUIRED WORK.
- DIMENSIONS ARE TO FACE OF FRAMING. DIMENSIONS STATED AS CLEAR ARE TO FACE OF FINISH.
- SEE WALL SECTIONS FOR DESCRIPTION OF EXTERIOR WALL MATERIALS.
- ALL INTERIOR PARTITIONS TO RECEIVE GLASS FIBER INSULATION, FULL HEIGHT.
- COORDINATE LOCATION OF RECESSED OR SEMI-RECESSED ITEMS TO AVOID BACK TO BACK INSTALLATION AND TO REDUCE NOISE TRANSFER THROUGH PARTITIONS.
- INSTALL WALL BACKING FOR ALL WALL MOUNTED ITEMS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING: DOOR STOPS, FIXTURES, WALL CABINETS, SHELVING, COUNTERS, TOILET ACCESSORIES, SECURITY EQUIPMENT, TACK BOARDS AND MARKER BOARDS, HAND RAILS AND WINDOW COVERING TRACKS.
- SEPARATE AREAS IN WHICH WORK IS BEING CONDUCTED FROM OTHER AREAS THAT ARE STILL OCCUPIED.
 - PROVIDE, ERECT, AND MAINTAIN TEMPORARY DUSTPROOF PARTITIONS OF SUITABLE CONSTRUCTION IN LOCATIONS INDICATED ON DRAWINGS OR AS DIRECTED.
- PROTECT EXISTING WORK TO REMAIN.
 - PREVENT MOVEMENT OF STRUCTURE; PROVIDE SHORING AND BRACING IF NECESSARY.
 - PERFORM CUTTING TO ACCOMPLISH REMOVALS NEATLY AND AS SPECIFIED FOR CUTTING NEW WORK.
 - REPAIR ADJACENT CONSTRUCTION AND FINISHES DAMAGED DURING REMOVAL WORK.
 - PATCH AS SPECIFIED FOR PATCHING NEW WORK.
- REMOVE DEBRIS, JUNK, AND TRASH FROM SITE.
- REMOVE FROM SITE ALL MATERIALS NOT TO BE REUSED ON SITE; DO NOT BURN OR BURY.
- LEAVE SITE IN CLEAN CONDITION, READY FOR SUBSEQUENT WORK.
- CLEAN UP SPILLAGE AND WIND-BLOWN DEBRIS FROM PUBLIC AND PRIVATE LANDS.
- WORK SHOWN ON THESE DRAWINGS IS TO BE SUPPLIED, FURNISHED, CONSTRUCTED, INSTALLED ALL AS PER THE GENERAL CONDITIONS AND THE SPECIFICATIONS. EXCEPTIONS AS DESCRIBED BY THE FOLLOWING ABBREVIATIONS:
 - CFCI - CONTRACTOR FURNISHED - CONTRACTOR INSTALLED.
 - OFCI - OWNER FURNISHED - CONTRACTOR INSTALLED.
 - OFOI - OWNER FURNISHED - OWNER INSTALLED.
 - NIC OR N.I.C. - NOT IN CONTRACT OR NOT A PART OF THIS CONTRACT.

PLAN LEGEND:

FLOOR PLAN NOTES:

1 SAMPLE PLAN NOTE

IN THE EVENT CONFLICTS ARE DISCOVERED BETWEEN THE ORIGINAL SIGNED AND SEALED DOCUMENTS PREPARED BY THE ARCHITECTS AND/OR THEIR CONSULTANTS, AND ANY COPY OF THE DOCUMENTS TRANSMITTED BY MAIL, FAX, ELECTRONICALLY OR OTHERWISE, THE ORIGINAL SIGNED AND SEALED DOCUMENTS SHALL GOVERN.

PROJECT # 2020-109
DATE: 01/14/2023
REVISIONS

Stop-N-Save Gas Mixed-Use Building

3997 Carson Dr SE Salem OR 97317

ELEVATION NOTES:

1 SAMPLE ELEVATION NOTE

STUDIO

3

ARCHITECTURE
INCORPORATED

275 COURT ST. NE
SALEM, OR 97301-3442
P: 503.390.6500
www.studio3architecture.com

IN THE EVENT CONFLICTS ARE DISCOVERED
BETWEEN THE ORIGINAL SIGNED AND SEALED
DOCUMENTS PREPARED BY THE ARCHITECTS
AND/OR THEIR CONSULTANTS, AND ANY COPY OF
THE DOCUMENTS TRANSMITTED BY MAIL, FAX,
ELECTRONICALLY OR OTHERWISE, THE ORIGINAL
SIGNED AND SEALED DOCUMENTS SHALL GOVERN.

PROJECT # 2020-109
DATE: 01/14/2023
REVISIONS

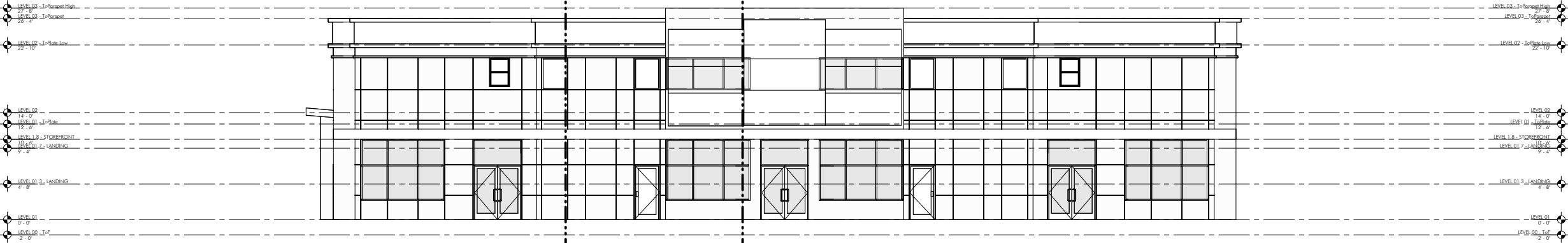
Stop-N-Save Gas

Mixed-Use Building

3997 Carson Dr SE Salem OR 97317

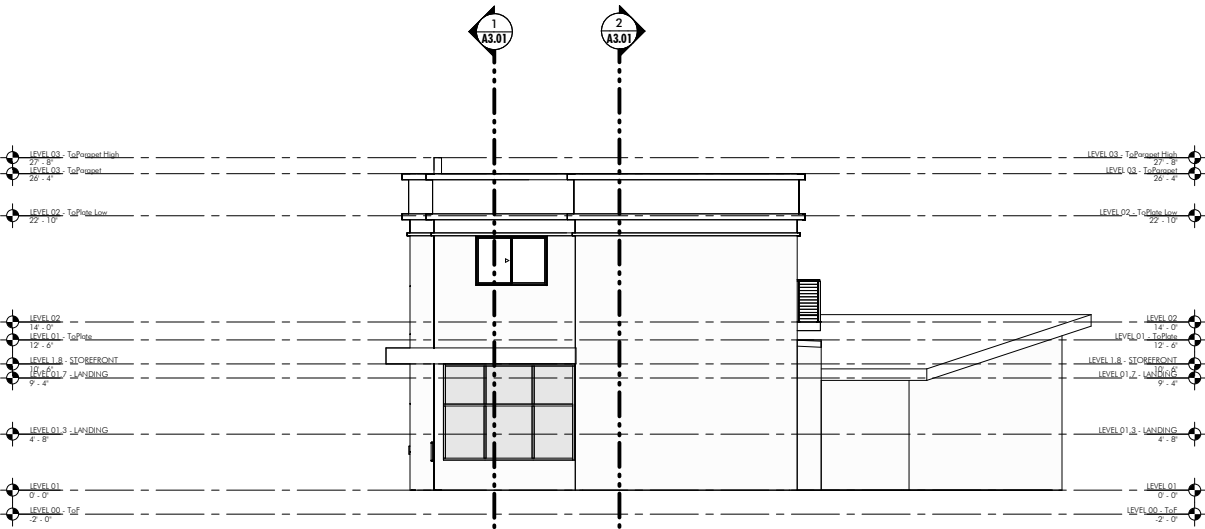
SHEET:

A2.01



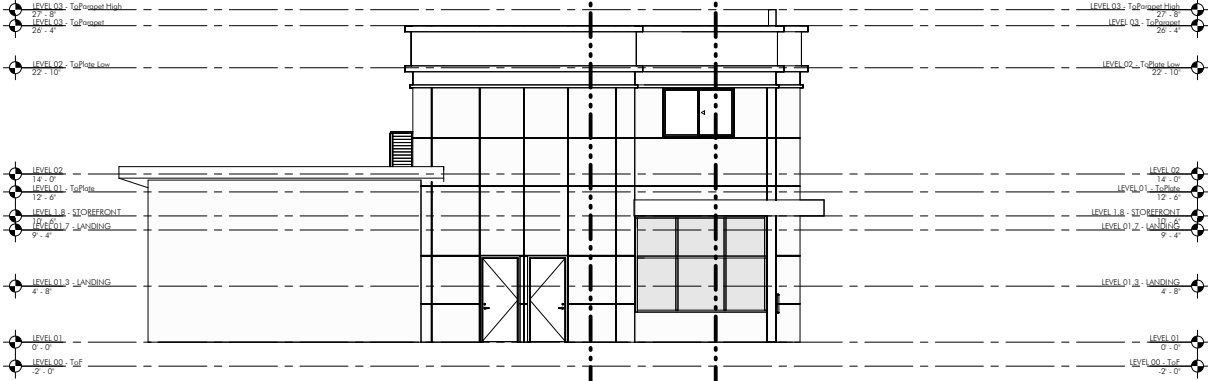
1 EAST ELEVATION

1/8" = 1'-0"



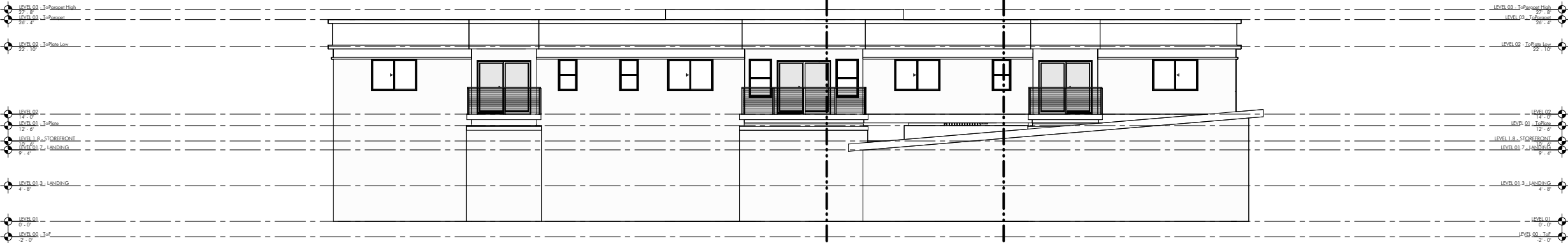
2 NORTH ELEVATION

1/8" = 1'-0"



3 SOUTH ELEVATION

1/8" = 1'-0"

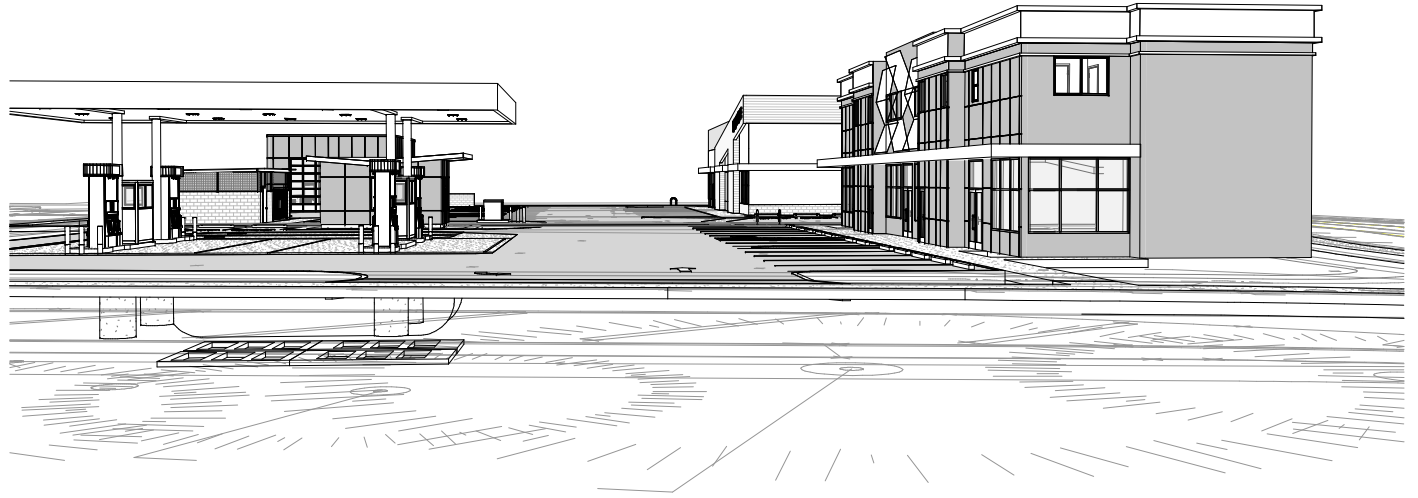


4 WEST ELEVATION

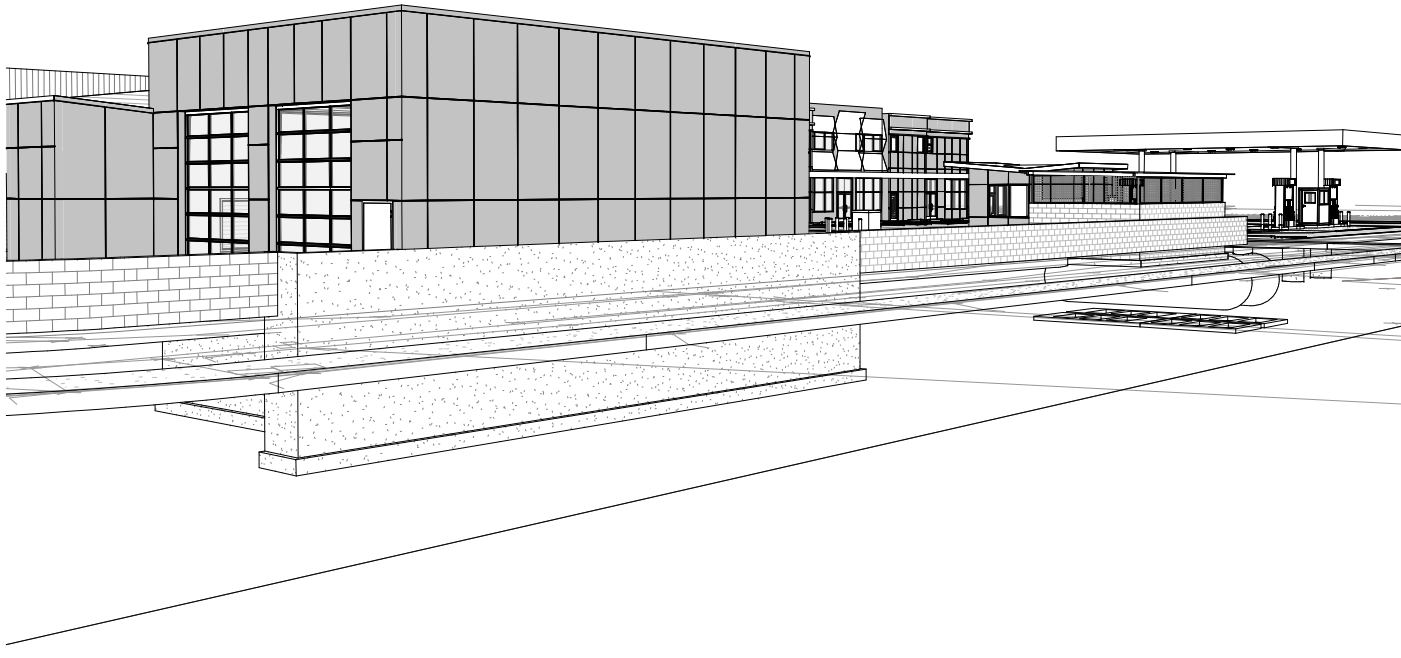
1/8" = 1'-0"



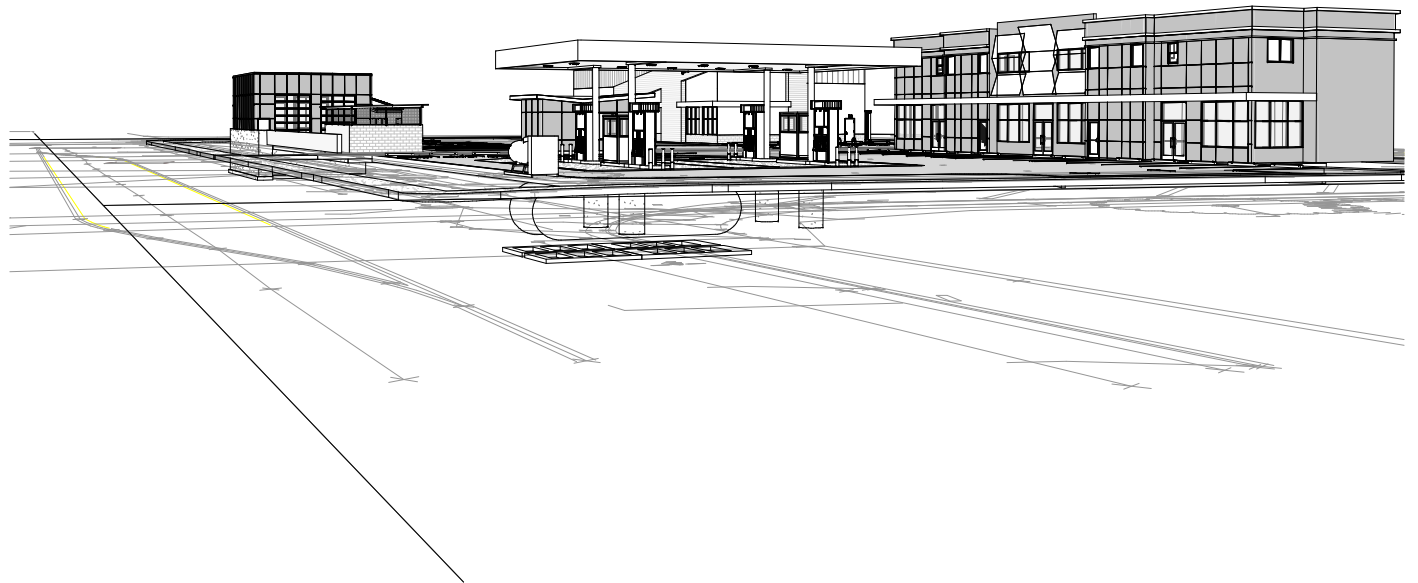
1 3D View 3



2 3D View 4



4 3D View 1



3 3D View 2

**CITY OF SALEM
BEFORE THE HEARINGS OFFICER**

A REQUEST FOR A Conditional Use Permit to add a drive-through oil change facility to the existing development at 3997 Carson Drive SE (Marion County Assessor Map and Tax Lot 082W06AB / 10100); in conjunction with a Class 3 Site Plan Review to construct three residential units above a retail building on the abutting property at 4005 Hagers Grove Road SE (Marion County Assessor Map and Tax Lot 082W06AB / 10000). The subject properties are approximately 1.5 acres in size and zoned CR (Retail Commercial).	} } } } } } } } } }	CU-SPR23-02 FINDINGS OF FACT, CONCLUSIONS, AND DECISION
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DATE AND PLACE OF HEARING:

On March 22, 2023, at 5:30 p.m., a properly noticed hearing was held before the City of Salem Hearings Officer at Salem City Council Chambers, Room 240, Civic Center, 555 Liberty Street SE, Salem, Oregon.

APPEARANCES:

Staff: Jamie Donaldson, Planner II

Neighborhood Association: None

Proponents: Leonard Lodder, speaking on behalf of Applicant

Opponents: None

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

The City of Salem held a duly authorized and noticed public hearing on March 22, 2023, regarding a request for a Conditional Use Permit to add a drive-through oil change facility to the existing development at 3997 Carson Drive SE (Marion County Assessor Map and Tax Lot 082W06AB / 10100); in conjunction with a Class 3 Site Plan Review to construct three residential units above a retail building on the

abutting property at 4005 Hagers Grove Road SE (Marion County Assessor Map and Tax Lot 082W06AB / 10000). The subject properties are approximately 1.5 acres in size and are zoned CR (Retail Commercial).

During the hearing, Jamie Donaldson requested that the Staff Report be entered into the Record, and the Hearings Officer granted the request. The Hearings Officer ordered that the record be left open for additional comments. No additional comments or rebuttals were received during this time.

The Staff Report and Staff presentation stated, observed, noted, and alleged the following:

FINDINGS OF FACT AND CONCLUSIONS

1. Salem Area Comprehensive Plan (SACP) designation

The applications were submitted on January 20, 2023. At the time these applications were submitted, the Salem Area Comprehensive Plan (SACP) map designation for the subject property was Commercial.

2. Zoning and Surrounding Land Uses

The applications were submitted on January 20, 2023. The subject properties are currently zoned CR (Retail Commercial) as of August 25, 2022, with no changes with the implementation of the City's Our Salem project.

The zoning designation of surrounding properties is as follows:

North: Across Hagers Grove Road SE, CR (Retail Commercial) Zone

South: Across Carson Drive SE, MU-II (Mixed Use – II) Zone

East: Across Lancaster Drive SE, RM-II (Multiple Family Residential) Zone

West: Across Carson Drive SE, IG (General Industrial) Zone

3. Site Analysis

The proposal is part of a development site consisting of two units of land abutting four streets on all sides. The development site has a combined frontage of approximately 340 feet of frontage along Lancaster Drive SE, 360 feet of frontage along Carson Drive SE, and 160 feet of frontage along Hagers Grove Road SE. Lancaster Drive SE is designated as a Major Arterial street in the Transportation System Plan, and Carson Street SE is designated as a Collector street. The subject property is located within the Urban Growth Boundary and within the Urban Service Area.

4. Neighborhood and Citizen Comments

The subject property is located within the Southeast Mill Creek Association (SEMCA). Pursuant to SRC Chapter 300, the applicant is required to contact the Neighborhood Association prior to submittal of this consolidated application. On January 19, 2023, the applicant contacted the SEMCA Neighborhood Association, meeting the requirements of SRC 300.310(c). Notice was provided to the SEMCA Neighborhood Association and to surrounding addresses, property owners, and tenants within 250 feet of the subject property. At the time of the hearing, no public comments had been received.

5. City Department and Public Agency Comments

Notice of the proposal was provided to City Departments, public agencies, and to public & private service providers. The following comments were received:

The City of Salem Public Works Department reviewed the proposal and provided a memo.

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

The City of Salem Fire Department reviewed the proposal and indicated no concerns.

Salem-Keizer Public Schools reviewed the proposal and submitted comments.

DECISION CRITERIA FINDINGS

6. Analysis of Conditional Use Criteria

Salem Revised Code (SRC) Chapter 240.005(a)(1) provides that no building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

Salem Revised Code (SRC) 240.005(d) provides that an application for a Conditional Use Permit may be granted if the following criteria are met.

SRC 240.005(d)(1): The proposed use is allowed as a conditional use in the zone.

Finding: The proposal includes development of a drive-through facility indicated to be used as an oil-change facility, which is classified as a *motor vehicle services* use. In the CR zone, all other motor vehicle service uses except gasoline service stations, require a Conditional Use Permit; therefore, a Conditional Use Permit is required to establish the proposed uses on the subject property.

SRC 240.005(d)(2): The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

Finding: The proposed motor vehicle services use is consistent with the character of this area of Lancaster Drive SE, and is a reasonably compatible use for the area, as outlined below.

Just north of the subject development, Lancaster Drive SE offers many retail services, as well as a gas station on the opposite side of Santiam Highway-22, providing adequate options for gas in the vicinity and for travelers using the highway. The oil change facility proposed is to be constructed as a drive-through facility, offering quick motor vehicle services that are compatible with the gas station uses along Lancaster Drive SE and approved as part of the development site. In addition, the drive-through operation means there will be no storage of vehicles or auto parts that might otherwise be associated with typical motor vehicle services uses. To ensure the operation of the oil-change facility maintains minimal impact to the surrounding neighborhood, the following condition applies:

Condition 1: No outdoor storage of vehicles or vehicle parts is permitted on site. No parking spaces may be used for the storage of vehicles. Any outdoor storage will require site plan review to obtain approval for a sight-obscuring enclosure to be screened from all adjacent properties.

The site is currently developed with a retail building and associated parking. The applicant's recent approval to improve the development site under SPR-DAP22-46 will include approximately 22 percent of new landscaping, including along the perimeter of the properties, exceeding the minimum-of-15-percent requirement required in the CR zone. To further ensure the mitigation of any potential impacts of the oil-change facility to neighboring properties, the following condition applies:

Condition 2: At the time of building permit review, the applicant must provide either six large shrubs or six ornamental trees (equivalent of 12 plant units) within the landscape strip along the 44-foot-long length of the oil-change facility abutting Lancaster Drive SE.

As conditioned, the Hearings Officer finds that the proposed development will have a minimal impact on the immediate neighborhood.

SRC 240.005(d)(3): The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

Finding: The subject property is comprised of two units of land, where one parcel is currently operating with tenant spaces including two eating & drinking establishments and a retail market. The previously approved case number SPR-

DAP22-46 allowed development of a new retail building and gas station pump on the adjacent parcel to the north, and associated site improvements to parking, pedestrian walkways, and landscaping for both parcels. Adjacent neighboring properties include the following uses:

North: Across Hagers Grove Road SE; Office complex

South: Across Carson Drive SE; Residential

East: Across Lancaster Drive SE; Residential

West: Across Carson Drive SE; Vacant land for Oregon Department of Geology and Mineral Industries

The two properties are located directly adjacent to each other and surrounded by streets on all four sides, and they share similar retail and motor vehicle uses with similar impacts. In addition, the inclusion of new residential units creates a new mixed-use building with retail sales below, and three residential dwelling units above. To minimize potential impacts of the motor vehicle services use to residential units neighboring the property and located on site, the Hearings Officer imposes a condition of approval limiting the normal hours of operation where the business is open to the public to between the hours of 8 A.M. and 8 P.M.

Condition 3: Normal hours of operation when the business is open to the public may only be between the hours of 8 A.M. and 8 P.M.

Given the location of the proposed buildings, addition of landscaping along the perimeter of the building, and limits on the hours of operation, the Hearings Officer finds that the proposed development will have a minimal impact on the livability of the surrounding property.

7. 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 may 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 applicant is requesting development of a new drive-through oil-change facility for property located at 3997 Carson Dr SE, along with the addition of three residential units above an approved retail building for property located at 4005 Hagers Grove Road SE. The proposed site plan complies with all applicable development standards of the Unified Development Code (UDC), as approved under

SPR-DAP22-46. All conditions of approval under SPR-DAP22-46 will still apply to the development site. The following are the applicable development standards specific to the new oil-change facility building, and the addition of three new residential units above an approved retail building.

Use and Development Standards – CR (Retail Commercial) Zone:

SRC 522.005(a) – Uses:

Table 522-1 lists permitted uses in the CR Zone.

Finding: The proposal includes development of a drive-through building indicated to be used as an oil-change facility, and the addition of three residential units above a retail building. Per Table 522-1, a *three-family* use is outright permitted in the CR zone when located in a mixed-use building. The drive-through oil-change facility is classified as a *motor vehicle services* use. In the CR zone, all other motor vehicle service uses except gasoline service stations, require a Conditional Use Permit; therefore, a Conditional Use Permit is required to establish the proposed use on the subject property.

SRC 522.010(a) – Lot Standards:

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

Finding: The proposal is part of a development site consisting of two units of land abutting four streets on all sides. The development site has a combined frontage of approximately 340 feet of frontage along Lancaster Drive SE, 360 feet of frontage along Carson Drive SE, and 160 feet of frontage along Hagers Grove Road SE, exceeding the minimum standard of 16 feet.

SRC 522.010(b) – Setbacks:

Setbacks within the CR zone shall be provided as set forth in Table 535-3 and Table 535-4.

Abutting Street/Alley

North: Adjacent to the north is right-of-way for Hagers Grove Road SE. Buildings and accessory structures must be set back a minimum of five feet abutting a street. Vehicle use areas require a minimum 6-10-foot setback adjacent to a street, per Chapter 806.

South/West: Adjacent to the south and west is right-of-way for Carson Drive SE. Buildings and accessory structures must be set back a minimum of five feet abutting a street. Vehicle use areas require a minimum 6–10-foot setback adjacent to a street, per Chapter 806.

East: Adjacent to the east is right-of-way for Lancaster Drive SE. Buildings and accessory structures must be set back a minimum of five feet abutting a street. Vehicle use areas require a minimum 6–10-foot setback adjacent to a street, per Chapter 806.

Finding: The proposed development does not change the location of any building or vehicle use area as approved under SPR-DAP22-46. The proposed oil-change building on the south parcel is set back at least five feet from the east property line and well over five feet from the south property line. The residential units proposed above the retail building do not extend beyond the approved footprint of the retail building except for proposed balconies on the west side of the building, which are still set back at least six feet from the closest point abutting the west property line. The proposal is in compliance with all applicable setback requirements of the CR zone and SRC Chapter 806.

Interior Property Lines

North/South: The proposal is part of a development site consisting of two units of land zoned CR (Retail Commercial) sharing a common property line; the south parcel abuts the CR zone to the north, and the north parcel abuts the CR zone to the south. There is no minimum building or accessory structure setback required to an interior property line. Vehicle use areas require a minimum five-foot setback.

Finding: The proposed development does not change the location of any building or vehicle use area as approved under SPR-DAP22-46. The residential units proposed above the retail building do not extend beyond the approved footprint of the retail building along the south side of the building and are set back at least five feet from the shared north/south property line. The proposal is in compliance with all applicable setback requirements of the CR zone.

SRC 522.010(b) – Lot Coverage, Height:

There is no maximum lot coverage requirement. The maximum height in the CR zone is 50 feet.

Finding: The tallest building proposed is approximately 28 feet in height and in compliance with the maximum height standard in the CR zone.

SRC 522.010(d) – Landscaping:

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

landscaping required for setbacks or vehicular use areas, may count toward meeting this requirement.

Finding: The proposal does not include changes to required setbacks or vehicle use areas as approved under SPR-DAP22-46. The development site was evaluated as a whole under the previous land use decision, and the applicant is providing adequate landscaping to meet the minimum requirements for the development site.

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 proposal does not include changes to the new trash enclosure as approved under SPR-DAP22-46. These standards do not apply with this proposal.

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. For purposes of this section, development means the construction of, or addition to, a building or accessory structure, or the construction of, or alteration or addition to, an off-street parking or vehicle use area. Development does not include construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area.

When a development site is comprised of lots under separate ownership, the pedestrian access standards set forth in this section will apply only to the lot, or lots, proposed for development, together with any additional contiguous lots within the development site that are under the same ownership as those proposed for development.

Finding: The development proposed under SPR-DAP22-46 considered the future approval of the oil-change facility, and all required pedestrian connections were proposed for the development site. However, the new oil-change building means the standards of this section apply for this proposal.

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: The applicant's plans indicate direct pedestrian access to be provided from the proposed building on the north parcel (housing the residential units), to Hagers Grove Road SE to the north and Carson Drive SE to the west. The applicant has also provided a pedestrian connection between the existing and proposed buildings on each parcel, which provides a shared access for both buildings to Lancaster Drive SE to the east. The applicant's plans indicate a pedestrian connection proposed through the parking lot on the south parcel to connect to the primary entrance of the new oil-change building to the existing building, which provides an existing pedestrian connection to Carson Street to the south. This standard is met.

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

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

SRC 800.065(a)(2) – 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: Multiple buildings are proposed for the development site. Pedestrian connections are provided connecting the primary building entrances of all proposed buildings on the north parcel to the existing building and proposed oil-change building on the south parcel; therefore, this standard is met.

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 proposed off-street parking areas are less than 25,000 square feet in size and do not include four or more consecutive parallel drive aisles; 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 is comprised of two properties under the same ownership. The applicant's plans provide pedestrian connections between the existing building on the south parcel and the proposed buildings on the north parcel; therefore, this standard is met.

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 pedestrian connections proposed measure 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 receiving a building permit, the applicant must demonstrate that all applicable standards of this section are met. To ensure that the proposed pedestrian walkway meets the design and material standards, including where walkway passes driveways and drive-aisles, the following condition applies:

Condition 4: At the time of building permit review, the applicant must demonstrate that all required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b) 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 4 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 drive-through oil-change building approximately 1,888 square feet in size, which is 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 following is a summary of the parking requirements for the development site as evaluated under SPR-DAP22-46, with the inclusion of the new oil-change building and residential units:

Use	Floor Area	Parking Ratio	Minimum Parking
Retail Sales & Service	10,628 SF	1/250 SF	42.5
Motor Vehicle Services - Gas Station	3,072 SF	1/900 SF	3.4
Motor Vehicle Services - Oil-change facility	1,888 SF	1/900 SF	2.1
Three-family residential	N/A	None required	0
Total			48 Spaces

A minimum of 48 off-street parking spaces are required for the development site, with a maximum allowance of 84 spaces ($48 \times 1.75 = 84$). A minimum of 21 of the off-street parking spaces must be standard sized spaces, the remaining spaces may be compact spaces. Carpool/vanpool spaces are not required for new uses with less than 60 required parking spaces.

The proposed site plan indicates that 48 parking spaces will be provided on site, 20 of which are compact spaces; therefore, the proposal meets the standards.

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 proposal does not include changes to required setbacks or vehicle use areas as approved under SPR-DAP22-46. The development site was evaluated as a whole under the previous land use decision, and the applicant is providing adequate perimeter landscaping to meet the minimum requirements for the development site. All vehicle use areas are set back at least five feet from the shared property line between the two units of land that make up the development site. The off-street parking and vehicle use areas comply with all applicable location and perimeter setback requirements.

- d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area.

Finding: The proposal does not include changes to required setbacks or vehicle use areas as approved under SPR-DAP22-46. The development site was evaluated as a whole under the previous land use decision, and the applicant is providing adequate interior parking lot landscaping to meet the minimum requirements for the development site.

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

- 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 compact and standard vehicle parking spaces established in Table 806-6.

- f) *Off-street parking area access and maneuvering.* In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:
 - (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
 - (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-7.

Finding: The proposed off-street parking spaces are designed to allow safe and convenient access through the new vehicle use area and the adjacent existing vehicle use area, and do not require any turnaround areas; therefore, they do not require conformance with this standard.

g) *Additional Off-Street Parking Development Standards 806.035(g)-(n).*

Finding: The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. Bumper guards must be provided as required by SRC Chapter 806. The parking area striping, marking, signage, and lighting must comply with the standards of SRC Chapter 806. Off-street parking area screening per SRC 806.035(n) is not required for the proposed parking area.

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: As indicated above, the development site proposes multiple uses on site. The proposal includes construction of a new drive-through oil-change building approximately 1,888 square feet in size, which is classified as a *motor vehicle services* use and requires a minimum of one bicycle parking space per 9,000 square feet of gross floor area. The following is a summary of the parking requirements for the development site as evaluated under SPR-DAP22-46, with the inclusion of the new oil-change building and residential units:

Use	Floor Area	Parking Ratio	Minimum Parking
Retail Sales & Service	10,628 SF	Greater of 4 spaces or 1/10,000 SF (50,000 SF)	4
Motor Vehicle Services - combined	4,960 SF	1/9,000 SF	0.55
Three-family residential	N/A	None required	0
Total			5 Spaces

A minimum of five bicycle parking spaces are required for the proposed development. The applicant's summary table indicates that four bicycle parking spaces are proposed for the new buildings on the north parcel, and four bicycle parking spaces are existing with the development on the south parcel, exceeding the minimum requirements.

SRC 806.060 – Bicycle Parking Development Standards.

Bicycle parking areas shall be developed and maintained as set forth in this section.

- (a) Location.* Short-term 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 areas be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
- (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 for bicycle lockers, bicycle parking spaces shall be a minimum of 6 feet in length and 2 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. Bicycle parking spaces shall be served by a minimum 4-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.

Finding: The applicant's site plan indicates four proposed bike parking spaces on the east side of the north building and four existing bike parking spaces on the east side of the south building, both of which are within a convenient distance of their respective building entrances. The applicant has provided details that indicate the bicycle racks meet the required dimensions and design standards. Further conformance will be verified at the time of building permit review.

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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: The addition of the new oil-change facility use building increases the gross floor area of *motor vehicle services* uses to 4,960 square feet total, and there is no requirement to provide a loading space for less than 5,000 square feet of gross floor area. There is no change to the loading space requirement as reviewed under SPR-DAP22-46, and the applicant's plans indicate one loading space provided for the *retail sales and services* uses of 5,000 to 60,000 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.

Finding: The site plan indicates 14,889 square feet (21.96 percent) of landscaped area is proposed for the development site, meeting the minimum landscaping requirements in the CR zone. At the time of building permit review, the applicant will provide a full landscape plan demonstrating how the development site meets Type A landscaping, including all new and existing landscaped areas.

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: Public Works staff reviewed the Flood Insurance Study and Flood Insurance Rate Maps and determined that no floodplain or floodway areas exist on the subject property.

SRC 808 – Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 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: There are no protected trees identified on the subject property.

SRC 809 – Wetlands: Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

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

SRC 810 – Landslide Hazards: 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 no mapped landslide hazard areas within the proposed building areas of the subject development.

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: Carson Drive SE and Hagers Grove Road SE meet the right-of-way width and pavement width standards pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

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Lancaster Drive SE is a major arterial street that has been fully improved to an interim minor arterial standard. The existing configuration of Lancaster Drive SE is adequate to support the proposed development, based on findings included in the applicant's Traffic Impact Analysis (TIA). The Assistant City Traffic Engineer has reviewed the applicant's TIA and agrees with the findings. As a result, additional pavement improvements to the street frontage of Lancaster Drive SE are not warranted. As specified in the conditions of approval, right-of-way dedication to meet the half-width major arterial standard is required pursuant to SRC Chapter 803.

The proposed development is on two tax lots (082W06AB10100 and 082W06AB10000). Streetscape improvements, including sidewalks, curb ramps, and street trees, must be provided along the street frontages of the development of both tax lots where inadequate.

Condition 5: Construct the following streetscape improvements:

- a. Along Carson Drive SE and Hagers Grove Road SE, provide curblane sidewalks, curb ramps at street intersections, and street trees, including existing areas where street trees are inadequate.
- b. Along Lancaster Drive SE, provide curb ramps at street intersections and street trees.

Condition 6: Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Lancaster Drive SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Street standards require that sidewalks be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)); however, there are existing light poles and power poles that would need to be relocated to accommodate property-line sidewalks. At the time of construction of Hagers Grove Road SE, curblane sidewalk was anticipated and the streetlights were installed in a location that would not conflict with curblane sidewalks. Along Lancaster Drive SE and portions of Hagers Grove Road SE, the existing sidewalks are located curblane. Therefore, the sidewalk may be located along the curblane as needed to reduce conflicts between existing light and power poles pursuant to SRC 803.035(l)(2)(B).

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

Finding: The applicant proposed one new left-in/left-out driveway along the northern property boundary with access to the one-way section of Hagers Grove Road SE. The applicant also proposes to widen the existing driveway onto Hagers Grove Road SE along the western property boundary. The driveway accesses onto Hagers Grove Road SE provide for safe turning movements into and out of the

property. The changes to the proposed driveway were approved under SPR-DAP22-46.

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 water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development.

There is an existing slope easement on the subject property that was acquired by the City of Salem for the realignment of Hagers Grove Road SE. The applicant's site plan shows one of the new buildings located within the easement area. New structures are not permitted within City of Salem easements. The Applicant's testimony at the hearing indicated that the proposed building plan eliminated the need for the City to require the existence of the slope easement, and that the City was in the process of removing the easement's existence. Prior to issuance of a building permit for the new structure, all, or a portion of, the easement must be quitclaimed to the property owner, or the easement must otherwise be altered or removed so that the proposed structure is not in a City easement.

Condition 7: All or a portion of the slope easement on the subject property that conflicts with the proposed building must be quitclaimed to the property owner, or the easement must otherwise be altered or removed so that the proposed structure is not in a City easement, prior to building permit issuance.

The proposed development spans two legal lots (tax lot # 082W06AB10100 and 082W06AB10000). The preliminary utility plan shows utilities crossing the interior property lines. At the time of building permit application, the applicant must demonstrate any necessary easements for utilities that have been provided or provide an updated utility plan demonstrating that easements are not needed.

The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure, by setting aside at least 10 percent of the total new impervious surface area for installation of green stormwater infrastructure. It is unclear, however, if this area accommodates new impervious surface spanning both parcels subject to the application. Additional information will be required at the time of building permit application to ensure both properties meet the flow control and

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treatment requirements established in SRC Chapter 71 and PWDS. The applicant's engineer must design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

Condition 8: Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

The applicant must design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring utility access hole may be required, and the trash area must be designed in compliance with Public Works Standards.

DECISION

The Hearings Officer **APPROVES** the request for a Conditional Use and Site Plan Review for the proposed development of a motor vehicle services use, with the addition of three residential units to an approved retail building and located at 3997 Carson Drive SE and 4005 Hagers Grove Road SE, subject to the following conditions of approval:

CONDITIONAL USE:

Condition 1: No outdoor storage of vehicles or vehicle parts is permitted on site. No parking spaces may be used for the storage of vehicles. Any outdoor storage will require site plan review to obtain approval for a sight-obscurer enclosure to be screened from all adjacent properties.

Condition 2: At the time of building permit review, the applicant must provide either six large shrubs or six ornamental trees (equivalent of 12 plant units) within the landscape strip along the 44-foot-long length of the oil-change facility abutting Lancaster Drive SE.


Condition 3: Normal hours of operation when the business is open to the public may only be between the hours of 8 A.M. and 8 P.M.

SITE PLAN REVIEW:

Condition 4: At the time of building permit review, the applicant must demonstrate that all required pedestrian connections conform with the design and material requirements of SRC Chapter 800, specifically SRC 800.065(b) and 800.065(c).

- Condition 5:** Construct the following streetscape improvements:
- a. Along Carson Drive SE and Hagers Grove Road SE, provide curblin sidewalks, curb ramps at street intersections, and street trees, including existing areas where street trees are inadequate.
 - b. Along Lancaster Drive SE, provide curb ramps at street intersections and street trees.
- Condition 6:** Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of Lancaster Drive SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 7:** All or a portion of the slope easement on the subject property that conflicts with the proposed building must be quitclaimed to the property owner, or the easement must otherwise be altered or removed so that the proposed structure is not in a City easement, prior to building permit issuance.
- Condition 8:** Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

DATED: April 24, 2023



Catherine M. Pratt, Hearings Officer