



# Land Use Compatibility Statement

## What is a Land Use Compatibility Statement?

A LUCS is a form developed by DEQ to determine whether a DEQ permit or approval will be consistent with local government comprehensive plans and land use regulations.

## Why is a LUCS required?

DEQ and other state agencies with permitting or approval activities that affect land use are required by Oregon law to be consistent with local comprehensive plans and have a process for determining consistency. DEQ activities affecting land use and the requirement for a LUCS may be found in Oregon Administrative Rules (OAR) Chapter 340, Division 18.

## When is a LUCS required?

A LUCS is required for nearly all DEQ permits and certain approvals of plans or related activities that affect land use prior to issuance of a DEQ permit or approval. These permits and activities are listed in section 1.D on p. 2 of this form. A single LUCS can be used if more than one DEQ permit or approval is being applied for concurrently.

Permit modifications or renewals also require a LUCS when any of the following applies:

1. Physical expansion on the property or proposed use of additional land;
2. Alterations, expansions, improvements or changes in method or type of disposal at a solid waste disposal site as described in OAR 340-093-0070(4)(b);
3. A significant increase in discharges to water;
4. A relocation of an outfall outside of the source property; or
5. Any physical change or change of operation of an air pollutant source that results in a net significant emission rate increase as defined in OAR 340-200-0020.

## How to complete a LUCS:

Step	Who does it?	What happens?
1.	Applicant	Applicant completes Section 1 of the LUCS and submits it to the appropriate city or county planning office.
2.	City or County Planning Office	City or county planning office completes Section 2 of the LUCS to indicate whether the activity or use is compatible with the acknowledged comprehensive plan and land use regulations, attaches written findings supporting the decision of compatibility, and returns the signed and dated LUCS to the applicant.
3.	Applicant	Applicant submits the completed LUCS and any supporting information provided by the city or county to DEQ along with the DEQ permit application or approval request.

## Where to get help:

For questions about the LUCS process, contact the DEQ staff responsible for processing the permit or approval. DEQ staff may be reached at 1-800-452-4011 (toll-free, inside Oregon) or 503-229-5630. For general questions, please contact DEQ land use staff listed on our [Land Use Compatibility Statement page](#) online.

## Cultural resources protection laws:

Applicants involved in ground-disturbing activities should be aware of federal and state cultural resources protection laws. ORS 358.920 prohibits the excavation, injury, destruction, or alteration of an archeological site or object or removal of archeological objects from public and private lands without an archeological permit issued by the State Historic Preservation Office. 16 USC 470, Section 106, National Historic Preservation Act of 1966 requires a federal agency, prior to any undertaking, to take into account the effect of the undertaking that is included on or eligible for inclusion in the National Register. For further information, contact the State Historic Preservation Office at 503-378-4168, ext. 232.

# Land Use Compatibility Statement

## Section 1 – To be completed by the applicant

1A. Applicant Name:

Contact Name:

Mailing Address:

City, State, Zip:

Telephone:

Tax Account #:

1B. Project Name:

Physical Address:

City, State, Zip:

Tax Lot #:

Township: Range: Section:

Latitude:

Longitude:

1C. Describe the project, include the type of development, business, or facility and services or products provided (attach additional information if necessary):

1D. Check the type of DEQ permit(s) or approval(s) being applied for at this time.

- |   |  |
|---|--|
| <input type="checkbox"/> Air Quality Notice of Construction                                   | <input type="checkbox"/> Clean Water State Revolving Fund Loan Request   |
| <input type="checkbox"/> Air Contaminant Discharge Permit                                     | <input type="checkbox"/> Wastewater/Sewer Construction Plan/ Specifications (includes review of plan changes that require use of new land)                 |
| <input type="checkbox"/> Air Quality Title V Permit   | <input type="checkbox"/> Water Quality NPDES Individual Permit   |
| <input type="checkbox"/> Air Quality Indirect Source Permit                                   | <input type="checkbox"/> Water Quality WPCF Individual Permit (for onsite construction-installation permits use the DEQ <a href="#">Onsite LUCS form</a> ) |
| <input type="checkbox"/> Parking/Traffic Circulation Plan                                     | <input type="checkbox"/> Water Quality NPDES Stormwater General Permit (1200-A, 1200-C, 1200-CA, 1200-COLS, and 1200-Z)                                    |
| <input type="checkbox"/> Solid Waste Land Disposal Site Permit                                | <input type="checkbox"/> Water Quality General Permit (all general permits, except 600, 700-PM, 1700-A, and 1700-B when they are mobile)                   |
| <input type="checkbox"/> Solid Waste Treatment Facility Permit                                | <input type="checkbox"/> Water Quality 401 Certification for federal permit or license   |
| <input type="checkbox"/> Solid Waste Composting Facility Permit (includes Anaerobic Digester) |  |
| <input type="checkbox"/> Conversion Technology Facility Permit                                |  |
| <input type="checkbox"/> Solid Waste Letter Authorization Permit                              |  |
| <input type="checkbox"/> Solid Waste Material Recovery Facility Permit                        |  |
| <input type="checkbox"/> Solid Waste Energy Recovery Facility Permit                          |  |
| <input type="checkbox"/> Solid Waste Transfer Station Permit                                  |  |
| <input type="checkbox"/> Waste Tire Storage Site Permit                                       |  |
| <input type="checkbox"/> Pollution Control Bond Request                                       |  |
| <input type="checkbox"/> Hazardous Waste Treatment, Storage or Disposal Permit                |  |

This application is for: ☐ Permit Renewal ☐ New Permit ☐ Permit Modification ☐ Other:

**Section 2 – To be completed by city or county planning official**

Applicant name:

Project name:

Instructions: Written findings of fact for all local decisions are required; written findings from previous actions are acceptable. For uses allowed outright by the acknowledged comprehensive plan, DEQ will accept written findings in the form of a reference to the specific plan policies, criteria, or standards that were relied upon in rendering the decision with an indication of why the decision is justified based on the plan policies, criteria, or standards.

2A. The project proposal is located: ☐ Inside city limits ☐ Inside UGB ☐ Outside UGB

2B. Name of the city or county that has land use jurisdiction (the legal entity responsible for land use decisions for the subject property or land use):

2C. ☐ This project is not within the jurisdiction of any other land use, zoning, or planning entity☐ This project is also within the jurisdiction of the following land use, zoning, or planning entity \_\_\_\_\_2D. Is the activity allowed under Measure 49 (2007)? ☐ No, Measure 49 is not applicable ☐ Yes, if yes, then check one:☐ Express; approved by DLCD order #:☐ Conditional; approved by DLCD order #:☐ Vested; approved by local government decision or court judgment docket or order #:

2E. Is the activity a composting facility?

☐ No ☐ Yes; Senate Bill 462 (2013) notification requirements have been met.

2F. Is the activity or use compatible with your acknowledged comprehensive plan as required by OAR 660-031?

Please complete this form to address the activity or use for which the applicant is seeking approval (see 1.C on the previous page). If the activity or use is to occur in multiple phases, please ensure that your approval addresses the phases described in 1C. For example, if the applicant's project is described in 1C. as a subdivision and the LUCS indicates that only clearing and grading are allowed outright but does not indicate whether the subdivision is approved, DEQ will delay permit issuance until approval for the subdivision is obtained from the local planning official.

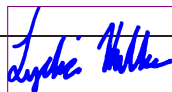
☐ The activity or use is specifically exempt by the acknowledged comprehensive plan; explain:☐ Yes, the activity or use is pre-existing nonconforming use allowed outright by (provide reference for local ordinance):☐ Yes, the activity or use is allowed outright by (provide reference for local ordinance):☐ Yes, the activity or use received preliminary approval that includes requirements to fully comply with local requirements; findings are attached.☐ Yes, the activity or use is allowed; findings are attached.☐ No, see 2D. above, activity or use allowed under Measure 49; findings are attached.☐ No, (complete below or attach findings for noncompliance and identify requirements the applicant must comply with before compatibility can be determined):

Relevant specific plan policies, criteria, or standards:

Provide the reasons for the decision:

Additional comments (attach additional information as needed):

Planning Official Signature:



Title:

Print Name:

Telephone #:

Date:

If necessary, depending upon city/county agreement on jurisdiction outside city limits but within UGB:

Planning Official Signature:

Title:

Print Name:

Telephone #:

Date:

**Alternative formats**

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email [deqinfo@deq.state.or.us](mailto:deqinfo@deq.state.or.us).

# NOTICE OF DECISION

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



*Si necesita ayuda para comprender esta informacion, por favor llame  
503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**CLASS 3 SITE PLAN REVIEW /CLASS 2 ADJUSTMENT CASE NO.: SPR-ADJ22-31**

**APPLICATION NO.: 22-111076-RP**

**NOTICE OF DECISION DATE:** July 18, 2022

**SUMMARY:** A proposal to construct a new Fred Meyer fueling station with associated site improvements.

**REQUEST:** A consolidated application containing a Class 3 Site Plan Review to construct a new 5,418-square-foot overhead fuel canopy with 14 fueling positions, a 179-square-foot cashiers kiosk, and associated site improvements such as landscaping and vehicle parking. The application includes a Class 2 Adjustment request to reduce the minimum development site landscaping standard from 15 to 3.2 percent.

The subject property is approximately 0.89 acres in size, zoned CR (Retail Commercial), and located at 2980 River Road N (Marion County Assessor map and tax lot number: 073W15AA / 9400).

**APPLICANT:** Charles Moseley, Barghausen Consulting Engineers, on behalf of Casey Mckeeon Heslin Holdings LLC

**LOCATION:** 2980 River Road N, Salem OR 97303

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

**FINDINGS:** The findings are in the attached Decision dated July 18, 2022.

**DECISION:** The **Planning Administrator APPROVED** Class 3 Site Plan Review / Class 2 Adjustment Case No. SPR-ADJ22-31 subject to the following conditions of approval:

- Condition 1:** Provide the following traffic mitigation as described in the applicant's TIA:
- Restripe the existing shared northbound left/through/right-turn and merge lane on Liberty Street NE at Riviera Drive NE to provide an exclusive northbound right-turn lane in conjunction with site development.
  - Above-ground utilities, monuments, fencing, and vegetation should be appropriately located and maintained at the existing site access locations and along the River Road N site frontage to preserve adequate intersection sight lines per City of Salem standards.

- Condition 2:** Replace nonconforming driveway approaches and curb returns on River Road N and Liberty Street NE to meet current Public Works Design Standards for commercial development.
- Condition 3:** Provide public utility easements for City infrastructure on private property pursuant to PWDS.
- Condition 4:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).
- Condition 5:** The adjusted landscape standard for the development site, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development occurring on the development site, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

The rights granted by the attached decision must be exercised, or an extension granted, by August 3, 2026, or this approval shall be null and void.

Application Deemed Complete:	<u>June 17, 2022</u>
Notice of Decision Mailing Date:	<u>July 18, 2022</u>
Decision Effective Date:	<u>August 3, 2022</u>
State Mandate Date:	<u>October 15, 2022</u>

Case Manager: Aaron Panko, Planner III, [apanko@cityofsalem.net](mailto:apanko@cityofsalem.net), 503-540-2356

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](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Tuesday, August 2, 2022. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 220, 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

***Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173***

**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM**

**DECISION**

<b>IN THE MATTER OF APPROVAL OF</b>	<b>) FINDINGS &amp; ORDER</b>
<b>CLASS 3 SITE PLAN REVIEW AND</b>	<b>)</b>
<b>CLASS 2 ADJUSTMENT</b>	<b>)</b>
<b>CASE NO. SPR-ADJ22-31</b>	<b>)</b>
<b>2980 RIVER ROAD N - 97303</b>	<b>) JULY 18, 2022</b>

In the matter of the application for Class 3 Site Plan Review and Class 2 Adjustment applications submitted by Barghausen Consulting Engineers, represented by Charles Moseley, on behalf of the applicant and property owner Heslin Holdings LCC, represented by Casey Mckeen, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

**REQUEST**

Summary: A proposal to construct a new Fred Meyer fueling station with associated site improvements.

Request: A consolidated application containing a Class 3 Site Plan Review to construct a new 5,418-square-foot overhead fuel canopy with 14 fueling positions, a 179-square-foot cashiers' kiosk, and associated site improvements such as landscaping and vehicle parking. The application includes a Class 2 Adjustment request to reduce the minimum development site landscaping standard from 15 to 3.2 percent.

The subject property is approximately 0.89 acres in size, zoned CR (Retail Commercial), and located at 2980 River Road N (Marion County Assessor's Map and Tax Lot number: 073W15AA / 9400).

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. Class 3 Site Plan Review Applicability**

Site plan review is intended to provide a unified, consistent, and efficient means to review proposed development that requires a building permit, other than single-family, duplex residential, and installation of signs, to ensure that such development meets all applicable requirements imposed by the Salem Revised Code (SRC). SRC 220.005(b)(3) requires Class 3 Site Plan Review for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

Class 3 Site Plan Review is required for this application pursuant to SRC 220.005(b)(3)(G) because a Class 2 Adjustment has been requested to reduce the amount of required landscaping for the development site.

## 2. Background

On May 26, 2022, a consolidated application for Class 3 Site Plan Review and Class 2 Adjustment was filed for the proposed development. After additional information was provided, the applications were deemed complete for processing on June 17, 2022. The 120-day state mandated decision deadline for this consolidated application is October 15, 2022.

The applicant's proposed site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria is included as **Attachment C**.

## SUBSTANTIVE FINDINGS

### 3. 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 can use the search function without registering and enter the permit number listed here: 22-111076.

### 4. Neighborhood and Public Comments

The subject property is located within the boundaries of the Highland 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 October 6, 2021, the applicant's representative contacted the Highland Neighborhood Association Chair and Land Use Chair informing them of the proposed project.

Neighborhood Association Comment: Notice of the application was provided to the Highland 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.

Two public comments have been received indicating concerns for an increase in traffic, and requesting installation of a traffic light and a pedestrian crossing on River Road N.

## **Staff Response to Public Comments**

### **Increase in Traffic, Traffic Light:**

Comments received indicate a concern for traffic safety at the northerly driveway for the proposed development and request placement of a traffic signal at the intersection of the northerly driveway and River Road N.

A Traffic Impact Analysis (TIA) was submitted as part of the application pursuant to SRC 803.015. The TIA studied the intersection of the northern driveway and River Road N and found the traffic volumes were not sufficient to warrant signalization of the intersection.

### **Pedestrian Safety:**

Comments received requested additional pedestrian infrastructure to provide a safe crossing of River Road N.

The City of Salem has a planned Capitol Improvement Project (CIP) for a new pedestrian crossing near the intersection of River Road N and Riviera Road N (CIP Project No. 1019). The improvement is anticipated to be constructed during 2023/2024.

## **5. City Department Comments**

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

The Building and Safety Division reviewed the proposal and indicated no site concerns.

The Fire Department has reviewed the proposal and indicated that Fire Department access and water supply appear to be okay. Fuel dispensing shall comply with all applicable sections of the Oregon fire code.

## **6. Public Agency Comments**

No comments received.

## **DECISION CRITERIA**

### **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 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 proposal includes development of a new fueling station operated by Fred Meyer containing a 5,418-square-foot overhead fuel canopy with 14 fueling positions, and a 179-



square-foot cashiers' kiosk with associated site improvements such as off-street parking, internal driveways, and landscaping.

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

#### *SRC 522.005(a) – Uses:*

**Finding:** The proposed fueling station is classified as a motor vehicle services use. In the CR zone, per Table 522-1, gasoline service stations are listed as a permitted type of activity within the motor vehicle services use classification and is therefore a permitted use for 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 subject property is Lot 2 of the North Salem Fred Meyer subdivision from Tentative Subdivision Case No. SUB98-04. The subject property is approximately 0.89 acres in size and has approximately 290 feet of frontage along River Road N/Liberty Street NE, exceeding the minimum lot standards of the CR zone.

#### *SRC 522.010(b) – Setbacks:*

**North:** Adjacent to the north is property zoned IC (Industrial Commercial). There is no minimum building or accessory structure setback required adjacent to an CR zoned property. Vehicle use areas require a minimum 5-foot setback adjacent to a street.

**South:** Adjacent to the south is property zoned IC (Industrial Commercial). There is no minimum building or accessory structure setback required adjacent to an CR zoned property. Vehicle use areas require a minimum 5-foot setback adjacent to a street.

**East:** Adjacent to the east is right-of-way for 36<sup>th</sup> Avenue SE. There is no minimum building or accessory structure setback required adjacent to an CR zoned property. Vehicle use areas require a minimum 5-foot setback adjacent to a street.

**West:** Adjacent to the west is right-of-way for Liberty Street NE/River Road N. Buildings and accessory structures require a minimum 5-foot setback, and vehicle use areas require a minimum 6-10 foot setback adjacent to a street.

**Finding:** The proposed building and vehicle use area setbacks indicated on the site plan are in compliance with all applicable setback requirements of the CR zone and SRC Chapter 806.

#### *SRC 522.010(c) – Lot Coverage, Height:*

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

**Finding:** The applicant indicates that the proposed fuel canopy is less than 50 feet in height, in compliance with this standard.

*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 towards meeting this requirement.

**Finding:** The subject property is approximately 0.89 acres (38,695 square feet) in size, requiring a minimum of 5,804 square feet of landscape area ( $38,695 \times 0.15 = 5,804.25$ ). The applicant indicates that 6,299 square feet of landscaping will be provided for the subject property, exceeding the landscape requirement if it applied only to the subject property. However, the subject property is part of a larger development site that includes all six lots within the North Salem Fred Meyer Subdivision with a net area of 577,341 square feet. Any development occurring within this development site would require the entire development site to be brought in conformance with the minimum 15 percent landscape standard, in this case requiring a minimum of 86,601 square feet of landscape area ( $577,341 \times 0.15 = 86,601.15$ ). The development site is currently not in compliance with the minimum landscape standard with 20,163 square feet of existing landscaping on Lots 1, 3-6, and 6,299 square feet of new landscaping proposed for Lot 2 (total 26,462 square feet or 4.6 percent).

Therefore, the applicant has requested a Class 2 Adjustment to reduce the minimum landscape requirement for the development site. Findings for the adjustment are included in Section 8 of this report.

**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 proposed development does not include a solid waste service area; 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, 2-4 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:** One pedestrian pathway is provided from the proposed building to Liberty Street NE, in compliance with this standard.

(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 not an existing or planned transit route provided along the street frontage; 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 the buildings.

**Finding:** Only one building is proposed for this development site; therefore, this standard is not applicable.

*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 applicant's statement indicates that the proposed off-street parking area is approximately 2,553 square feet in size and comprising a single row of 10 off-street parking stalls; 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; 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 pedestrian path or trail in the proximity of the subject property; 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. A pedestrian connection is not required, however:

- (A) To abutting properties used for activities falling within the following use classifications, use categories, and uses under SRC Chapter 400:
  - (i) Single family;
  - (ii) Two family;
  - (iii) Group living;
  - (iv) Industrial;
  - (v) Infrastructure and utilities; and
  - (vi) Natural resources.

**Finding:** A pedestrian connection point is provided at the southeastern corner of the subject property in compliance with this standard to connect with abutting Lot 6 (North Salem Fred Meyer Subdivision) and to allow for a future pedestrian connection to be made to existing uses on adjacent lots.

*SRC 800.065(b)(1) – Design and Materials.*

Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza. Walkways shall conform to the following:

- (A) Materials and width. Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards, and 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.

*SRC 800.065(b)(2) – Design and Materials.*

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

**Finding:** Proposed pedestrian connections are five feet in width. Change in material and striping are used to visually differentiate the pedestrian path. Bollards are used to separate the walkway from the auto travel lane adjacent to the cashier's kiosk.

*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:** Canopy lighting and site lighting will be used to illuminate the pedestrian paths provided on site in compliance with this standard.

### **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.

#### *SRC 806.015 - Amount of Off-Street Parking.*

- a) *Minimum Required Off-Street Parking.* Per Table 806-1, motor vehicle services uses require a minimum of one off-street parking space per 900 square feet of floor area.
- 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 proposed development includes construction of a fueling canopy that is approximately 5,418 square feet in size and a cashier kiosk that is approximately 179 square feet in size for a total floor area of 5,597 square feet requiring a minimum of 6 off-street parking spaces ( $5,597 / 900 = 6.22$ ). A maximum of 15 off-street parking spaces are allowed ( $6 \times 2.5 = 15$ ). The site plan indicates that 10 off-street parking spaces are provided, within the minimum and maximum allowance. A maximum of 5 spaces may be compact spaces ( $6 \times 0.75 = 4.5$ ). The site plan indicates that no compact spaces are proposed. Carpool/vanpool parking spaces are not required for the proposed use. The site plan complies with applicable off-street parking 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.

**Finding:** The proposed development includes development of a new off-street parking area to serve the new use for the site. The off-street parking area development standards of this section are applicable.

- 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.

4. *Setback adjacent to buildings and structures.* Except for drive-through lanes, where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, planted to the Type A standard set forth in SRC Chapter 807, or by a minimum five-foot-wide paved pedestrian walkway.

**Finding:** The proposed site plan complies with all applicable setback requirements of SRC Chapter 806.

- d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For off-street parking areas less than 5,000 square feet in size, there is no interior landscaping requirement.

**Finding:** The proposed off-street parking area includes 10 spaces and is less than 5,000 square feet in size. Interior landscaping is not required for this proposal.

- 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 and drive aisles are in compliance with the minimum dimensional requirements of Table 806-6.

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

**Finding:** The proposed off-street parking area is developed consistent with the additional development standards for maneuvering, grade, surfacing, and drainage. Bumper guards and wheel barriers are not required for the proposed vehicle use area. The parking area striping, marking, signage and lighting shall 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.*

Bicycle parking shall be provided in amounts not less than those set forth in Table 806-9.

**Finding:** Uses in the motor vehicle services category require a minimum of one bicycle parking space per 9,000 square feet of floor area. The total floor area for the proposed development is 5,597 square feet requiring a minimum of one bicycle parking space ( $5,597 / 9,000 = 0.62$ ). The site plan indicates one bicycle parking space will be provided for the use.

### *SRC 806.060 - Bicycle Parking Development Standards.*

- a) *Location.* Bicycle parking areas shall be located within a convenient distance of, and shall 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.
- b) *Access.* Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance.
- c) *Dimensions.* Bicycle parking spaces shall be a minimum of 6 feet by 2 feet and shall be served by a minimum 4-foot-wide access aisle.
- 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, and shall comply with 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.

**Finding:** Bicycle parking spaces are provided within 50 feet of primary building entrances, and are designed consistent with the standards for access, dimensions, surfacing, and style of bike rack.

### **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.*

Table 806-9 provides the minimum number of require off-street loading spaces, and minimum dimensional standards for off-street loading areas based on proposed use.

**Finding:** Uses in the motor vehicle services category require a minimum of one off-street loading space for buildings with a floor area between 5,000-60,000 square feet. The total floor area for the proposed development is 5,597 square feet requiring a minimum of one off-street loading space. Per Table 806-11, the minimum dimensions the loading space are 12 feet in width, 40 feet in length and with 14 feet of unobstructed vertical clearance. The site plan indicates that fuel truck deliveries will be provided at the fuel tank field in an area that complies with the minimum standards of Table 806-11. No other loading spaces are required for the proposed use.

## Landscaping

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:** Landscape and irrigation plans will be reviewed for conformance with the applicable standards of SRC Chapter 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 Public Works Department has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

*SRC 808 – Preservation of Trees and Vegetation:* The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 24 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

**Finding:** The subject property does not contain protected trees or vegetation.

*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 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 development area of the subject property. The proposed development activity adds 3 activity points to the proposal, which results in a total of 3 points indicating a low landslide risk, no additional information is required under SRC Chapter 810.



**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:** The subject property has frontage on River Road NE and Liberty Street NE where the two streets meet. The existing conditions of River Road N and Liberty Street NE do not meet current standards for their classification of street per the *Salem Transportation System Plan*. In 1998, 48-feet from centerline of River Road N was dedicated along the frontage of the subject property per plat no. 98-4S. The plat also shows a 34-foot half width from centerline right-of-way along Liberty Street NE. No additional right-of-way on the development side of the street is required.

The proposed development does not warrant boundary street improvements pursuant to SRC 803.040; therefore, no right-of-way dedication or street improvements are required.

A Traffic Impact Analysis (TIA) was submitted as part of the application pursuant to SRC 803.015. The TIA included a sight distance analysis for the existing driveways. The TIA concludes that the proposed development will not have a significant impact on adjacent streets and intersections and recommends mitigation which includes re-striping the abutting street. The Assistant City Traffic Engineer has reviewed the TIA, agrees with the findings, and recommends mitigation as a condition of approval.

**Condition 1:** Provide the following traffic mitigation as described in the applicant's TIA:

- a. Restripe the existing shared northbound left/through/right-turn and merge lane on Liberty Street NE at Riviera Drive NE to provide an exclusive northbound right-turn lane in conjunction with site development.
- b. Above-ground utilities, monuments, fencing, and vegetation should be appropriately located and maintained at the existing site access locations and along the River Road N site frontage to preserve adequate intersection sight lines per City of Salem standards.

The sight distance analysis submitted finds that adequate sight distance is only provided where plantings are maintained at a height of 30 inches or less. Pursuant to SRC 86.015(e) the applicant is required to install new street trees to the maximum extent feasible. Staff finds that in order to provide adequate sight distance, it is not feasible to require new street trees along River Road N and Liberty Street NE. The applicant is advised to plant low growing native shrubbery in the planter strip that will not exceed 30 inches in height in accordance with the Applicant's TIA.

**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 existing driveway approaches and curb returns on River Road N do not meet current Public Works Design Standards for commercial approaches, the applicant shall replace the nonconforming driveway approaches. As conditioned, the driveway access onto River Road N and Liberty Street NE will provide for safe turning movements into and out of the property.

**Condition 2:** Replace nonconforming driveway approaches and curb returns on River Road N and Liberty Street NE to meet current Public Works Design Standards for commercial development.

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

**Finding:** The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The applicant's preliminary site plan shows new water services crossing adjacent private property. The applicant is required to obtain easements for new City services on adjacent private property or demonstrate that an easement exists.

**Condition 3:** Provide public utility easements for City infrastructure on private property pursuant to PWDS.

The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least ten percent of the total new impervious surface area for installation of green stormwater infrastructure. The applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

**Condition 4:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).

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.

## **8. Analysis of Class 2 Adjustment Approval Criteria**

Salem Revised Code (SRC) 250.005(d)(2) provides that an application for a Class 2 Adjustment 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 250.005(d)(2)(A):** The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; or
- (ii) Equally or better met by the proposed development.

**Finding:** The applicant is requesting a Class 2 Adjustment to reduce the amount of required landscape area for the development site (North Fred Meyer Subdivision) from a minimum of 15 percent (approximately 86,601 square feet), to approximately 4.6 percent or 26,462 square feet.

The subject property is part of a larger development site that includes all six lots within the North Salem Fred Meyer Subdivision with a net area of 577,341 square feet. Any development occurring within this development site would require the entire development site to be brought in conformance with the minimum 15 percent landscape standard, in this case requiring a minimum of 86,601 square feet of landscape area ( $577,341 \times 0.15 = 86,601.15$ ). The development site is currently not in compliance with the minimum landscape standard with 20,163 square feet of existing landscaping on Lots 1, 3-6, and 6,299 square feet of new landscaping proposed for Lot 2 (total 26,462 square feet or 4.6 percent). To overcome the deficit in landscape area for the entire development site, an additional 60,139 square feet of landscape area would need to be added to the development site. There is simply not enough area solely on Lot 2 available to add more landscaping than proposed while allowing for reasonable development of the subject property.

The subject property is approximately 0.89 acres (38,695 square feet) in size. The applicant indicates that the proposal equally or better meets the applicable standard because if the landscape standard is applied only to the lot being developed. Approximately 6,299 square feet, or 16.3 percent, of new landscape area provided on Lot 2, exceeding the minimum 15 percent standard. In addition, the new trees and shrubs to be planted are in an area that currently has no landscaping. These new landscape materials will help to enhance not just the subject property, but the surrounding area and adjacent lots. Staff finds that the requested adjustment equally or better meets the intent of the standard.

Any future development occurring on the development site, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

**Condition 5:** The adjusted landscape standard for the development site, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development occurring on the development site, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

**SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.**

**Finding:** The subject property is located within the CR (Retail Commercial) zone; therefore, the criterion is not applicable.

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

**Finding:** The applicant has requested one Adjustment to reduce the amount of required landscaping for the development site; therefore, this criterion is not applicable.

## 9. Conclusion

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

## ORDER

Final approval of Class 3 Site Plan Review and Class 2 Adjustment Case No. SPR-ADJ22-31 is hereby **APPROVED** subject to SRC Chapters 220, 250, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as Attachment B, and the following conditions of approval:

- Condition 1:** Provide the following traffic mitigation as described in the applicant's TIA:
- a. Restripe the existing shared northbound left/through/right-turn and merge lane on Liberty Street NE at Riviera Drive NE to provide an exclusive northbound right-turn lane in conjunction with site development.
  - b. Above-ground utilities, monuments, fencing, and vegetation should be appropriately located and maintained at the existing site access locations and along the River Road N site frontage to preserve adequate intersection sight lines per City of Salem standards.
- Condition 2:** Replace nonconforming driveway approaches and curb returns on River Road N and Liberty Street NE to meet current Public Works Design Standards for commercial development.
- Condition 3:** Provide public utility easements for City infrastructure on private property pursuant to PWDS.
- Condition 4:** Design and construct a storm drainage system at the time of development in compliance with Salem Revised Code (SRC) Chapter 71 and Public Works Design Standards (PWDS).
- Condition 5:** The adjusted landscape standard for the development site, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development occurring on the development site, beyond what is shown in the attached site plan, shall conform to all applicable development requirements, unless adjusted through a future land use action.

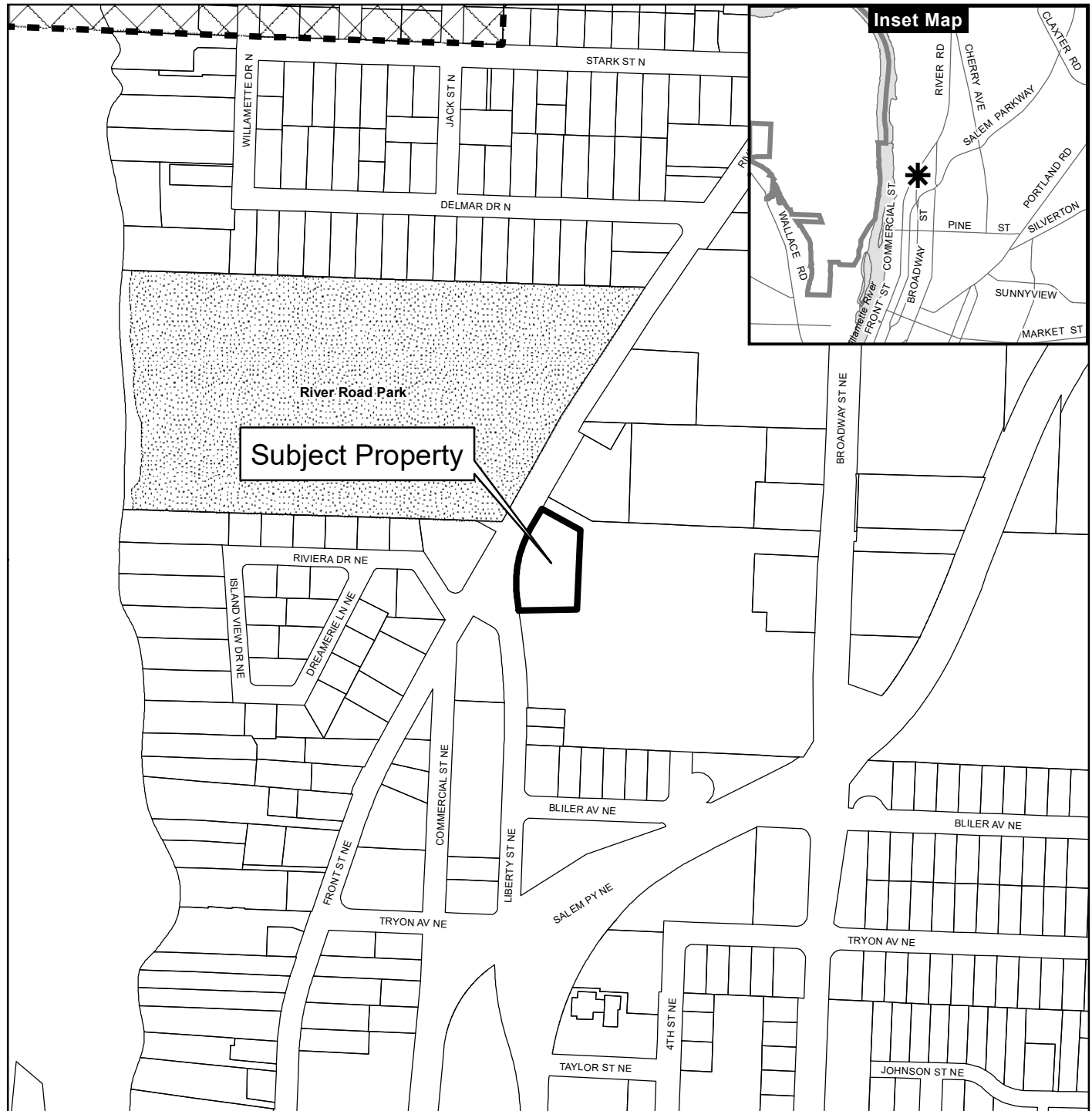


Aaron Panko, Planner III, on behalf of  
Lisa Anderson-Ogilvie, AICP  
Planning Administrator

- Attachments: A. Vicinity Map  
B. Proposed Site Plan  
C. Applicant's Written Statement  
D. Public Works Memo Dated July 15, 2022

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

# Vicinity Map 2980 River Road N



## 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.

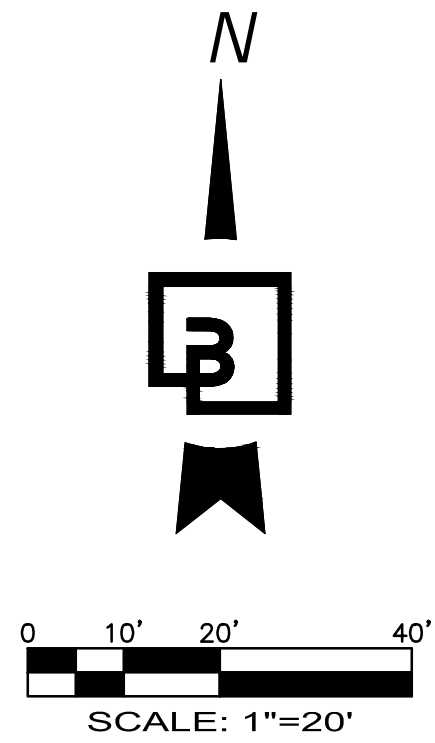
0 100 200 400 Feet











Know what's below.  
Call before you dig.

### LEGEND

PROPOSED ASPHALT PAVEMENT	
PROPOSED CONCRETE PAVEMENT	
EXISTING CONCRETE CURB	
NEW CONCRETE CURB	

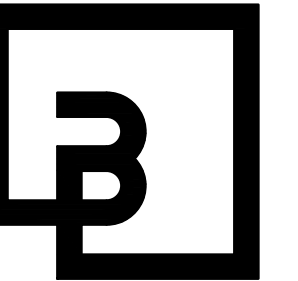
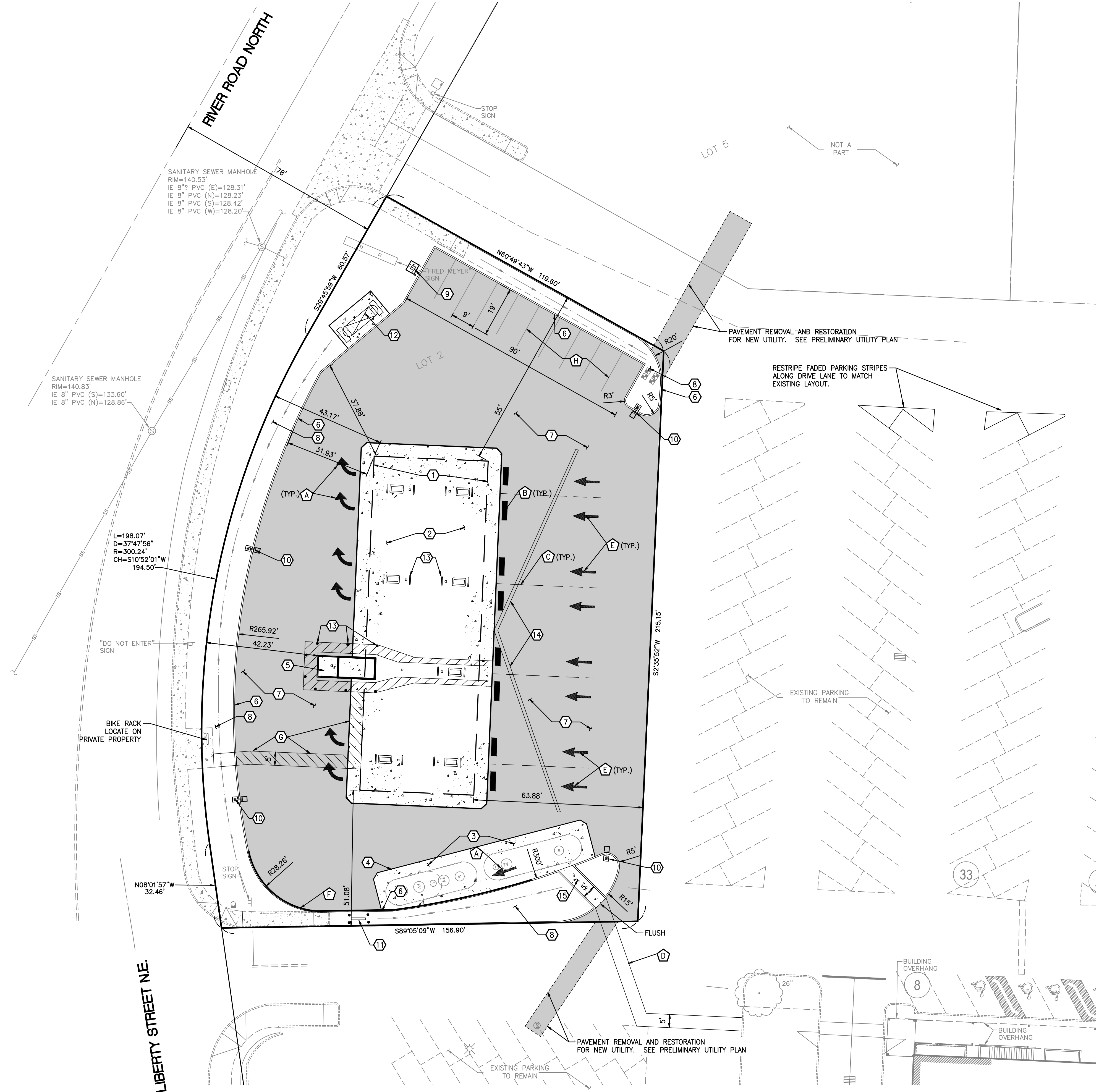
### CONSTRUCTION CALL OUTS

- 1 PUMP ISLAND CANOPY WITH 7 MPD'S.
- 2 REINFORCED CONCRETE DRIVE SLAB BENEATH PUMP ISLAND CANOPY.
- 3 (1) 10,000/8,000 GALLON DUEL COMPARTMENT AND (1) 20,000 GALLON UNDERGROUND GASOLINE STORAGE TANKS
- 4 REINFORCED CONCRETE SLAB ABOVE UNDERGROUND GASOLINE STORAGE TANKS.
- 5 KIOSK ENCLOSURE.
- 6 CONCRETE BARRIER CURB. SEE GRADING AND STORM DRAINAGE PLAN FOR CURB BREAKS
- 7 HEAVY DUTY ASPHALT PAVEMENT
- 8 NEW LANDSCAPING. SEE GRADING AND STORM DRAINAGE PLAN FOR BIOFILTRATION SWALE INFO.
- 9 (1) SELF SERVE AIR UNIT ON 4'-0"x4'-0"x6" CONCRETE MOUNTING PAD.
- 10 AREA LOT LIGHT, TYPICAL
- 11 STORAGE TANK VENT STACK
- 12 BULK PROPANE TANK ON CONCRETE PAD
- 13 NEW BOLLARDS (TYP)
- 14 2" HIGH ASPHALT SPEED HUMP TO DIRECT DRAINAGE TOWARD PLANTER SWALE
- 15 CEMENT CONCRETE PATHWAY

### STRIPING SCHEDULE

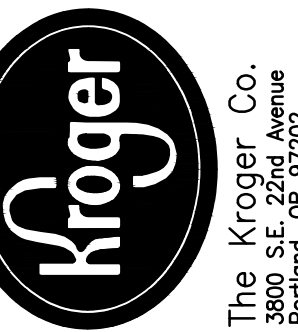
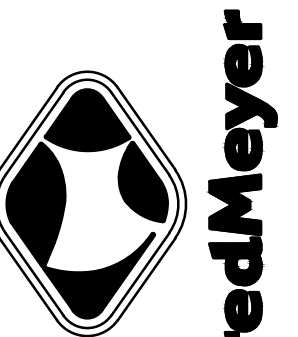
- |   |   |
|---|---|
| A | WHITE PAINTED DIRECTIONAL TRAFFIC ARROW                 |
| B | 24" WIDE WHITE PAINTED STOP BAR                         |
| C | 8" WIDE WHITE SKIP STRIPES (LANE DIVIDERS)              |
| D | 4" WIDE WHITE PAINTED CROSS-HATCH AT 2" O.C./36" ANGLE. |
| E | ON-SITE WHITE PAINTED LANE ARROW                        |
| F | RED PAINTED CURB (FIRE LANE - NO PARKING).              |
| G | PAINTED CROSSWALK STRIPING, TYPICAL                     |
| H | 4" WIDE WHITE PAINTED PARKING STALL LINE                |

## SEC. 15 AND SEC. 10, TWP. 7 S., RGE. 3 W., W.M. PRELIMINARY SITE PLAN



Barghausen  
Consulting Engineers, Inc.  
18215 72nd Avenue South  
Kent, WA 98032

barghausen.com



The Kroger Co.  
2000 1st Avenue  
Portland, OR 97202  
Phone (503) 232-8844  
Fax (503) 797-5385



EXPIRES: 06/30/23

REVISIONS		DES.	DRAWN	DATE
No.	DESCRIPTION	DL	ROC	DL
1	PERMIT SET			2/24/2022
2	SITE REVISIONS			5/05/2022

Project #: 14855 Store # 0225

Designed By:

Drawn By:

Checked By:

Date:

Scale: AS SHOWN

Disk File: 14855-PA.DWG

Model:

Address: 2980 RIVER ROAD NORTH SALEM, OREGON

PRELIMINARY SITE PLAN

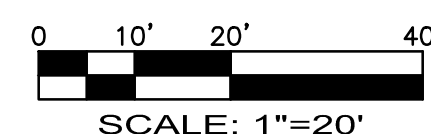
FRED MEYER

FUELING FACILITY

Drawing No.:

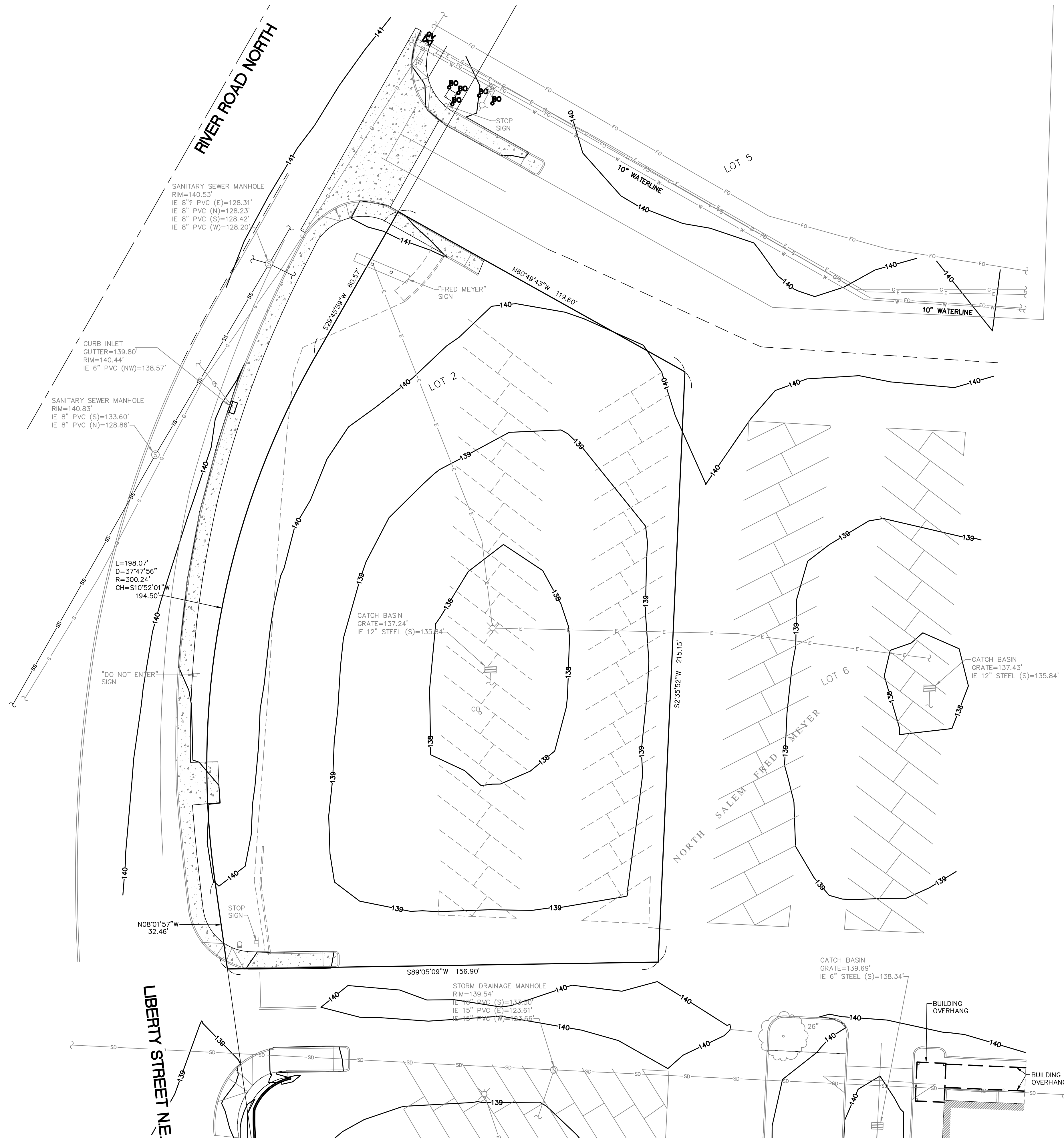
P3 of 5




















SEC. 15 AND SEC. 10, TWP. 7 S., RGE. 3 W., W.M.

**EXISTING CONDITIONS PLAN**



LEGEND:

- |   |                                      |
|---|--------------------------------------|
|    | - EXISTING CONCRETE                  |
|    | - STORM DRAINAGE LINE                |
|    | - SANITARY SEWER LINE                |
|    | - UNDERGROUND TELECOMMUNICATION LINE |
|    | - UNDERGROUND ELECTRIC LINE          |
|    | - UNDERGROUND GAS LINE               |
|   | - UNDERGROUND WATER LINE             |
|  | - DECIDUOUS TREE                     |
|  | - SANITARY SEWER MANHOLE             |
|  | - STORM DRAINAGE MANHOLE             |
|  | - CATCH BASIN                        |
|  | - CURB INLET                         |
|  | - PARKING LOT LIGHT POLE             |
|  | - FIRE HYDRANT                       |
|  | - WATER METER                        |
|  | - WATER VALVE                        |
|  | - GAS VALVE                          |
|  | - UNKNOWN CLEANOUT                   |
|  | - BOLLARD                            |
|  | - UNKNOWN UTILITY STANDPIPE          |
|  | - HANDICAPPED PARKING STALL          |
|  | - SIGN                               |

VERTICAL DATUM:

BENCHMARK: A81  
PROJECT DATUM: CITY OF SALEM (NGVD 1929)  
DESCRIPTION: 3" BRASS DISK IN THE BACK OF SIDEWALK ON THE EAST SIDE OF N. RIVER  
ROAD, APPROXIMATELY 86 FEET SOUTH OF THE CENTERLINE OF THE ENTRANCE  
BETWEEN FRED MEYER AND LES SCHWAB.

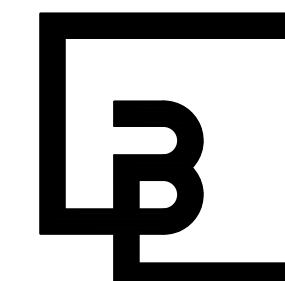
CONVERSION: IN ORDER TO CONVERT FROM CITY OF SALEM (NGVD 29) VERTICAL DATUM TO NAVD 88 VERTICAL DATUM, 2.675 FEET MUST BE ADDED TO THE PROJECT ELEVATIONS SHOWN HEREON.

## UTILITY STATEMENT:

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM LOCATE PAINT MARKINGS TIED IN THE FIELD SURVEY AND AS-BUILT DRAWINGS PROVIDED BY THE COMPANIES. THIS SURVEY DOES NOT SHOW ANY PAINT MARKS PROVIDED AFTER THE FIELD SURVEY WAS COMPLETED. AS-BUILT DRAWING INFORMATION THAT WAS NOT PROVIDED IS NOT REFLECTED ON THIS SURVEY. AS-BUILT INFORMATION, IF PROVIDED, WAS USED TO IDENTIFY UNDERGROUND PIPE SIZE AND TYPE. IF NO LOCATE PAINT MARKINGS WERE PROVIDED, AS-BUILT INFORMATION WAS USED TO HORIZONTALLY LOCATE THE UNDERGROUND UTILITIES

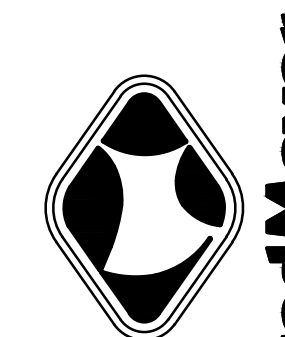
THIS SURVEY MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPOSE OF ALL SUCH UTILITIES IN THE AREA. THE UNDERGROUND UTILITIES SHOWN MAY NOT BE IN THE EXACT LOCATION AS NOTED ON THIS SURVEY, BUT ARE LOCATED AS ACCURATELY AS POSSIBLE FROM THE INFORMATION PROVIDED. MANHOLES OTHER THAN SANITARY AND STORM SEWER WERE IDENTIFIED BY MANHOLE LIDS AND MAY NOT BE LABELED CORRECTLY.

UTILITY LOCATIONS SHOULD BE VERIFIED BY OREGON UTILITIES  
NOTIFICATION CENTER IMMEDIATELY PRIOR TO ANY EXCAVATION.

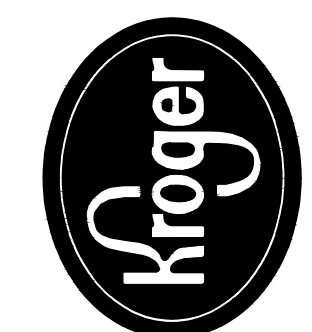


**Barghausen**  
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18215 72nd Avenue South  
Kent, WA 98032

barghausen.com



**Fred Meyer**



**The Kroger Co.**  
3800 S.E. 22nd Avenue  
Portland, OR 97202  
Phone (503) 232-8844  
Fax (503) 797-3509



EXPIRES: 06/30/23

[illegible]

Project #: 14855      Store # 0225

Designed By:

Drawn By:

Checked By:	
-------------	--

Date: \_\_\_\_\_

Sigla: 10. CHUVIN

Scale:	AS SHOWN
Disk File:	C:\MSOFT\WIN95\SYSTEM\AUTOEXEC.BAT

Disk File:	14855-EX-CON.DWG
Model:	

\_\_\_\_\_

Address:

2980 RIVER ROAD NORTH  
SALEM, OREGON

SALEM, OREGON

[illegible]

EXISTING CONDITIONS  
PLAN

PLAN  
FRED MEYER

## FRED METER FUELING FACILITY

Drawing No.:

Drawing No.:

P2 of 5

12015

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SEC. 15 AND SEC. 10, TWP. 7 S., RGE. 3 W., W.M.  
PRELIMINARY UTILITY PLAN



UTILITY LEGEND

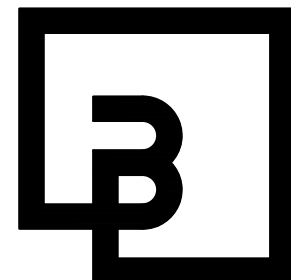
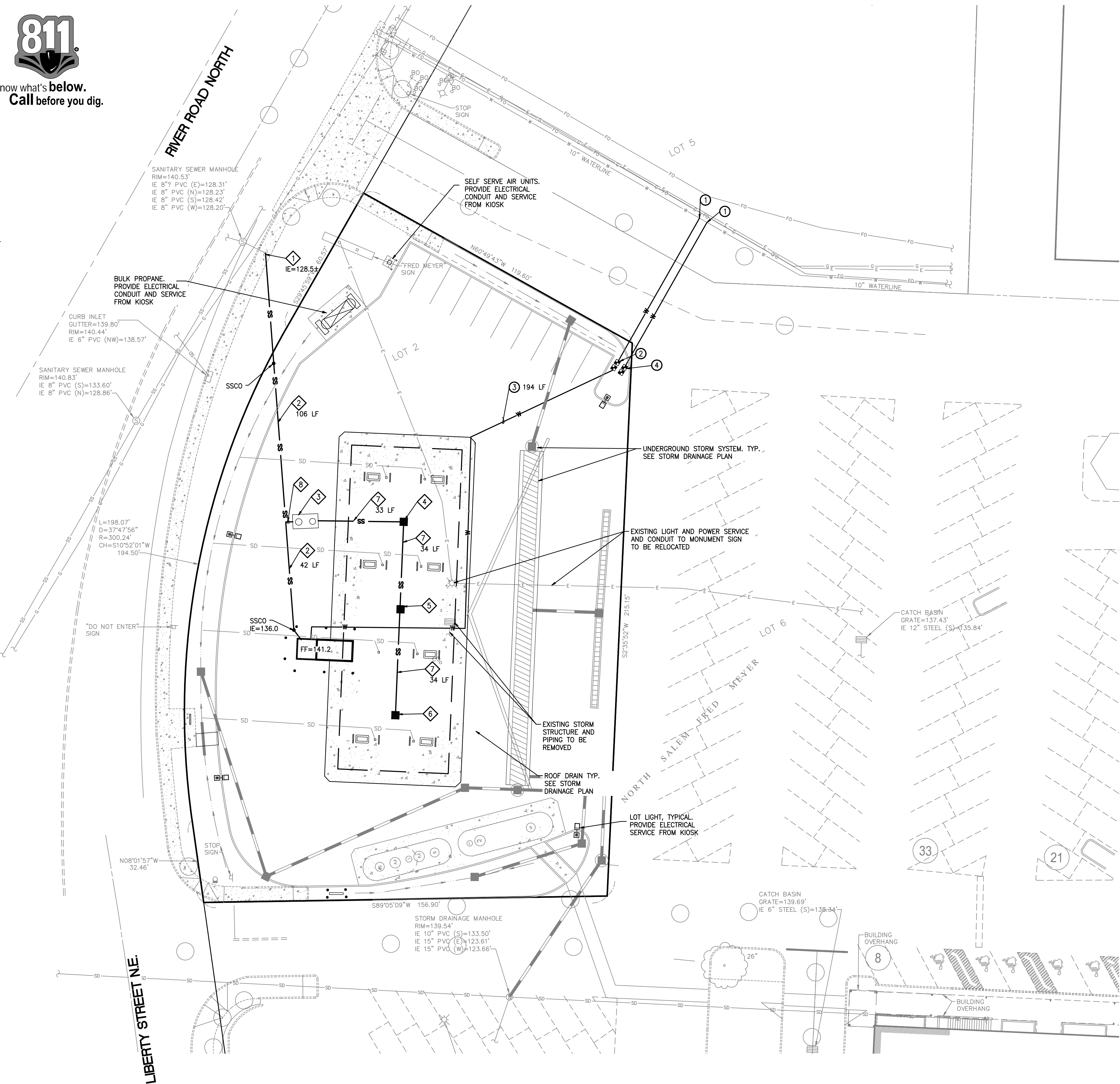
PROPOSED	EXISTING

WATER SCHEDULE

- 3/4" WATER CONNECTION TO EXISTING 10" D.I. WATERMAIN.
- 3/4" DOMESTIC SERVICE METER AND RPBA BACKFLOW PREVENTION
- 3/4" TYPE "K" COPPER WATER SERVICE TO KIOSK
- 3/4" IRRIGATION SERVICE METER AND DDCA BACKFLOW PREVENTION

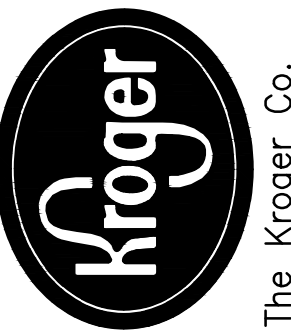
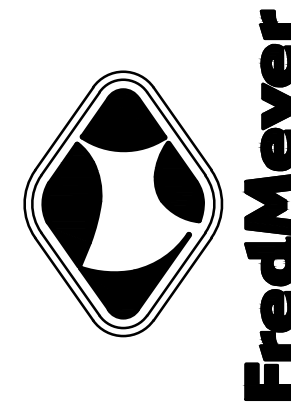
SANITARY SEWER SCHEDULE

- CONNECT 6" PVC SIDE SEWER TO EXISTING SEWER STUB.
- 6" PVC SS @ 2% MIN SLOPE
- OIL/WATER SEPARATOR WITH 6" SHUT-OFF GATE VALVE DOWNSTREAM. OUTLET DRAINS TO SEWER
- AREA DRAIN W/ADA GRATE  
RIM=140.9
- AREA DRAIN W/ADA GRATE  
RIM=140.9
- AREA DRAIN W/ADA GRATE  
RIM=140.9
- 6" PVC DRAIN PIPE @ 1% MIN SLOPE
- 6" SHUT-OFF GATE VALVE



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The Kroger Co.  
10000 SW Jefferson Avenue  
Portland, OR 97205  
Phone (503) 232-8844  
Fax (503) 797-5385



EXPIRES: 06/30/23

REVISIONS

No.	DESCRIPTION	DATE	DRAWN	DATE	DES.
1	PERMIT SET	2/24/2022	ROC	2/24/2022	DL
2	SITE REVISIONS	5/05/2022	ROC	5/05/2022	DL

Project #:	14855	Store #	0225
Designed By:			
Drawn By:			
Checked By:			
Date:			
Scale:		AS SHOWN	
Disk File:		14855-PJ.DWG	
Model:			
Address:		2980 RIVER ROAD NORTH SALEM, OREGON	

PRELIMINARY UTILITY PLAN  
FRED MEYER  
FUELING FACILITY

Drawing No.:

P4 of 5





Know what's **below**.  
**Call** before you dig.



PROPOSED TYPE I CATCH BASIN (CB)

EXISTING TYPE II CATCH BASIN

EXISTING TYPE I CATCH BASIN

PROPOSED STORM DRAINAGE LINE

EXISTING STORM DRAINAGE LINE

EXISTING SANITARY SEWER MANHOLE

EXISTING SANITARY SEWER LINE

EXISTING WATERMAIN

PROPOSED SPOT ELEVATIONS

PROPOSED CONTOURS

EXISTING CONTOURS

RIDGE LINE

EXISTING CONCRETE CURB

NEW CONCRETE CURB

PROPOSED CONCRETE

PROPOSED HEAVY DUTY ASPHALT

EXISTING SIGN

PROPOSED SIGN

TW

ME

SURFACE DRAINAGE FLOW DIRECTION

DS

ROOF DOWNSPOUT

SD

SS

W

140.5

140.0

140.0

TOP WALL ELEVATION

MATCH EXISTING

-1.7%

**CB#1**, TYPE 1, W/STD. GRATE  
RIM=139.1

**CB#2**, TYPE 1, W/BEEHIVE GRATE  
RIM=139.5

**CB#3**  
TYPE 1, W/SOLID LOCKING LID  
RIM=141.0

**CB#4**, TYPE 1, W/BEEHIVE GRATE  
RIM=139.5

**CB#5**, TYPE 1, W/SOLID LOCKING LID  
RIM=140.7

**CB#6**, TYPE 1, W/BEEHIVE GRATE  
RIM=139.5

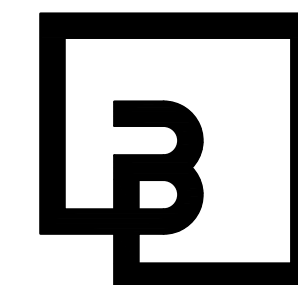
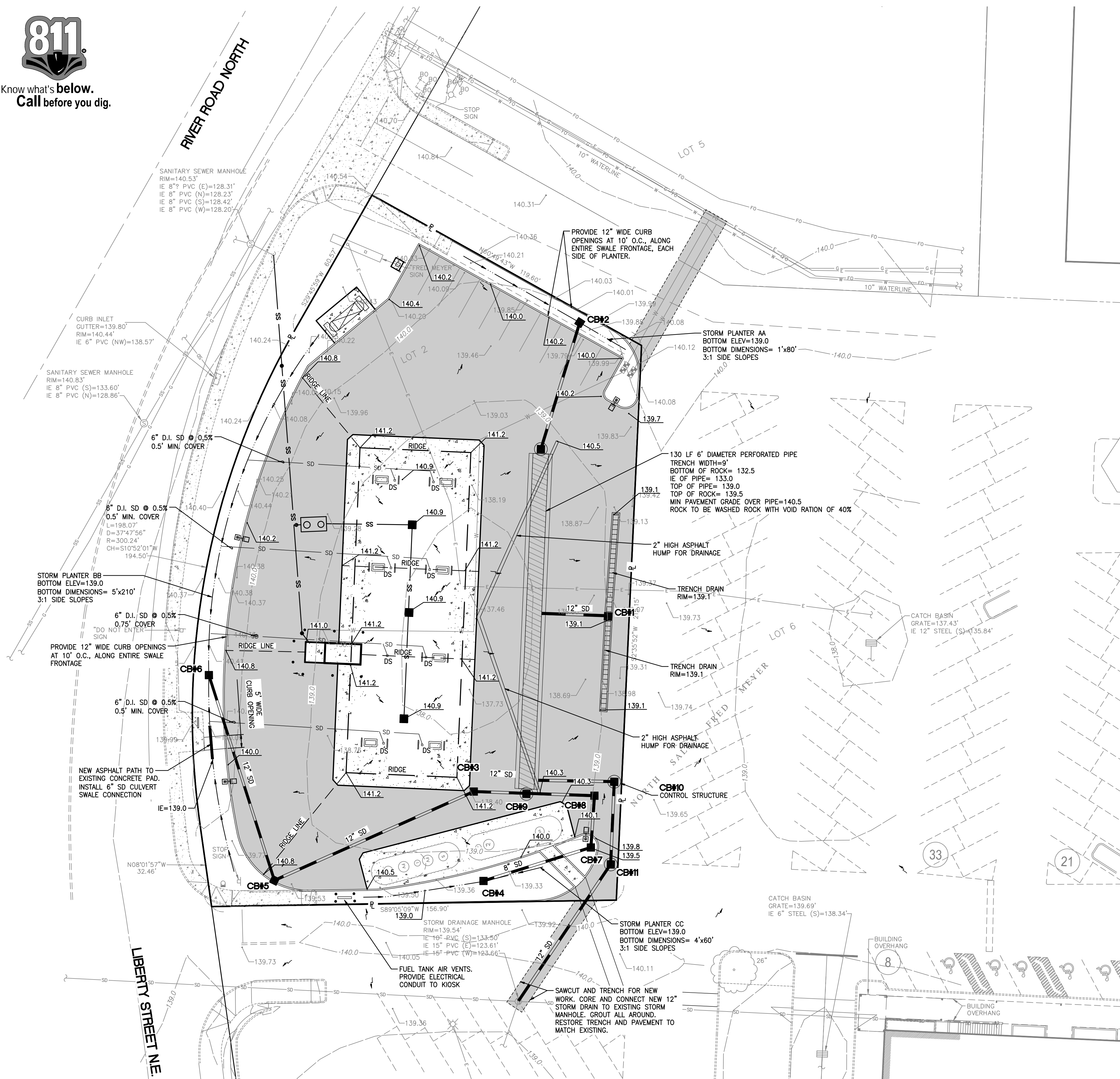
**CB#7**, TYPE 1, W/BEEHIVE GRATE  
RIM=139.5

**CB#8**, TYPE 1, W/SOLID LOCKING LID  
RIM=140.1

**CB#9**, TYPE 2-48", W/SOLID LOCKING LID  
RIM=140.4

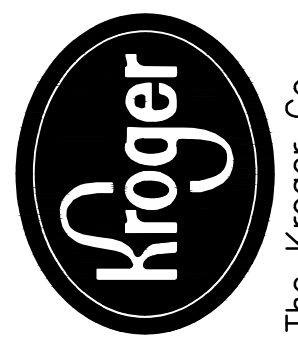
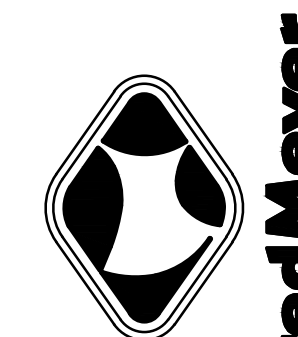
**CB#10**, TYPE 2-54", CONTROL STRUCTURE  
W/SOLID LOCKING LID  
RIM=139.3

**CB#11**, TYPE 2-48", W/SOLID LOCKING LID  
RIM=139.5



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Fax (503) 797-3509



EXPIRES: 06/30/23

[illegible]

Project #: 14855      Store # 0225

Designed By:

Drawn By:

Checked By:

Date: \_\_\_\_\_

Scale: AS SHOWN

Disk File: 14855-PGM.DWG

Model:

[illegible]

2980 RIVER ROAD NORTH  
SALEM, OREGON

	of many, others

### PRELIMINARY GRADING

## PRELIMINARY GRADING AND STORM DRAINAGE

FRED MEYER

## FUELING FACILITY

Drawing No.:

Page 15 of 15

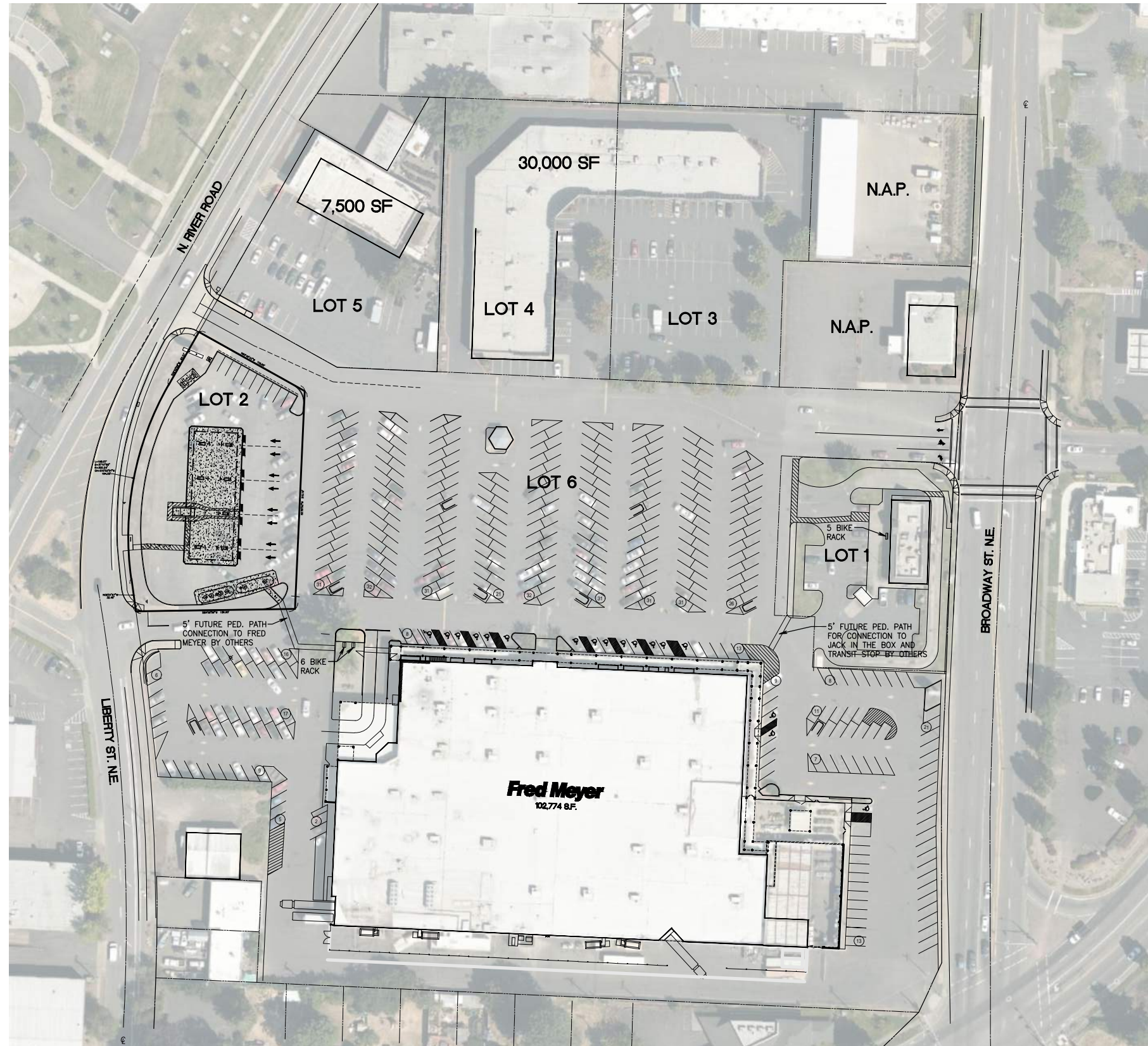
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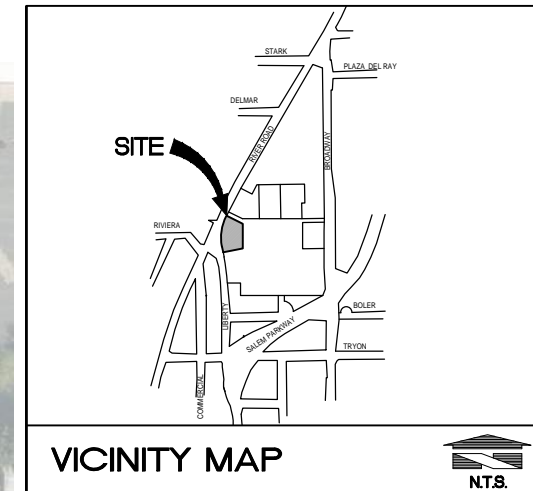


1" = 120'

0 30 60 120



1. THIS SITE PLAN IS BASED ON A SITE PLAN BY MULVANNY G2 ARCHITECTURE, DATED 4/12/06 AND A PARTIAL SURVEY BY TERRA CALC, DATED 7/26/21. THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF COMPLETE ZONING INFORMATION OR CONFIRMATION OF SITE DEVELOPMENT STANDARDS AND THUS THE SITE DEVELOPMENT FEASIBILITY IS NOT IMPLIED OR GUARANTEED.
2. THE TOTAL PARKING COUNT IS BASED ON AN AERIAL PHOTOGRAPH AND THE ACCURACY OF THE COUNT IS NOT GUARANTEED. FIELD VERIFICATION OF TOTAL PARKING IS RECOMMENDED.



SITE DATA LOT 2:  
LOT 2 (HESLIN HOLDINGS): ±38,701 SF (0.89 AC)

BUILDING AREA:  
FUEL CANOPY: 5,418 SF  
CASHIER KIOSK: 179 SF  
TOTAL BUILDING AREA: 5,597 SF

LANDSCAPE AREA REQUIRED (15%)  
LOT 2 REQUIRED: 5,805 SF

LANDSCAPE AREA PROVIDED:  
LOT 2 PROVIDED: 6,299 SF (16.3%)

MINIMUM PARKING REQUIRED:  
5,597 SF @ 1 STALL/900 SF GFA = 6 STALLS  
MAXIMUM PARKING ALLOWED:  
6 STALLS X 2.5 = 15 STALLS  
PARKING PROVIDED: 10 STALLS

MINIMUM BICYCLE PARKING REQUIRED:  
5,597 SF @ 1 STALL/9,000 SF GFA = 1 STALL  
BICYCLE PARKING PROVIDED: 1 STALL

SITE DATA (LOTS 1, 3, 4, 5 & 6)			
LOT 1 (JACK IN THE BOX)	+/-	33,541 SF	(0.77 AC)
LOT 3 & 4 (DOLLAR TREE)	+/-	96,040 SF	(2.22 AC)
LOT 5 (LES SCHWAB)	+/-	44,394 SF	(1.02 AC)
LOT 6 (FRED MEYER)	+/-	403,366 SF	(9.26 AC)
TOTAL SITE AREA:	+/-	577,341 SF	(13.27 AC)

BUILDING AREA:	
LOT 1:	3,300 SF
LOT 3 & 4:	30,000 SF
LOT 5:	7,500 SF
LOT 6:	102,774 SF
TOTAL BUILDING AREA:	143,574 SF

LANDSCAPE AREA REQUIRED (15%)	
LOT 1 REQUIRED:	5,031 SF
LOT 3 & 4 REQUIRED:	14,406 SF
LOT 5 REQUIRED:	6,659 SF
LOT 6 REQUIRED:	60,505 SF
TOTAL LANDSCAPE AREA REQUIRED:	86,601 SF

LANDSCAPE AREA PROVIDED:

LOT 1 PROVIDED:	(17%) 5,784 SF
LOT 3 & 4 PROVIDED:	(10%) 9,616 SF
LOT 5 PROVIDED:	(3.6%) 1,605 SF
LOT 6 PROVIDED:	(0.78%) 3,158 SF
TOTAL LANDSCAPE AREA PROVIDED:	(3.49%) 20,163 SF

MINIMUM PARKING REQUIRED:	
LOT 1 REQUIRED:	13 STALLS
LOT 3 & 4 REQUIRED:	120 STALLS
LOT 5 REQUIRED:	8 STALLS
LOT 6 REQUIRED:	411 STALLS
TOTAL PARKING REQUIRED:	553 STALLS

MAXIMUM PARKING ALLOWED:

LOT 1 ALLOWED:	33 STALLS
LOT 3 & 4 ALLOWED:	300 STALLS
LOT 5 ALLOWED:	21 STALLS
LOT 6 ALLOWED:	719 STALLS
TOTAL PARKING ALLOWED:	1,703 STALLS

PARKING PROVIDED:	
LOT 1 PROVIDED:	23 STALLS
LOT 3 & 4 PROVIDED:	128 STALLS
LOT 5 PROVIDED:	28 STALLS
LOT 6 PROVIDED:	411 STALLS
TOTAL PARKING PROVIDED:	590 STALLS

MINIMUM BICYCLE PARKING REQUIRED:	
LOT 1 REQUIRED:	4 STALLS
LOT 3 & 4 REQUIRED:	4 STALLS
LOT 5 REQUIRED:	1 STALLS
LOT 6 REQUIRED:	8 STALLS
TOTAL BICYCLE PARKING REQUIRED:	17 STALLS

BICYCLE PARKING PROVIDED:	
LOT 1 PROVIDED:	5 STALLS
LOT 3 & 4 PROVIDED:	4 STALLS
LOT 5 PROVIDED:	0 STALLS
LOT 6 PROVIDED:	12 STALLS
TOTAL BICYCLE PARKING PROVIDED:	21 STALLS

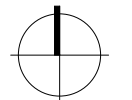
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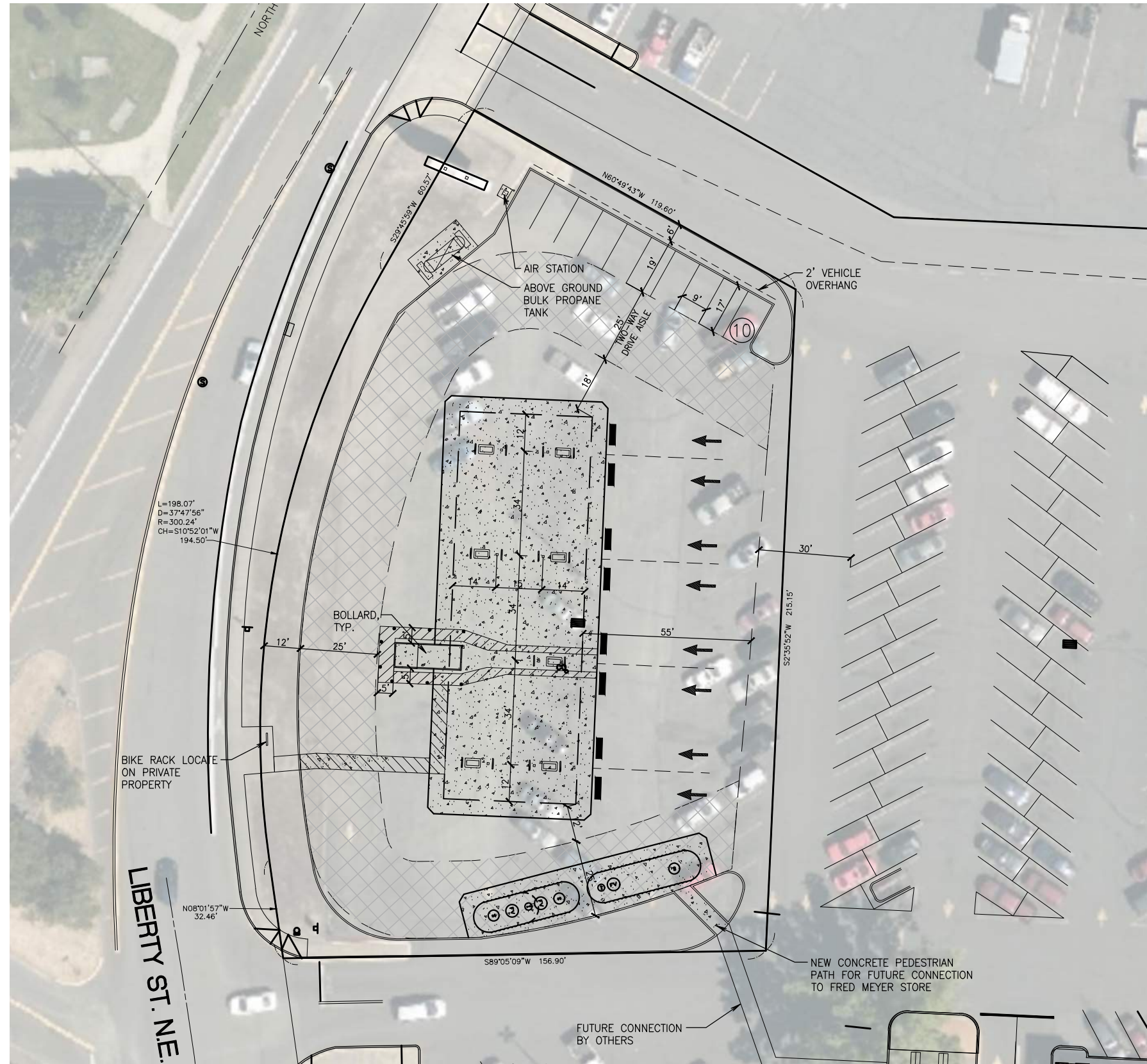
PLOTTED ON : May 24, 2022 - 5:56pm BY: djedel

BCE #14855  
PM: CHRIS FERKO  
DATE: 04/19/22

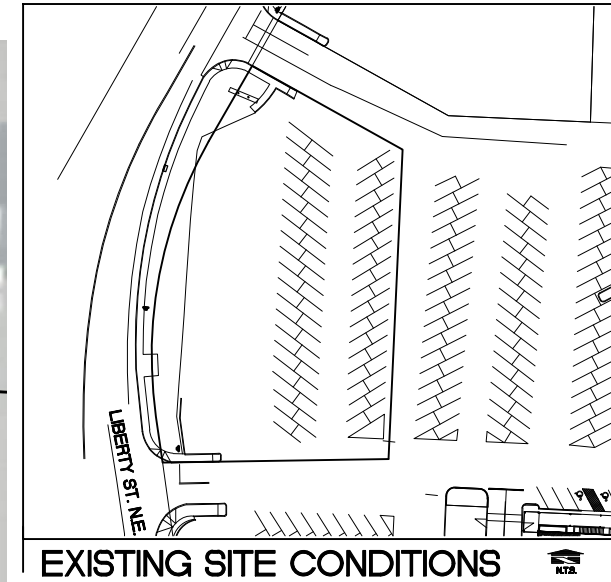
# DD-1 OVERALL SITE PLAN



A diagram of a house with a chimney. Below the house is a scale bar with markings at 0, 10, 20, and 40. The text  $1'' = 40'$  is written above the scale bar.



1. THIS SITE PLAN IS BASED ON A SITE PLAN BY MULVANNY G2 ARCHITECTURE, DATED 4/12/06 AND A PARTIAL SURVEY BY TERRA CALC, DATED 7/26/21. THIS PLAN HAS BEEN PREPARED WITHOUT THE BENEFIT OF COMPLETE ZONING INFORMATION OR CONFIRMATION OF SITE DEVELOPMENT STANDARDS AND THUS THE SITE DEVELOPMENT FEASIBILITY IS NOT IMPLIED OR GUARANTEED.
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PLOTTED ON : May 24, 2022 - 5:57pm BY: djedel

BCE #14855  
PM: CHRIS FERKO  
DATE: 04/19/22

DD-2  
DETAILED  
SITE PLAN



# **Narrative**

## **Proposal Description and Zoning Analysis**

### **New Fred Meyer Fuel Facility**

**2980 River Road North, Salem, Oregon 97303**

**Loc. No. 225**

**Prepared by**

**Barghausen Consulting Engineers, Inc.**

**18215 - 72nd Avenue South**

**Kent, WA 98032**

Our Job No. 14855

October 13, 2021

***Revised February 25, 2022***

***Fully Updated May 26, 2022***

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**barghausen.com**

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## 1.0 PROJECT DESCRIPTION

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

## 2.0 PURPOSE OF REQUEST

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

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

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

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

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

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

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

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

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



	building on the development site and each adjacent street.	from the cashier's kiosk to Liberty Street N.E. Per Sec. 800.065.(d)(1), because the subject parcel is under separate ownership from the other contiguous lots that comprise the Fred Meyer North Subdivision, this requirement only applies to Lot 2. A pedestrian connection is provided in the southeast corner of Lot 2 to satisfy the requirements of 800.065.(d)(2). The project meets this requirement.
(1)(B)	Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop.	Liberty Street N.E. and River Road N.E. are adjacent and contiguous to the subject parcel; they are not classified as transit streets; there is no existing or planned public transportation on these streets. Broadway Street N. E. is classified as a transit street; however, it is more than 640 feet from the east parcel line of the subject parcel (Lot 2), which does not meet the definition of adjacent in Sec.111.001. Per Sec. 800.065.(d)(1), because the subject parcel is under separate ownership from the other contiguous lots that comprise the Fred Meyer North Subdivision, this requirement only applies to Lot 2. A pedestrian connection is provided in the southeast corner of Lot 2 to satisfy the requirements of 800.065.(d)(2). The project meets this requirement.
(2)	Connection between buildings on the same development site	Per Sec. 800.065.(d)(1), because the subject parcel is under separate ownership from the other contiguous lots that comprise the Fred Meyer North Subdivision, this requirement only applies to Lot 2 and is not applicable since there is only one building proposed on Lot 2.  A pedestrian connection is provided in the southeast corner of Lot 2 to satisfy the

		requirements of 800.065.(d)(2). The project meets this requirement.
(3)(A)	Surface parking areas. Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance or where there is no building, through the parking area as provided in this subsection.	<p>The development of the subject parcel (Lot 2) provides a net surface parking area of approximately 2,553 square feet comprising the 10 parking stalls (90 feet x 17 feet) provided and the 24-foot-wide two-way drive aisle (24 feet x 100 feet) to support them; therefore, the development is under the 25,000-square-foot threshold and a connection to the 10 parking stalls is not required.</p> <p>Per Sec. 800.065.(d)(1), because the subject parcel is under separate ownership from the other contiguous lots that comprise the Fred Meyer North Subdivision, this requirement only applies to Lot 2. A pedestrian connection is provided in the southeast corner of Lot 2 to satisfy the requirements of 800.065.(d)(2). The project meets this requirement.</p>
(3)(A)(i)(aa)	Provided in a minimum amount of either one connection for every four drive aisles or one connection for every 250 feet (See Figure 800-13); provided, however, in no case shall less than one pedestrian connection be provided.	Not required. The parking area for Lot 2 is less than 25,000 square feet.
(3)(A)(i)(bb)	Spaced a minimum of two drive aisles apart	Not required. The parking area is less than 25,000 square feet.
(3)(A)(i)(cc)	Connected to a pedestrian connection, or pedestrian connections, that lead to the primary building entrance.	Not required. The parking area is less than 25,000 square feet.
(3)(A)(ii)	Where the off-street surface parking area is adjacent to a street that is a transit route and there is an existing or planned transit stop along the street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop.	Not applicable. The 10 parking stalls provided are more than 644 feet away from Broadway Street N.E.
(3)(A)(iii)	A pedestrian connection	The provided pedestrian

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

	<p>parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.</p> <p>(C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.</p>	
(2)	<p>Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent encroachment of vehicles onto pedestrian connections.</p>	<p>Extended curbs are provided where head-in parking is adjacent to pedestrian connection.</p>
Sec. 800.065.(c) – Lighting	<p>The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers and residents.</p>	<p>The combination of canopy lighting and site lighting will illuminate the pedestrian path for use at night by employees and customers.</p>

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

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

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

2. *The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.*

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

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

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

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

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

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

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

- A. *The purpose underlying the specific development standard proposed for adjustment is:*
- i. *Clearly inapplicable to the proposed development; or*
  - ii. *Equally or better met by the proposed development.*

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

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

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

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

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

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

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

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



- C. *If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.*

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

## 5.0 CONCLUSION

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



# MEMO

**TO:** Aaron Panko, Planner III  
Community Development Department

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

**DATE:** July 14, 2022

**SUBJECT:** **PUBLIC WORKS RECOMMENDATIONS**  
**SPR-ADJ22-31 (22-111076; 22-111077)**  
**2980 RIVER ROAD N**  
**FRED MEYER FUEL STATION**

## **PROPOSAL**

A consolidated application containing a Class 3 Site Plan Review to construct a new 5,418-square-foot overhead fuel canopy with 14 fueling positions, a 179-square-foot cashiers' kiosk, and associated site improvements such as landscaping and vehicle parking. The application includes a Class 2 Adjustment request to reduce the minimum development site landscaping standard from 15 to 3.2 percent. The subject property is approximately 0.89 acres in size, zoned CR (Retail Commercial), and located at 2980 River Road N (Marion County Assessor map and tax lot number: 073W15AA / 9400).

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. Provide the following traffic mitigation as described in the applicant's TIA:
  - a. Restripe the existing shared northbound left/through/right-turn and merge lane on Liberty Street NE at Riviera Drive NE to provide an exclusive northbound right-turn lane in conjunction with site development.
  - b. Above-ground utilities, monuments, fencing, and vegetation should be appropriately located and maintained at the existing site access locations and along the River Road N site frontage to preserve adequate intersection sight lines per City of Salem standards.
2. Replace nonconforming driveway approaches and curb returns on River Road N and Liberty Street NE to meet current PWDS for commercial development.
3. Design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

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).

4. Provide public utility easements for City infrastructure on private property pursuant to PWDS.

## **FACTS**

### **Streets**

#### 1. River Road N

- a. Standard—This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 46-to-115-foot improvement within an approximate 76-to-160-foot-wide right-of-way abutting the subject property.

#### 2. Liberty Street NE

- a. Standard—This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 36-foot-wide improvement within a 66-foot-wide right-of-way according to Appendix G-3 of the Salem TSP.
- b. Existing Conditions—This street has an approximate 46-to-115-foot improvement within an approximate 76-to-160-foot-wide right-of-way abutting the subject property.

### **Storm Drainage**

#### 1. Existing Conditions

- a. An 8-inch storm main is located in River Road N.

### **Water**

#### 1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. An 8-inch water main is located in River Road N. Mains of this size generally convey flows of 900 to 2,200 gallons per minute.

## Sanitary Sewer

### 1. Existing Conditions

- a. An 8-inch sewer main is located in River Road N.

## **CRITERIA AND FINDINGS**

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

**Criteria: SRC 220.005(f)(3)(A) The application meets all applicable standards of the UDC (*Unified Development Code*)**

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

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

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

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

**Criteria: SRC 220.005(f)(3)(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately**

**Finding**—The subject property has frontage on River Road N and Liberty Street NE where the two streets meet. The existing conditions of River Road N and Liberty Street NE do not meet current standards for their classification of street per the Salem TSP. In 1998, 48 feet from centerline of River Road N was dedicated along the frontage of the subject property per plat no. 98-4S. The plat also shows a 34-foot half-width from centerline right-of-way along Liberty Street NE. No additional right-of-way on the development side of the street is required.

The proposed development does not warrant boundary street improvements pursuant to SRC 803.040; therefore, no right-of-way dedication or street improvements are required.

A Traffic Impact Analysis (TIA) was submitted as part of the application packet pursuant to SRC 803.015. The TIA included a sight-distance analysis for the existing driveways. The TIA concludes that the proposed development will not have a significant impact on adjacent streets and intersections and recommends mitigation that includes restriping the abutting street. The Assistant City Traffic Engineer has reviewed the TIA, agrees with the findings, and recommends mitigation as a condition of approval.

**Condition:** Provide the following traffic mitigation as described in the applicant's TIA:

- a. Restripe the existing shared northbound left/through/right-turn and merge lane on Liberty Street NE at Riviera Drive NE to provide an exclusive northbound right-turn lane in conjunction with site development.
- b. Above-ground utilities, monuments, fencing, and vegetation should be appropriately located and maintained at the existing site access locations and along the River Road N site frontage to preserve adequate intersection sight lines per City of Salem standards.

The sight distance analysis submitted finds that adequate sight distance is only provided where plantings are maintained at a height of 30 inches or less. Pursuant to SRC 86.015(e), applicant is required to install new street trees to the maximum extent feasible. Staff find that in order to provide adequate sight distance, it is not feasible to require new street trees along River Road N and Liberty Street NE. The applicant is advised to plant low growing native shrubbery in the planter strip that will not exceed 30 inches in height in accordance with the Applicants TIA.

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

**Finding—**The existing driveway approaches and curb returns on River Road N and Liberty Street NE do not meet current PWDS for commercial approaches; the applicant shall replace the nonconforming driveway approaches. As conditioned, the driveway access onto River Road N will provide for safe turning movements into and out of the property.

**Condition:** Replace nonconforming driveway approaches and curb returns on River Road N to meet current PWDS for commercial development.

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

**Finding—**The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The applicants

preliminary site plan shows new water services crossing adjacent private property. The applicant is required to obtain easements for new City services on adjacent private property or demonstrate that an easement exists.

**Condition:** Provide public utility easements for City infrastructure on private property pursuant to PWDS.

The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least ten percent of the total new impervious surface area for installation of green stormwater infrastructure. The applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

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

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.

## **RESPONSE TO COMMENTS**

- 1. Pedestrian Safety:** Comments received requested additional pedestrian infrastructure to provide a safe crossing of River Road N.

**Response:** The City of Salem has a planned Capital Improvement Project (CIP) for a new pedestrian crossing near the intersection of River Road N and Riviera Road N (CIP Project No. 1019). The improvement is anticipated to be constructed during 2023/2024.

- 2. Traffic Signal:** Comments received indicate a concern for traffic safety at the northerly driveway for the proposed development and request placement of a traffic signal at the intersection of the northerly driveway and River Road N.

**Response:** A Traffic Impact Analysis (TIA) was submitted as part of the application packet pursuant to SRC 803.015. The TIA studied the intersection of the northern driveway and River Road N and found the traffic volumes are not sufficient to warrant signalization of the intersection.

Prepared by: Laurel Christian, Program Coordinator  
cc: File